

AGENDA - REGULAR PUBLIC MEETING

MARCH 13, 2017

1. Call to Order
2. Salute to the Flag
3. **Fire Emergency Announcement:** In accordance with N.J.A.C. 5:70-3.1, please note that the fire/emergency exit is located to the left as you leave the Board Conference room. If that exit is blocked, proceed through the Board Office to the rear fire exit.
4. Roll Call
5. Presiding Officer's Meeting Notice Statement
6. Public Hearing on Meeting Agenda
7. President's Report/Correspondence
8. Superintendent's Report
 - Presentation by T. Baldwin Demarest Elementary School Principal – Ms. Angela Connelly
9. Board Secretary's Report
10. Committee Reports
11. Board Discussion and Formal Action on Agenda Business
 - Board Operations
 - Human Resources
 - Student Development
 - Physical Resources
 - Finance & Budget
12. Public Hearing on Other Than Meeting Agenda
13. Unfinished Business
14. New Business
15. Adjournment

Please Note: It may be necessary, from time to time, to remove or make changes in a motion(s) between the time this agenda is prepared and when the Board takes action. This will be accomplished by a removal or change in the motion and noted on the Errata and Change sheet, or will be announced by the Board President at the start of the meeting.

I. BOARD OPERATIONS/POLICY
Ms. Melissa Del Rosso

MARCH 13, 2017

Any Board member who takes exception to any of the following listed actions under the category of Board Operations/Policy may so indicate now and a separate motion for each of the excepted actions will be entertained.

Motion made by _____, seconded by _____, that the following Board Operations/Policy actions of the Board, as recommended by the Superintendent, number 115 through 119 be approved.

Roll Call:

115. that the Board approve and adopt the following schedule listed below:

The Board resolves to meet, in executive (Non-Public) session, on the dates and for the purposes listed on the schedule. The minutes of these sessions will be disclosed to the public when the need for confidentiality no longer exists. Formal action may be taken by the Board at any public meeting, including Work Sessions.

Date	Time	Location	Type	Agenda
3/13/2017	7:30 p.m.	Conference Rm.	E.S.	Personnel/Legal
	8:00 p.m.		P.M.	Regular Business
3/27/2017	7:00 p.m.	Conference Rm.	E.S.	Personnel/Legal
	8:00 p.m.		P.M.	Regular Business
4/3/2017 (?)	7:00 p.m.	Conference Rm.	E.S.	Personnel/Legal
	8:00 p.m.		P.M.	Regular Business
4/24/2017	7:00 p.m.	Conference Rm.	E.S.	Personnel/Legal
	8:00 p.m.		P.M.	Regular Business/ Budget Hearing
5/8/2017 (?)	7:00 p.m.	Conference Rm.	E.S.	Personnel/Legal
	8:00 p.m.		P.M.	Regular Business

116. that the Board approve the minutes and attachments of the February 27, 2017 Regular Public Meeting and Executive Session I. **(attached)**

117. that the Board approve the 2nd reading of the following revised Policy and Regulation: **(attached)**

6171.4 Policy	Special Education
6171.4 Regulation	Special Education

118. that the Board approve the 2nd reading to reinstate the following Policy and Regulation: **(attached)**

4151.10 Policy	Family and Medical Leave
4151.10 Regulation	Family and Medical Leave

EXPLANATION: This policy was deleted by the Board on November 19, 2012 at the advice of the Board's Policy Consultant. The Board is now formally reinstating this policy (which has been consistently followed with fidelity) without any changes from when it was last in effect.

119. that the Board approve the following resolution regarding employee travel:

WHEREAS,	The Board of Education believes that selective travel and conference participation results in increased growth, keeps the administration, staff, and the Board informed about modern practices and trends, contributes to professional development and maintains and enhances the District's standing; and
WHEREAS,	Douglas Barrett , School Business Administrator, will be attending the NJASBO Conference, from June 7, 2017 - June 9, 2017, at the Borgata Hotel, Atlantic City, NJ, and
WHEREAS,	the attendance at this conference has either been previously approved in writing by the Superintendent and/or is provided for in Mr. Barrett's current employment agreement, as work related and within the scope of his work responsibilities; and
WHEREAS,	the attendance at the function will promote delivery of instruction or will further enhance the efficient operation of the school district, is fiscally prudent, directly relates to and within the scope of this employee's current responsibilities, and is directly related to the employee's professional development; and
WHEREAS,	the anticipated travel and related expenses particular to attendance at this function are as follows: Conference registration = \$275 Hotel: \$105 per night, plus taxes (conference headquarters) Mileage = actual miles driven at the prevailing State Mileage rate (currently \$.31 per mile) Tolls = actual cost of tolls Parking = actual parking costs Meals & incidentals = \$71 (amount per the US General Services Administration website for conference location); now, therefore be it
RESOLVED,	that the Board approves Mr. Barrett's attendance at the aforementioned conference as well as the related travel expenses.

II. HUMAN RESOURCES
Mr. John Shahdarian

MARCH 13, 2017

Any Board member who takes exception to any of the following listed actions under the category of Human Resources may so indicate now and a separate motion for each of the excepted actions will be entertained.

Motion made by _____, seconded by _____, that the following Human Resource actions of the Board, as recommended by the Superintendent, number 93 through 94 be approved.

Roll Call:

93. that the Board approve the following for an unpaid Family and Child Studies (FCST) Field Experience:

<u>Name & University</u>	<u>Assignment</u>	<u>Duration</u>
Rota, Christopher Montclair State University	Social Worker and Guidance Counselor	35 Hours

94. that the Board approve the appointment of the following aide (no health benefits) for the 2016-2017 school year, pending proof of certification, medical requirements, fingerprinting and criminal background history:

<u>Name of Aide</u>	<u>Type</u>	<u>School</u>	<u>Time</u>	<u>Hourly</u>
Muro, Brian	In-District	TBD	5.75 hours/day plus a 45 minute unpaid lunch	\$15.00

III. STUDENT DEVELOPMENT
Ms. Melissa Del Rosso

MARCH 13, 2017

Any Board member who takes exception to any of the following listed actions under the category of Student Development may so indicate now and a separate motion for each of the excepted actions will be entertained.

Motion made by _____, seconded by _____, that the following Student Development actions of the Board, as recommended by the Superintendent, number 14 through 14 be approved.

Roll Call:

14. that the Board approve the addition of the following field trips for the Charles DeWolf Middle School for the 2016-2017 school year:

TRIP TO:	GRADE:
Tarrytown Music Hall – Tarrytown, NJ	7
Taste of Spain Restaurant – Northvale, NJ	7

IV. PHYSICAL RESOURCES
Ms. Kristen Santoro

MARCH 13, 2017

Any Board member who takes exception to any of the following listed actions under the category of Physical Resources may so indicate now and a separate motion for each of the excepted actions will be entertained.

Motion made by _____, seconded by _____, that the following Physical Resources actions of the Board, as recommended by the Superintendent, number 40 through 41 be approved.

Roll Call:

40. that the Board rescind motion #39 (approved on 2/27/2017) and approve the facilities request from the Old Tappan PTO to hold a Carnival event in the Charles DeWolf Middle School gymnasiums on Saturday, April 29, 2017, from 9:00 a.m. to 10:00 p.m.
41. that the Board approve the facilities request from the Old Tappan Police Department to hold a "Bike Rodeo" on Interschool Drive on Saturday, June 3, 2017 (Rain Date: Sunday, June 4, 2017) from 2:00pm - 4:00pm.

V. FINANCE & BUDGET
Ms. Nicole Gray

MARCH 13, 2017

Any Board member who takes exception to any of the following listed actions under the Category of Finance & Budget may so indicate now and a separate motion for each of the excepted actions will be entertained.

Motion made by _____, seconded by _____, that the following Finance & Budget actions of the Board, as recommended by the Superintendent, number 136 through 146 be approved.

Roll Call:

- 136. that the Board approve payment of the following vendor bill list (as detailed in the list attached to the agenda of this meeting), including adjustments to previously approved bill payments. The School Business Administrator/ Board Secretary is authorized to release the warrants for payments **March, 2017** bills in the amount of **\$94,564.45** for the current expense. **(attached)**
- 137. that the Board approve payment of the payroll (as detailed in the payroll summary report). The School Business Administrator/Board Secretary is authorized to release the warrant of the payroll of **\$780,510.87** for the month of **March, 2017**.
- 138. that the Board authorize Douglas Barrett, School Business Administrator/Board Secretary, to execute an agreement with ACES, for the natural gas supply contract with Direct Energy, for the period March, 2017 through December, 2018.

EXPLANATION: This contract is the result of ACES' recent bid for natural gas supply.

- 139. that the Board authorize Douglas Barrett, School Business Administrator/Board Secretary, to execute an agreement with Computer Solutions, Inc., 6 Commerce Street, Branchburg, NJ, for Budgetary Accounting Module and Support for the 2017-2018 school year.
- 140. that the Board rescind motion #133 and approve the payment of educational tuition and/or transportation for the following pupils for the 2016-2017 school year:

Student	Facility Location	Tuition	Transportation
523	Closter (Hillside)	\$7,595.50 (pro-rated)	To be determined
524	Closter (Hillside)	\$6,076.40 (pro-rated)	To be determined

- 141. that the Board authorize Douglas Barrett, School Business Administrator/Board Secretary, to approve payment for the following bills:

Direct Energy Electric
Direct Energy Gas
Horizon Blue Cross and Blue Shield
PSE&G
Rockland Electric
Suez/United Water
Verizon Wireless
XTel

EXPLANATION: As the next scheduled Board Meeting is March 27, 2017, there are certain bills that must be paid to avoid penalty or disruption of essential services.

142. that the Board hereby fix April 24, 2017, at 8:00 p.m., as a Special Meeting, in the Board of Education Conference Room (CDW Basement), as the time and place for conducting the public hearing on the tentative budget for final submission to the State.
143. that the Board approve the following tentative 2017-2018 school district budget for submission:

BE IT RESOLVED,	<p>that the Old Tappan Board of Education, County of Bergen, approves the preliminary 2017-2018 school year budget as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Current General Expense (Fund 11)</td> <td style="text-align: right;">\$15,879,112</td> </tr> <tr> <td>Capital Outlay (Fund 12)</td> <td style="text-align: right;"><u>\$ 926,622</u></td> </tr> <tr> <td>TOTAL GENERAL FUND</td> <td style="text-align: right;"><u>\$16,805,734</u></td> </tr> <tr> <td colspan="2"> </td> </tr> <tr> <td>Special Revenue (Fund 20)</td> <td style="text-align: right;">\$ 100,000</td> </tr> <tr> <td>Debt Services (Fund 40)</td> <td style="text-align: right;"><u>\$ 857,175</u></td> </tr> <tr> <td>TOTAL EXPENDITURES/APPROPRIATIONS</td> <td style="text-align: right;"><u>\$17,762,909</u></td> </tr> </table> <p>and,</p>	Current General Expense (Fund 11)	\$15,879,112	Capital Outlay (Fund 12)	<u>\$ 926,622</u>	TOTAL GENERAL FUND	<u>\$16,805,734</u>			Special Revenue (Fund 20)	\$ 100,000	Debt Services (Fund 40)	<u>\$ 857,175</u>	TOTAL EXPENDITURES/APPROPRIATIONS	<u>\$17,762,909</u>
Current General Expense (Fund 11)	\$15,879,112														
Capital Outlay (Fund 12)	<u>\$ 926,622</u>														
TOTAL GENERAL FUND	<u>\$16,805,734</u>														
Special Revenue (Fund 20)	\$ 100,000														
Debt Services (Fund 40)	<u>\$ 857,175</u>														
TOTAL EXPENDITURES/APPROPRIATIONS	<u>\$17,762,909</u>														
BE IT RESOLVED,	<p>that the GENERAL FUND tax levy <u>\$13,775,428</u> is approved to support Current General Expense and <u>\$693,577</u> to support Debt Service, for the 2017-2018 school year budget; and</p>														

144. that the Board approve a withdrawal of \$925,000 from the Old Tappan Board of Education’s approved Capital Reserve Account for the ensuing FY 2017-2018, for the following:
- \$325,000 – District – New Emergency Communication and Telephone System
 - \$600,000 – District – Resurfacing of the School Parking Lots and Interschool Drive
145. that the Board approve a withdrawal of \$50,000 from the Old Tappan Board of Education’s Maintenance Reserve Account for the 2017-2018 School District Budget for required maintenance activities as reported in the District’s Comprehensive Maintenance Plan.
146. that the Board approve the 2017-2018 maximum budgeted travel expenditures amount of \$21,575.
- Per N.J.S.A. 18A:11-12(4)p, the 2016-2017 maximum budgeted travel expenditures amount is \$21,575 of which \$2,427.67 has been spent to date.

RESOLUTION

WHEREAS, Chapter 231 of the Public Laws of 1975 known as the "Open Public Meetings Act" and also known as the "Sunshine Law" permits the holding of a private meeting to which the public is not invited for the purpose of permitting the discussion of various exempted matters after the adoption of a Resolution setting forth the general nature of the subject matter to be discussed, and as precisely as possible, the time when the circumstances under which the discussion conducted in the closed session can be disclosed to the public.

NOW, THEREFORE, BE IT RESOLVED that the Old Tappan Board of Education convene at the time and place hereinafter set forth for a private executive session to which the public is not invited to discuss the following general subject matters:

1. Matters which are confidential by federal law, state statute or rule of court.
2. Matters in which the release of information would impair a right to receive United States Government funds.
3. Matters which would constitute an unwarranted invasion of individual privacy.
4. Matters involving any collective bargaining agreement, the terms and conditions proposed for inclusion and the negotiation of same.
5. Matters involving the purchase, lease or acquisition of property with public funds, the setting of banking rates or investment of public funds where the public's interest could be adversely affected.
6. Matters involving tactics and techniques used for protecting the safety and property of the public, as well as investigations of violations or possible violations of the law.
7. Any pending or anticipated litigation or contract negotiations, other than collective negotiations, in which the public body is or may become a party.
8. Matters falling within the attorney/client privilege.
9. Matters relating to personnel involving employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body.
10. Matters involving the quasi-judicial deliberations of a public body that may result in the imposition of a specific civil penalty or the suspension or loss of a license or permit as a result of an act or omission for which the party bears responsibility.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Old Tappan Board of Education will disclose to the public the minutes of this session when the need for confidentiality no longer exists.

BE IT FURTHER RESOLVED that the private executive session aforementioned take place in the Conference Room at the Charles DeWolf Middle School forthwith.

Motion to move into Executive Session at _____ p.m.

Moved by _____ 2nd by _____

Meeting Adjourned _____

SPECIAL EDUCATION

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

1. All students with disabilities, who are in need of special education and related services, including students 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
2. Homeless students are located, identified and evaluate according to N.J.A.C 6A:14-3.3, and are provided special education and related services in accordance with IDEA including the appointment of a surrogate parent for unaccompanied homeless youths defined in 42 U.S.C. §§11431 et seq.
3. Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.
4. An individualized education program 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. Students with disabilities are included in statewide and District-wide assessment programs, with appropriate accommodations, where necessary according to N.J.A.C. 6A:14-4.10. All students with disabilities will participate in statewide assessments or the applicable Alternate Proficiency Assessment, in grades 3, 4, 5, 6, 7, 8 and 11 in accordance with their assigned grade level.
7. Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq., including appointment of a surrogate parent, when appropriate.
8. A free appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school.
 - a. The obligation to make a free, appropriate public education available to each eligible student begins no later than the student's third birthday and that an individualized education program is in effect for the student by that date;
 - b. If a child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin;
 - c. A free, appropriate public education is available to any student with a disability who needs special education and related services, even though the student is advancing from grade to grade; and
 - d. The services and placement needed by each student with a disability to receive a free, appropriate public education are based on the student's unique needs and

SPECIAL EDUCATION (continued)

not on the student's disability.

- e. The services and placement needed by each student with a disability to receive a free, appropriate public education are provided in appropriate educational settings as close to the student's home as possible, and, when the IEP does not describe specific restrictions, the student is educated in the school he or she would attend if not a student with a disability.
9. Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter experience a smooth transition and that an individualized education program has been developed and is being implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.
 10. Full educational opportunity to all students with disabilities is provided.
 11. The compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C. 6A:32-7.
 12. Provision is made for the participation of students with disabilities who are placed by their parents in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2
 13. Students with disabilities who are placed in private schools by the District Board of Education, are provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1(d) and N.J.A.C. 6A:14-7.5(b)3.
 14. All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law.
 15. 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 of Education shall 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 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.
 - 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 of education personnel.
 16. Instructional materials will be provided to blind or print-disabled students in a timely manner.

SPECIAL EDUCATION (continued)

17. For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the District will provide, pursuant to the Uniform Application Act, N.J.S.A. 30:4-25.10 et seq., the necessary materials to the parent to apply for such services.
18. When the School District utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. If this is permitted, parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the District provides written notice and seeks parental consent as required by N.J.A.C. 6A:14.
19. The School District will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as Specified in each student's IEP.
20. ***The School District has a plan in effect to establish stability in special education programming. The plan takes into account the consistency of location, curriculum and staff in the provision of special education services as required by N.J.A.C. 6A:14-3.7(s)4.***
21. ***The School District screens students who have exhibited one or more indicators of dyslexia or other reading disabilities in accordance with N.J.S.A. 18A:40-5 et seq.***
- A. The Old Tappan Board of Education complies with the appropriate elements of the exemption of educationally disabled students from graduation requirements according to N.J.A.C. 6A:14-4.14-10, 14-11
 The Board shall ensure that all students with disabilities participate in statewide assessments or the applicable Alternative Proficiency Assessment in grades 3, 4, 5, 6, 7, 8, and 11 in accordance with their assigned grade level. ~~with~~ Participation shall include appropriate accommodations or modifications, as determined by the student's IEP. If the nature of the student's disability is so severe that the student is not receiving instruction in any of the knowledge and skills measured by the statewide assessment and the student cannot complete any of the questions on the assessment in a subject area with or without accommodations, the student shall participate in the alternate proficiency assessment and the IEP goals and objectives will reflect the NJ Core Curriculum Content Standards.
- By June 30 of a disabled student's last year in the elementary program, the student's IEP team shall meet to review the student's IEP in view of the transition to the secondary program. Input from appropriate staff from the secondary school shall be part of the review.
- The IEP for the student entering the secondary program will address all the elements required in the administrative code, including specifically addressing graduation requirements. Required reviews of the IEP shall continue to address graduation requirements in accordance with N.J.A.C. 6A:14-4.11 (a).

SPECIAL EDUCATION (continued)

- A. The Old Tappan Board of Education complies with the appropriate elements of the exemption of educationally disabled students from graduation requirements according to N.J.A.C. 6A:14-4.14-10, 14-11 (continued)

A disabled student who has not been exempted from the proficiencies or has performed below the state minimum level of student proficiency on one or more areas of the state-mandated tests may participate in the state-approved alternate proficiency assessment

- B. Prevention of needless public labeling of educationally disabled students

The Board directs that the names and other personally identifiable data concerning educationally disabled children shall be kept confidential and shall not be included in the public acts and public records of this District. Such names and data shall be reduced to code for inclusion in the public record. A special confidential file shall be maintained listing the names of educationally disabled students on whose behalf the Board of Education must take public action. Motions concerning disabled students made at public meetings shall be anonymous and referred to this confidential file. This file shall be maintained in accordance with N.J.A.C. 6A:32-7.

Further, the Board, administrators, faculty and other personnel shall avoid unnecessary and needless public labeling of such students. This shall include the avoidance of public address announcements so designating students, any open identification of classrooms with signs so designating, or any item of open or general circulation, such as photographs, audio/videotapes, etc., that so designates an individual student or class. Student records shall be maintained in accordance with N.J.A.C. 6A:32-7.

- C. Compilation, maintenance, access to and confidentiality of student records according to N.J.A.C. 6A:32-7

To ensure proper accessibility and confidentiality, the records of educationally disabled students shall be gathered, updated, maintained, stored, transferred, made accessible and finally disposed of in accordance with the District policy 5125 on student records in general. To assure the security of special education records:

1. Provision shall be made for access and security of computer-stored records of educationally disabled students;
2. Clerical and secretarial tasks related to such records shall be performed only under the supervision of appropriately certified staff.

As with all student records, access shall be guaranteed to persons authorized according to N.J.A.C. 6A:32-7 within 10 days of the request, but prior to any review or hearing conducted in accordance with state Board of Education regulations.

For the District's general policy and regulation on student records see 5125, which deals with all requirements common to disabled and general student records including enumeration and description of records, provisions for access, notice to parents/guardians of their rights in regard to the child's records, etc.

- D. Identification, location and evaluation of potentially educationally disabled students according to N.J.A.C 6A:14-3.3

The superintendent shall prepare written procedures for identifying those students ages three through 21, including students attending nonpublic schools, who reside within the District and homeless students who are within the District that may be educationally disabled, who are not receiving special education and/or related services as required. Procedures shall include provision for the referral of students who may be experiencing physical, sensory, emotional, communication, cognitive or social difficulties. A surrogate

SPECIAL EDUCATION (continued)

- D. Identification, location and evaluation of potentially educationally disabled students, according to N.J.A.C 6A:14-3.3 (continued)
parent will be appointed for unaccompanied homeless youths and for all other students with disabilities when appropriate.

In order to ensure program placement by a disabled child's third birthday, a written request for initial evaluation shall be forwarded to the District at least 120 days prior to the preschooler attaining age three.

The Board shall ensure that all preschool students with disabilities shall have their IEPs implemented no later than their third birthdays. To provide a smooth transition between a child's preschool program and his/her school age program (public or private), particular attention shall be paid to articulation between those programs.

Parental requests for an initial evaluation and/or or a change in IEP must be in writing. Electronic mail will not be considered as a valid request.

These identification procedures and arrangements shall be adopted by the Board after review and possible revision. The procedures shall include criteria by which to identify the potentially disabled, and require the participation of staff, parents/guardians and appropriate agencies.

Evaluation and Determination of Eligibility

The evaluation process to determine a student's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of N.J.A.C. 6A:14-2.3, 2.4, 2.5, 3.4, 3.5, 3.6 dealing with:

1. Parental notice, notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf when feasible;
2. An initial evaluation that consists of a multi-disciplinary assessment in all areas of suspected disability and a written report of the results of each assessment;
3. Determination that a student is eligible for special education and related services when he/she has been identified as having one or more of the 14 categories of disability described in the administrative code, and the disability adversely affects the student's educational performance.

The Superintendent shall oversee development of detailed procedures to govern the evaluation process, and shall implement them after they have been reviewed and adopted by the Board.

The Board shall ensure that a variety of assessment tools and strategies shall be applied to gather information to develop and monitor the IEP, including cooperation and input from the parents/guardians. Relevant information shall also be related to enabling the student to be involved in and progress in the general education curriculum or, for preschool children with disabilities to participate in appropriate activities.

- E. Provision of full educational opportunity to educationally disabled students
The Board of Education is responsible for providing education for all children resident in the District. All reasonable efforts will be made to resolve an enrolled child's learning and adjustment difficulties prior to his/her referral to the child study team for screening and/or

SPECIAL EDUCATION (continued)

- E. Provision of full educational opportunity to educationally disabled students (continued) evaluation. When a student is found eligible for special education and related services and the Board of Education cannot provide required instruction and related services from its own resources and facilities, the Board will seek appropriate placement outside the District, and will assume such costs of that placement as are required by law.

The goal of the Board's special education program is to provide full educational opportunity to all educationally disabled resident students ages three through 21, as those terms are defined in federal and state law. The Board will make available to parents/guardians of educationally disabled children below the age of three information regarding services available through other state, county and local agencies.

The Superintendent shall ensure that the District's special education programs comply with the law in every respect, including fiscal regulations and reports.

- F. Participation of and consultation with the parents of educationally disabled students toward the goal of providing full educational opportunity to all educationally disabled students ages three through 21

In order to achieve the District's goal of providing full educational opportunity to all educationally disabled students in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process, pursuant to N.J.A.C. 6A:14-2.3 and 2.4. All notifications shall be made and all necessary conferences conducted in the language used for communication by the parent/guardian and the student unless it is not feasible to do so, in which case the provisions of administrative code shall be followed.

Written notice to parents/guardians shall be provided as follows:

1. The Board shall provide written notice no later than 15 calendar days after making a determination;
2. The Board shall provide written notice at least 15 calendar days prior to the implementation of a proposed action so that the parents/guardians may consider the proposal.

The Superintendent shall develop and present to the Board for review and adoption procedures for:

1. Giving notice to parents/guardians when an initial request is being made for consent to evaluate or when a proposal has been made to initiate or change a classification, evaluation or educational placement of the student, or the provision of a free, appropriate education. For each instance, all required information and documentation shall be supplied to the parents/guardians within the timelines set by the administrative code. Particular care must be taken to inform parents/guardians of their right to appeal and their rights in regard to low-cost legal counsel and fees;
2. Seeking consent of parents/guardians to the actions in 1, when such consent is required;
3. Seeking parent/guardian participation in conferences and determinations as specified in 1, and in evaluation of the success of the educational plan for their child. If a mutually agreeable time and place cannot be determined, the parent(s) shall be provided the opportunity to participate in the meeting through alternative means, such as videoconferencing and conference calls. (N.J.A.C. 6A:2.3(k)4).

SPECIAL EDUCATION (continued)

F. Participation of and consultation with the parents of educationally disabled students toward the goal of providing full educational opportunity to all educationally disabled students ages three through 21 (continued)

4. Mediation when disputes arise during any stage of the special education process which cannot be settled between the original parties.
5. Particularly, parental consent shall be obtained prior to implementation of the initial IEP resulting from evaluation; prior to:
 - a. Reevaluation except in the circumstances outlined in code,
 - b. The release of student records according to N.J.A.C. 6A:32,
 - c. Excusing an IEP team member from an IEP meeting,
 - d. Accessing public benefits or public or private insurance of the parents/guardians,
 - e. Amending an IEP without a meeting,
 - f. Waiving a reevaluation meeting.

Procedures set out in the administrative code shall be followed when parent/guardian cooperation and/or participation cannot be obtained. When necessary, a surrogate parent shall be appointed to ensure the protection of a student's rights when:

- a. The parents/guardians cannot be identified or located after reasonable efforts,
- b. The child is a ward of the State of New Jersey
- c. The foster parent refuses to serve as a parent
- d. The student is an unaccompanied homeless youth as defined by statute.

The District shall make reasonable efforts to appoint a surrogate parent within 30 days of the determination that a surrogate parent is needed. If the District fails to appoint a surrogate parent for a ward of the state, a judge may make such an appointment

The District shall select surrogate parents that meet the administrative code requirements and shall train such surrogate parents in compliance with the administrative code.

No more than 90 calendar days after parental consent has been received shall be allowed for the evaluation, determination of eligibility and, if the student is eligible, the development and implementation of the initial IEP. No more than 60 calendar days after parental consent has been received shall be allowed for a reevaluation. No more than one reevaluation shall be conducted annually unless the parent/guardian and the District agree.

G. Provision of special services to enable educationally disabled students to participate in regular educational programs to the maximum extent appropriate

The Board of Education will provide the kind and quality of those special education-related services prescribed in the IEP in accordance with all provisions of N.J.A.C. 6A: 14-4.2 to enable educationally disabled students to participate in regular educational programs to the maximum extent appropriate. When instruction is provided to groups consisting solely of students with disabilities, the size of the groups and age range shall conform to the requirements for special class programs described in the administrative code.

SPECIAL EDUCATION (continued)

- G. Provision of special services to enable educationally disabled students to participate in regular educational programs to the maximum extent appropriate (continued)

When students with disabilities participate in physical education, intramural and interscholastic sports, non-academic and extracurricular activities in groups consisting solely of students with disabilities, the age range and group size shall be based on the nature of the activity, needs of the students participating in the activity and the level of supervision required.

The evaluation process to determine a student's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of the administrative code.

- H. Determination of eligibility according to N.J.A.C. 6A:14-2.3(i)1 and 3.5 through -3.6
Eligibility for special education and related services shall be determined collaboratively by the parents/guardians; a teacher who is knowledgeable about the student's educational performance or District's programs; the student, where appropriate; at least one child study team member who participated in the evaluation; the case manager; other appropriate individuals at the discretion of the parent or District; and for an initial eligibility meeting, certified school personnel referring the student as potentially disabled, or the school principal or designee if they choose to participate.

A student shall be determined eligible and classified for special education and related services when it is determined that the student has one or more of the disabilities defined in the administrative code. A student shall be determined eligible for speech-language

- I. The individualized education program for each educationally disabled student shall be developed in accordance with the provisions of the administrative code, at N.J.A.C. 6A:14-2.3(i) and N.J.A.C. 6A:14-3.7.

The Board shall ensure that an IEP is in effect for every student in the District who is receiving special education and related services.

A written individualized education program shall be developed and implemented for each classified student and, in accordance with New Jersey law, a review shall be conducted by the appropriate staff members annually or more often, if necessary, to evaluate the disabled student's progress and to revise the individualized education program.

Meetings shall be conducted to determine eligibility and to develop, review and revise a student's individualized education program. Such meetings shall be scheduled at a mutually agreed upon time and place, and notice of the meetings shall indicate the purpose, time, location and participants. If the parents/guardians cannot attend the meetings, the Superintendent/designee shall attempt to ensure parental participation, including the use of individual or conference telephone calls. Documentation shall be maintained of all attempts to secure parent/guardian participation. An IEP may be amended without a meeting with parental consent.

Parents/guardians shall receive a copy of the student's IEP and of any revisions made to it.

All communication with parents/guardians, including written notice, notifications and required meetings, shall be conducted in the language used for communication by the parent/guardian and student unless it is not feasible to do so. This shall include providing foreign language interpreters or translators and sign language interpreters for the deaf at no cost to the parents.

SPECIAL EDUCATION (continued)

- I. The individualized education program for each educationally disabled student shall be developed in accordance with the provisions of the administrative code, at N.J.A.C. 6A:14-2.3(i) and N.J.A.C. 6A:14-3.7. (continued)

The IEP shall be developed and monitored with the cooperation and input of parents/guardians. In addition to educational programming, the IEP shall provide for necessary disciplinary action and specify graduation requirements when appropriate. Any accommodations and/or modifications for the administration of statewide assessments shall be specified in the IEP.

1. No more than 90 calendar days after parental consent has been received shall be allowed for the evaluation, determination of eligibility and, if the student is eligible, the development and implementation of the IEP. The IEP shall be implemented as soon as possible following the IEP meeting.
 2. The Board of Education will provide the kind and quality of those special education-related services prescribed in the IEP to enable educationally disabled students to participate in regular educational programs to the maximum extent appropriate. Such education-related services shall include transportation, ensuring that hearing aids worn by deaf and/or hard of hearing children in school are functioning properly, and other related services.
- J. Protection of students rights in regard to evaluation and reevaluation procedures according to N.J.A.C. 6A:14-3.4 and 3.8

Procedures shall provide all due process protection for the rights of the student and his/her parents/guardians whether the student is already enrolled in the schools or has been located through the process for identification in the section D of this policy.

In order to achieve the District's goal of providing full educational opportunity to all educationally disabled students in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process. All notifications shall be made and all necessary conferences conducted in the language used for communication by the parent/guardian and the student unless it is not feasible to do so, in which case the provisions of administrative code shall be followed. Particular care must be taken to inform parents/guardians of their right to review all educational records with respect to the identification, evaluation and educational placement of the student; to appeal these by requesting a due process hearing; and their rights in regard to free and low cost legal services and legal fees. The Superintendent shall develop and present to the Board for review and adoption procedures for:

1. An independent evaluation at the request of the parent/guardian in accordance with N.J.A.C. 6A:14-2.5. Such independent evaluation shall be at no cost to the parent/guardian if it is conducted in compliance with administrative code, unless the District Board of Education initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing. The IEP team shall consider any independent evaluation submitted to it when making decisions regarding special education and/or related services;
2. Mediation when disputes arise during any stage of the special education process which cannot be settled between the original parties. A due process hearing may be initiated by the Board of Education, a parent/guardian;

SPECIAL EDUCATION (continued)J. Protection of students rights in regard to evaluation and reevaluation procedures according to N.J.A.C. 6A:14-3.4 and 3.8

3. Ensuring what all evaluation procedures, including but not limited to observations, tests and interviews used to determine eligibility and placement of disabled students, shall comply with the requirements of N.J.A.C. 6A:14-3.4, 3.5 and 3.7.

K. Placement of educationally disabled students in the least restrictive environment according to N.J.A.C. 6A:14-4.2

Educational placement decisions made for each disabled student shall always be, insofar as possible, in the least restrictive environment commensurate with the student's educational needs. This means that to the maximum extent appropriate, educationally disabled students shall be educated with children who are not educationally disabled. These decisions should be designed to produce a positive effect on the student and to ensure the quality of services which he/she requires.

The Superintendent shall encourage positive attitudes toward the educationally disabled in all District students and personnel.

Special classes, separate schooling or other removal of educationally disabled students from the regular educational environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

In order to ensure a continuum of alternative placements, when the Board cannot provide required instruction and related services from its own resources and facilities, it will seek appropriate placement outside the District and will assume such costs of that placement as are required by law.

Placement of a disabled student in the least restrictive environment shall be determined annually. Placement shall be provided in appropriate educational settings as close to home as possible. When the IEP does not describe specific restrictions, the student shall be educated in the school he/she would attend if not disabled.

L. Establishment and implementation of procedural safeguards according to N.J.A.C. 6A:14-2.3 through -2.4 and N.J.A.C. 1:6A

The Board of Education directs the Superintendent to establish and implement the required procedural safeguards enumerated in Section F of this policy.

The Superintendent shall ensure that the District's special education programs comply with the law in every respect, including fiscal regulations and reports.

These procedures shall provide all due process protection for the rights of the student and his/her parents/guardians. Procedures shall be conducted in strict compliance with the provisions of the administrative code dealing with parental notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf. (N.J.A.C. 6A:14-2.7)

SPECIAL EDUCATION (continued)**M. Complying with other aspects of the District program for special education and/or requirements of N.J.A.C. 6A:14****Discipline**

In general, educationally disabled students are subject to the same disciplinary constraints and sanctions as non-disabled students. However, before disciplinary action is taken against

an educationally disabled student, consideration must be given to whether the behavior is caused by the disabling condition, whether the program that is being provided meets the student's needs, whether a component of the student's IEP covers the behavior, or whether the student is an immediate danger to himself/herself or others.

A disabled student may be removed for disciplinary reasons from his/her current educational placement to an interim alternative educational setting, another setting, or a suspension without the provision of educational services for up to 10 consecutive or cumulative school days in a school year. Such suspensions are subject to the same District Board of Education procedures as non-disabled students. However, at the time of removal, the principal shall forward written notification and a description of the reasons for such action to the case manager.

Procedures for imposing and implementing disciplinary sanctions on educationally disabled students, including removal to an interim alternative educational setting, suspension for more than 10 school days in a school year, or expulsion, shall be in strict compliance with the provisions of state and federal law and the administrative code. (See N.J.A.C. 6A:14-2.8, 3.7 and Appendix A)

Early Intervention

The Superintendent or designee shall gather and make available to parents/guardians of disabled children below the age of three information regarding ameliorative services and programs provided by other state, county and local agencies. The procedures for such dissemination shall be reviewed and adopted by the Board.

Preschool Disabled Program

The Superintendent shall develop and propose for Board adoption programs and related services for students ages three through five who have been identified and classified as preschool disabled. Such programs and services shall be in strict accordance with New Jersey administrative code.

Placement in Nonpublic Schools

The Board shall provide a genuine opportunity for the equitable participation of students with disabilities who have been enrolled in nonpublic schools by their parents/guardians, in accordance with federal law and regulations. All special education programs and services shall be provided with the consent of parents/guardians.

Students shall receive programs and services as specified in N.J.A.C. 6A:14-6.1.

Students with limited English proficiency may have educationally disabling conditions that must be addressed in order to provide them the full educational opportunity that is the goal of the District for every child. Evaluation procedures shall be selected so that the student's cultural background and language abilities are taken into consideration unless it is clearly unfeasible to do so; and shall accurately reflect the student's ability rather than the impairment. All actions under Parent/Guardian Notification, Participation, Consent are to be conducted in the parents/guardians' dominant language unless it is impossible. In that

SPECIAL EDUCATION (continued)

- M. Complying with other aspects of the District program for special education and/or requirements of N.J.A.C. 6A:14 (continued)
 case, care shall be taken that the facts and procedures are made intelligible to the parents/guardians.

Cooperation with Other Agencies

The Superintendent shall investigate the possibilities of working with organizations and agencies providing services for the disabled, and shall present feasible programs and relationships to the Board for consideration.

Eligibility for State and Federal Funds

The Superintendent shall ensure that all requirements for receiving, using and accounting for state and federal funds shall be fulfilled in an accurate and timely manner.

Procurement, control, use and disposition of equipment and supplies purchased with state/federal funds shall be in full compliance with law.

Blind and Print-Disabled Students

Instructional materials will be provided to blind and print-disabled students in a timely manner.

Students Potentially Eligible to Receive Services from Human Services

For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the

Students Potentially Eligible to Receive Services from Human Services (continued)

District will provide, pursuant to the Uniform Application Act, N.J.S.A. 30:4-25.10 et seq., the necessary materials to the parent to apply for such services.

Electronic Mail

When the School District utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. If this is permitted, parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the District provides written notice and seeks parental consent as required by N.J.A.C. 6A:14.

Time for Consultation

The School District will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP.

Access

In addition to educational programs, the Board directs that the Superintendent take into consideration physical access to District facilities for disabled students, staff and the community in determining location of programs or planning new facilities per state and federal law.

SPECIAL EDUCATION (continued)

**NEW JERSEY DEPARTMENT OF EDUCATION OFFICE OF SPECIAL EDUCATION
PROGRAMS**

ASSURANCE STATEMENT

*To demonstrate compliance with Part B of the IDEA and N.J.A.C. 6A:14-1.1(b)
and (c), the _____ District Board of
Education, shall assure compliance with the above stated policies and procedures.*

*Director of Special Education Services**

Date

*Chief School Administrator***

Date

*Sign the Assurance Statement and attach documentation (board resolution) that the
policies have been adopted. Submit to the county office of education by April 7, 2017.*

SPECIAL EDUCATION (continued)**ADDENDUM: TO 6171.4 SPECIAL EDUCATION POLICY****NEW JERSEY DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS****BOARD OF EDUCATION POLICIES AND PROCEDURES
FOR ELIGIBILITY UNDER PART B OF THE IDEA
FOR 2011-2012****PART I - POLICIES**

COUNTY CODE: _____ COUNTY NAME: _____

DISTRICT CODE: _____ DISTRICT NAME: _____

In accordance with Part B of the IDEA and N.J.A.C. 6A:14-1.1, N.J.A.C. 6A:14-1.2(b) and (c), the District Board of Education shall adopt and assure compliance with the following policies:

~~Policy #1: All students with disabilities, who are in need of special education and related services, including students 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.~~

~~Policy #2: Homeless students are located, identified and evaluated according to N.J.A.C. 6A:14-3.3, and are provided special education and related services in accordance with the IDEA, including the appointment of a surrogate parent for unaccompanied homeless youths as defined in 42 U.S.C. §§11431 et seq.~~

~~Policy #3: Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.~~

~~Policy #4: An individualized education program is developed, reviewed, and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7.~~

~~Policy #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.~~

~~Policy #6: Students with disabilities are included in statewide and District wide assessment programs, with appropriate accommodations, where necessary according to N.J.A.C. 6A:14-4.10. All students with disabilities will participate in statewide assessments or the applicable Alternate Proficiency Assessment, in grades 3, 4, 5, 6, 7, 8 and 11 in accordance with their assigned grade level.~~

~~Policy #7: Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq., including appointment of a surrogate parent, when appropriate.~~

~~Policy #8: A free appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school.~~

- ~~1. The obligation to make a free, appropriate public education available to each eligible student begins no later than the student's third birthday and that an individualized education program (IEP) is in effect for the student by that date;~~

SPECIAL EDUCATION (continued)

- ~~2. If a child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin;~~
- ~~3. A free, appropriate public education is available to any student with a disability who is eligible for special education and related services, even though the student is advancing from grade to grade;~~
- ~~4. The services and placement needed by each student with a disability to receive a free, appropriate public education are based on the student's unique needs and not on the student's disability; and~~
- ~~5. The services and placement needed by each student with a disability to receive a free, appropriate public education are provided in appropriate educational settings as close to the student's home as possible, and, when the IEP does not describe specific restrictions, the student is educated in the school he or she would attend if not a student with a disability.~~

~~Policy #9: Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter will experience a smooth transition and have an individualized education program developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.~~

~~Policy #10: Full educational opportunity to all students with disabilities is provided.~~

~~Policy #11: The compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C. 6A:32-7.~~

~~Policy #12: Provision is made for the participation of students with disabilities who are placed by their parents in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2.~~

~~Policy #13: Students with disabilities who are placed in private schools by the District Board of Education, are provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1(d) and N.J.A.C. 6A:14-7.5(b)3.~~

~~Policy #14: All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law.~~

~~Policy #15: 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 of Education shall maintain information to demonstrate its efforts to:~~

- ~~1. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;~~
- ~~2. 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;~~
- ~~3. Acquire and disseminate to teachers, administrators, school Board members, and related services personnel, significant knowledge derived from educational research and other~~

SPECIAL EDUCATION (continued)

sources and how the District will, if appropriate, adopt promising practices, materials and technology;

4. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
5. Provide for joint training activities of parents and special education, related services and general education personnel.

~~Policy #16: Instructional materials will be provided to blind or print-disabled students in a timely manner.~~

~~Policy #17: For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the District will provide, pursuant to the Uniform Application Act, N.J.S.A. 30:4-25.10 et seq., the necessary materials to the parent to apply for such services.~~

~~Policy #18: When the School District utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. If this is permitted, parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the District provides written notice and seeks parental consent as required by N.J.A.C. 6A:14.~~

~~Policy #19: The School District will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP.~~

PART II — PROCEDURES

~~In accordance with Part B of the IDEA and N.J.A.C. 6A:14-1.1, N.J.A.C. 6A:14-1.2(b) and (c), the District Board of Education shall assure compliance with the following policies and related procedures below:~~

~~Policy #1: All students with disabilities, who are in need of special education and related services, including students 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.~~

~~AND~~

~~Policy #2: Homeless students are located, identified and evaluated according to N.J.A.C. 6A:14-3.3, and are provided special education and related services in accordance with the IDEA, including the appointment of a surrogate parent for unaccompanied homeless youths as defined in 42 U.S.C. §§11431 et seq.~~

~~AND~~

~~Policy #7: Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq. including appointment of a surrogate parent, when appropriate. Procedures to locate students with disabilities (child find) must ensure that:~~

SPECIAL EDUCATION (continued)

1. ~~Person(s) responsible to conduct child find activities are identified.~~
2. ~~Child find activities are conducted for all children ages three through 21, who reside within the District or attend nonpublic schools within the District.~~
3. ~~Child find activities are conducted at least annually.~~
4. ~~Child find activities (meetings, printed materials and/or public service announcements) are conducted in the native language of the population, as appropriate.~~
5. ~~Child find activities address public and nonpublic students, including highly mobile students such as migrant and homeless students.~~
6. ~~Child find activities for nonpublic school students are comparable to activities conducted for public school students.~~
 - a. ~~Child find activities for nonpublic school children provide for consultation with appropriate representatives of the nonpublic school and parents on how to carry out these activities.~~
7. ~~Child find activities include outreach to a variety of public and private agencies and individuals concerned with the welfare of students, such as clinics, hospitals, physicians, social service agencies and welfare agencies.~~

~~For charter schools or state agencies, procedures must ensure that:~~

1. ~~Child find activities are limited to the population of students enrolled in the charter school or served by the state agency.~~
2. ~~Person(s) to conduct child find activities are identified.~~
3. ~~Child find activities are conducted at least annually.~~
4. ~~Child find activities (meetings, printed materials and/or public service announcements) are conducted in the native language of the population, as appropriate.~~

~~Procedures for interventions in the general education program must ensure that:~~

1. ~~Criteria/steps for initiating interventions in the general education program are identified.~~
2. ~~Parents, teachers and other school professionals, as appropriate, are informed of the procedures to initiate interventions in the general education program.~~
3. ~~Activities are in place to determine whether the interventions are effective.~~
 - a. ~~School personnel who are responsible for the implementation/evaluation of the interventions are identified; and~~
 - b. ~~The type, frequency, duration and effectiveness of the interventions are documented.~~

~~Procedures for referral must ensure that:~~

SPECIAL EDUCATION (continued)

1. ~~Steps are in place to refer students after it has been determined that interventions in the general education program are not effective in alleviating the educational difficulties.~~
2. ~~Steps are in place to refer students directly to the child study team when warranted.~~
3. ~~Steps are in place to refer students who may be disabled but are advancing from grade to grade.~~
4. ~~Steps for initiating a referral to the child study team by school personnel identify:~~
 - a. ~~The information/documentation of student performance required in the referral;~~
 - b. ~~Forms, if any, that are to be submitted by school personnel;~~
 - c. ~~School personnel who are responsible to process referrals; and~~
 - d. ~~Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.~~
5. ~~Steps for processing written referrals received from parents identify:~~
 - a. ~~School personnel who are responsible to process referrals from parents; and~~
 - b. ~~Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.~~
6. ~~School personnel, parents and agencies are informed of referral procedures.~~

~~For students with disabilities potentially in need of a surrogate parent, procedures must ensure that:~~

1. ~~A surrogate parent is provided to a student in accordance with N.J.A.C. 6A:14-2.2 when:~~
 - a. ~~The parent of the student cannot be identified or located.~~
 - b. ~~An agency of the State has guardianship of the student and that agency has not taken steps to appoint a surrogate parent for the student.~~
 - c. ~~The student is a ward of the state and no State agency has taken steps to appoint a surrogate parent for the student.~~
 - d. ~~No parent can be identified for the student in accordance with N.J.A.C. 6A:14-1.3 except a foster parent, the foster parent does not agree to serve as the student's parent and no State agency has taken steps to appoint a surrogate parent for the student.~~
 - e. ~~The student is an unaccompanied homeless youth and no State agency has taken steps to appoint a surrogate parent for the student.~~
2. ~~The District will make reasonable efforts to appoint a surrogate parent within 30 days of its determination that a surrogate parent is required for a student.~~
3. ~~The District will appoint a person who will be responsible for appointing surrogate parents and overseeing the process. The responsible person will:~~
 - a. ~~The person will determine whether there is a need for a surrogate parent for a student;~~

SPECIAL EDUCATION (continued)

- b. ~~The person will contact any State agency that is involved with the student to determine whether the State has had a surrogate parent appointed for the student; and~~
 - c. ~~The person will make reasonable efforts to select and appoint a surrogate parent for the student within 30 days of determining that there is a need for a surrogate parent for the student.~~
4. ~~The District will establish a method for training surrogate parents that includes provision of information with respect to parental rights and procedural safeguards available to parents and students in accordance with N.J.A.C. 6A:14.~~
- a. ~~The District will appoint a person that will be responsible for training surrogate parents;~~
 - b. ~~The training of surrogate parents will ensure that surrogate parents have knowledge and skills that ensure adequate representation of the child with a disability;~~
 - c. ~~The training will be designed to make surrogate parents familiar with State and federal requirements for assessment, individualized education program development, and parental rights with respect to the referral and placement process, including their rights with respect to seeking a due process hearing if they disagree with the local procedure or decisions;~~
 - d. ~~Surrogate parents will be provided with copies of: the Parental Rights in Special Education booklet; N.J.A.C. 6A:14; the Special Education Process; Code Training Materials from the Department of Education Website; and other relevant materials; and~~
 - e. ~~Surrogate parents will be provided information to enable them to become familiar with the nature of the child's disability.~~
5. ~~The District will ensure that:~~
- a. ~~All persons serving as surrogate parents have no interest that conflicts with those of the student he or she represents;~~
 - b. ~~All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the student;~~
 - c. ~~All persons serving as surrogate parents are at least 18 years of age;~~
 - d. ~~If the School District compensates the surrogate parent for providing such services, a criminal history review of the person in accordance with N.J.S.A. 18A:6-7.1 is completed prior to his or her serving as the surrogate parent; and~~
 - e. ~~No person appointed as a surrogate parent will be an employee of the New Jersey Department of Education, the District Board of Education or a public or nonpublic agency that is involved in the education or case of the child.~~

~~Policy #3: Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-2.5 and 3.4, no additional written procedures are required.~~

SPECIAL EDUCATION (continued)

~~Policy #4: An individualized education program is developed, reviewed, and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-2.6 and 3.7, no additional written procedures are required.~~

~~Policy #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.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-4.2, no additional written procedures are required.~~

~~Policy #6: Students with disabilities are included in statewide and District wide assessment programs, with appropriate accommodations, where necessary according to N.J.A.C. 6A:14-4.10. All students with disabilities will participate in statewide assessments or the applicable Alternate Proficiency Assessment, in grades 3, 4, 5, 6, 7, 8 and 11 in accordance with their assigned grade level.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-4.10, no additional written procedures are required.~~

~~Policy #8: A free, appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school.~~

~~Procedures regarding the provision of a free, appropriate public education to students with disabilities who are suspended or expelled must ensure that:~~

- ~~1. School officials responsible for implementing suspensions/expulsions in the District are identified.~~
- ~~2. 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.~~
- ~~3. A system is in place to track the number of days a student with disabilities has been removed for disciplinary reasons.~~
- ~~4. Suspension from transportation is counted as a day of removal if the student does not attend school.

 - ~~a. If transportation is included in the student's IEP as a required related service, the School District shall provide alternate transportation during the period of suspension from the typical means of transportation.~~~~
- ~~5. Removal for at least half of the school day is reported via the Electronic Violence and Vandalism Reporting System.~~

SPECIAL EDUCATION (continued)

6. If the District has an in-school suspension program, participation in the program is not considered a removal when determining whether a manifestation determination must be conducted if the program provides the following:¹
- ~~Opportunity for the student to participate and progress in the general curriculum;~~
 - ~~Services and modifications specified in the student's IEP;~~
 - ~~Interaction with peers who are not disabled to the extent they would have in the current placement; and~~
 - ~~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 10 school days in the year:
- ~~School officials and the case manager 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 school officials and the case manager is maintained;~~
 - ~~If it is determined that there is no change in placement, school officials, the case manager and special education teacher consult to determine the extent to which services are necessary to:~~
 - ~~Enable the student to participate and progress appropriately in the general education curriculum; and~~
 - ~~Advance appropriately toward achieving the goals set out in the student's IEP; and~~
 - ~~Written documentation of the consultation and services provided is maintained.~~
8. Steps are in place to convene a meeting of the IEP team and, as necessary or required, conduct a functional behavioral assessment and review the behavioral intervention plan according to N.J.A.C. 6A:14 Appendix A, 20 U.S.C. §1415(k).

~~Procedures regarding the provision of a free, appropriate public education to preschool age students with disabilities must ensure that:~~

- ~~Eligible preschool age children who are not participating in an early intervention program have an IEP in effect by their third birthday. Steps include:²~~
 - ~~Responding to referrals according to N.J.A.C. 6A:14-3.3(e)~~
 - ~~Having a program in place no later than 90 calendar days from the date of consent.~~

~~Procedures regarding the provision of a free, appropriate public education to students with disabilities who are advancing from grade to grade must ensure that:~~

- ~~A student with a disability, who is advancing from grade to grade with the support of specially designed services, may continue to be eligible when:~~

¹ For the purpose of documenting all removals, in-school suspension must be reported via the Electronic Violence and Vandalism Reporting System even if services were provided.

² This procedure does not apply to secondary School Districts or charter schools that do not serve preschool age children.

SPECIAL EDUCATION (continued)

- a. As part of a reevaluation, the IEP team determines that the student continues to require specially designed services to progress in the general education curriculum; and
- b. The use of functional assessment information supports the IEP team's determination.

~~Policy #9: Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter will experience a smooth transition and have an individualized education program developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.³~~

1. ~~A child study team member of the District will participate in the preschool transition planning conference arranged by the designated service coordinator from the early intervention system and will:~~
 - a. ~~Review the Part C Individualized Family Service Plan for the child;~~
 - b. ~~Provide the parent(s) written District registration requirements;~~
 - c. ~~Provide the parents written information with respect to available District programs for preschool students, including general education placement options; and~~
 - d. ~~Provide the parent(s) a form to use to request that the Part C service coordinator be invited to the child's initial IEP meeting.~~
2. ~~The Part C service coordinator will be invited to the initial IEP meeting for a student transitioning from Part C to Part B.~~

~~Policy #10: Full educational opportunity to all students with disabilities is provided.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-1.1, no additional written procedures are required.~~

~~Policy #11: The compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C. 6A:32-7.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:32-7, no additional written procedures are required.~~

~~Policy #12: Provision is made for the participation of students with disabilities who are placed by their parents in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-6.1 and 6.2, no additional written procedures are required.~~

~~Policy #13: Students with disabilities who are placed in private schools by the District Board of Education, are provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1(d) and N.J.A.C. 6A:14-7.5(b)3.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-1.1(d) and 7.5(b)3, no additional written procedures are required.~~

³ This procedure does not apply to secondary School Districts or charter schools that do not serve preschool age children.

SPECIAL EDUCATION (continued)

~~Policy #14: All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)13, no additional written procedures are required.~~

~~Policy #15: 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 of Education shall maintain information to demonstrate its efforts to:~~

- ~~1. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;~~
- ~~2. 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;~~
- ~~3. 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;~~
- ~~4. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and~~
- ~~5. Provide for joint training activities of parents and special education, related services and general education personnel.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-2.5 and 3.4, no additional written procedures are required.~~

~~Policy #16: Instructional materials will be provided to blind or print-disabled students in a timely manner.~~

~~Instructional materials will be provided to blind or print-disabled students in accordance with a plan developed by the District. The plan will be the Individualized Education Program of each student with a disability, which will set forth the instructional materials needed, how they will be provided, and address any assistive technology needed to permit the student to utilize the materials.~~

~~Policy #17: For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the District will provide, pursuant to the Uniform Application Act, N.J.S.A. 30:4-25.10 et seq., the necessary materials to the parent to apply for such services.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)17, no additional written procedures are required.~~

~~Policy #18: When the School District utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education.~~

SPECIAL EDUCATION (continued)

If this is permitted, parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the District provides written notice and seeks parental consent as required by N.J.A.C. 6A:14.

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)18, no additional written procedures are required.~~

~~Policy #19: The School District will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-4.5(d), no additional written procedures are required.~~

- Legal References:**
- | | |
|---|--|
| <u>N.J.S.A. 10:5-1 et seq.</u> | Law Against Discrimination |
| <u>N.J.S.A. 18A:46-1 et seq.</u> | Classes and Facilities for Handicapped Children |
| <u>See particularly:</u> | |
| <u>N.J.S.A. 18A:46-13</u> | |
| <u>N.J.S.A. 18A:46A-1 et seq.</u> | Auxiliary Services |
| <u>N.J.A.C. 5:23-7</u> | Barrier free subcode of the uniform construction code |
| <u>N.J.A.C. 6A:7-1.7</u> | Equality in school and classroom practices |
| <u>N.J.A.C. 6A:8-1.2</u> | Scope |
| <u>N.J.A.C. 6A:8-1.3</u> | Definitions |
| <u>N.J.A.C. 6A:8-3.1</u> | Curriculum and instruction |
| <u>N.J.A.C. 6A:8-4.1 et seq.</u> | Implementation of the Statewide Assessment System |
| <u>N.J.A.C. 6A:8-5.1 et seq.</u> | Implementation of Graduation Requirements |
| <u>N.J.A.C. 6A:9-1.1 et seq.</u> | Professional Licensure and Standards |
| <u>See particularly:</u> | |
| <u>N.J.A.C. 6A:9-11.3</u> | |
| <u>N.J.A.C. 6A:14-1.1 et seq.</u> | Special Education |
| <u>N.J.A.C. 6A:15-1.4</u> | Bilingual programs for limited English proficient students |
| <u>N.J.A.C. 6A:23-1.1 et seq.</u> | Finance and Business Services |
| <u>See particularly:</u> | |
| <u>N.J.A.C. 6A:23-3.4, -4.1 et seq.</u> | |
| <u>N.J.A.C. 6A:26-6.1 et seq.</u> | Planning and Construction Standards for School Facilities |
| <u>N.J.A.C. 6A:30-1.1 et seq.</u> | Evaluation of the Performance of School Districts |
| <u>N.J.A.C. 6A:32-7.1 et seq.</u> | Student Records |
| <u>N.J.A.C. 6A:32-8.3</u> | School attendance |
| <u>N.J.A.C. 6A:32-12.1</u> | Reporting requirements |
| <u>N.J.A.C. 6A:32-14.1</u> | Review of mandated programs and services |
- No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
- 20 U.S.C.A. 1400 et seq. - 1990 Individuals With Disabilities Education Act, P.L. 101-476 (formerly Education for All Handicapped Children Act--Part B)
- 29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973
- 34 CFR 76.1 et seq. - General Administrative Regulation EDGAR
- 34 CFR 77.1 et seq. - General Administrative Regulation EDGAR

SPECIAL EDUCATION (continued)**Legal References: (continued)**

34 CFR 300 - Assistance to States for the Education of Children with Disabilities
(IDEA Regulations)

Agostini v. Felton, 521 U.S. 203 (1997), overruling Aguilar v. Felton, 473 U.S. 402 (1985)

Oberti v. Board of Education of Clementon School District, 995 F.2d 1204,
1216-17 (C. A.3 1993)

Cedar Rapids Community School District v. Garrett F., 526 U.S. 66 (1999)

<u>Cross References:</u>	*1120	Board of Education meetings
	*4112.2	Certification
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*5114	Suspension and expulsion
	*5120	Assessment of individual needs
	*5125	Student records
	*5131	Conduct/discipline
	*5200	Nonpublic school students
	*6121	Nondiscrimination/affirmative action
	*6145	Extracurricular activities
	*6151	Class size
	*6164.2	Guidance services
	*6164.4	Child study team
	*9322	Public and executive sessions

*Indicates policy is included in the Critical Policy Reference Manual.

Key Words

Special Education, Disabled, Graduation Requirements, Records, Student Records, Student Records,
Special Education Student Records

Approved: June 9, 2008

Revised: September 24, 2009, June 13, 2016

SPECIAL EDUCATION

In accordance with Part B of the IDEA and N.J.A.C. 6A:14-1.1, N.J.A.C. 6A:14-1.2(b) and (c), the District Board of Education shall assure compliance with the following policies and related procedures below:

Policy #1: All students with disabilities, who are in need of special education and related services, including students 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.

AND

Policy #2: Homeless students are located, identified and evaluated according to N.J.A.C. 6A:143.3, and are provided special education and related services in accordance with the IDEA, including the appointment of a surrogate parent for unaccompanied homeless youths as defined in 42 U.S.C. §§11431 et seq.

AND

Policy #7: Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq. including appointment of a surrogate parent as set forth at N.J.A.C. 6A:14-2.2, when appropriate.

Pursuant to 20 U.S.C. §1412(a)(3), procedures to locate students with disabilities (child find) must ensure that:

- 1. Person(s) responsible to conduct child find activities are identified.*
- 2. Child find activities are conducted for all children ages three through 21, who reside within the district or attend nonpublic schools within the district.*
- 3. Child find activities are conducted at least annually.*
- 4. Child find activities (meetings, printed materials and/or public service announcements) are conducted in the native language of the population, as appropriate.*
- 5. Child find activities address public and nonpublic students, including highly mobile students such as migrant and homeless students.*
- 6. Child find activities for nonpublic school students are comparable to activities conducted for public school students.*
 - a. Child find activities for nonpublic school children provide for consultation with appropriate representatives of the nonpublic school and parents on how to carry out these activities.*

7. *Child find activities include outreach to a variety of public and private agencies and individuals concerned with the welfare of students, such as clinics, hospitals, physicians, social service agencies and welfare agencies.*

Procedures for interventions in the general education program must ensure that:

1. *Criteria/steps for initiating interventions in the general education program are identified.*
2. *Parents, teachers and other school professionals, as appropriate, are informed of the procedures to initiate interventions in the general education program.*
3. *Activities are in place to determine whether the interventions are effective.*
 - a. *School personnel who are responsible for the implementation/evaluation of the interventions are identified; and*
 - b. *The type, frequency, duration and effectiveness of the interventions are documented.*

Procedures for referral must ensure that:

1. *Steps are in place to refer students after it has been determined that interventions in the general education program are not effective in alleviating the educational difficulties.*
2. *Steps are in place to refer students directly to the child study team when warranted.*
1. *Steps are in place to refer students who may have a disability but are advancing from grade to grade.*
3. *Steps for initiating a referral to the child study team by school personnel identify:*
 - a. *The information/documentation of student performance required in the referral;*
 - b. *Forms, if any, that are to be submitted by school personnel;*
 - c. *School personnel who are responsible to process referrals; and*
 - d. *Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.*
4. *Steps for processing written referrals received from parents identify:*
 - a. *School personnel who are responsible to process referrals from parents; and*
 - b. *Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.*
5. *School personnel, parents and agencies are informed of referral procedures.*

For students with disabilities potentially in need of a surrogate parent, procedures must ensure that:

- 1. A surrogate parent is provided to a student in accordance with N.J.A.C. 6A:14-2.2 when:**
 - a. The parent of the student cannot be identified or located. An agency of the State has guardianship of the student and that agency has not taken steps to appoint a surrogate parent for the student. The student is a ward of the state and no State agency has taken steps to appoint a surrogate parent for the student.**
 - b. No parent can be identified for the student in accordance with N.J.A.C. 6A:14-1.3 except a foster parent, the foster parent does not agree to serve as the student's parent and no State agency has taken steps to appoint a surrogate parent for the student.**
 - c. The student is an unaccompanied homeless youth and no State agency has taken steps to appoint a surrogate parent for the student.**
- 2. The district will make reasonable efforts to appoint a surrogate parent within 30 days of its determination that a surrogate parent is required for a student.**
- 3. The district will appoint a person who will be responsible for appointing surrogate parents and overseeing the process. The responsible person will:**
 - a. Determine whether there is a need for a surrogate parent for a student; Contact any State agency that is involved with the student to determine whether the State has had a surrogate parent appointed for the student; and**
 - b. Make reasonable efforts to select and appoint a surrogate parent for the student within 30 days of determining that there is a need for a surrogate parent for the student.**
- 4. The district will establish a method for training surrogate parents that includes provision of information with respect to parental rights and procedural safeguards available to parents and students in accordance with N.J.A.C. 6A:14.**
 - a. The district will appoint a person that will be responsible for training surrogate parents;**
 - b. The training of surrogate parents will ensure that surrogate parents have knowledge and skills that ensure adequate representation of the child with a disability;**
 - c. The training will be designed to make surrogate parents familiar with State and federal requirements for assessment, individualized education program development, and parental rights with respect to the referral and placement process, including their rights with respect to seeking a due process hearing if they disagree with the local procedure or decisions;**

- d. Surrogate parents will be provided with copies of: the Parental Rights in Special Education booklet; N.J.A.C. 6A:14; the Special Education Process; Code Training Materials from the Department of Education Website; and other relevant materials; and*
- e. Surrogate parents will be provided information to enable them to become familiar with the nature of the child's disability.*
- 5. The district will ensure that:**
 - a. All persons serving as surrogate parents have no interest that conflicts with those of the student he or she represents;*
 - b. All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the student;*
 - c. All persons serving as surrogate parents are at least 18 years of age;*
 - d. If the school district compensates the surrogate parent for providing such services, a criminal history review of the person in accordance with N.J.S.A. 18A:6-7.1 is completed prior to his or her serving as the surrogate parent; and*
 - e. No person appointed as a surrogate parent will be an employee of the New Jersey Department of Education, the District Board of Education or a public or nonpublic agency that is involved in the education or case of the child.*

Procedures regarding the provision of a free, appropriate public education to students with disabilities who are suspended or expelled must ensure that:

- 1. School officials responsible for implementing suspensions/expulsions in the district are identified.**
- 2. 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.**
- 3. A system is in place to track the number of days a student with disabilities has been removed for disciplinary reasons.**
- 4. Suspension from transportation is counted as a day of removal if the student does not attend school.**
 - a. If transportation is included in the student's IEP as a required related service, the school district shall provide alternate transportation during the period of suspension from the typical means of transportation.**
- 5. Removal for at least half of the school day is reported via the Electronic Violence and Vandalism Reporting System.**

6. *If the district has an in-school suspension program, participation in the program is not considered a removal when determining whether a manifestation determination must be conducted if the program provides the following:1*
 - a. *Opportunity for the student to participate and progress in the general curriculum;*
 - b. *Services and modifications specified in the student's IEP;*
 - c. *Interaction with peers who are not disabled to the extent they would have 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 10 school days in the year:*
 - a. *School officials and the case manager consult to determine whether the removals create a change of placement according to N.J.A.C. 6A:14-2.8(c)2;*
 - b. *Written documentation of the consultation between school officials and the case manager is maintained;*
 - c. *If it is determined that there is no change in placement, school officials, the case manager and special education teacher consult to determine the extent to which services are necessary to:*
 - i. *Enable the student to participate and progress appropriately in the general education curriculum; and*
 - ii. *Advance appropriately toward achieving the goals set out in the student's IEP; and*
 - d. *Written documentation of the consultation and services provided is maintained.*

8. *Steps are in place to convene a meeting of the IEP team and, as necessary or required, conduct a functional behavioral assessment and review the behavioral intervention plan according to N.J.A.C. 6A:14 Appendix A, Individuals with Disabilities Education Act Amendments of 2004 20 U.S.C. §1415 et seq.*

Procedures regarding the provision of a free, appropriate public education to preschool age students with disabilities must ensure that:

1. *For the purpose of documenting all removals, in-school suspension must be reported via the Electronic Violence and Vandalism Reporting System even if services were provided.*
2. *Eligible preschool age children who are not participating in an early intervention program have an IEP in effect by their third birthday. Steps include: 2*

- a. *Responding to referrals according to N.J.A.C. 6A:14-3.3(e)*
 - b. *Having a program in place no later than 90 calendar days from the date of consent.*
3. *Procedures regarding the provision of a free, appropriate public education to students with disabilities who are advancing from grade to grade must ensure that:*
4. *A student with a disability, who is advancing from grade to grade with the support of specially designed services, may continue to be eligible when:*
- a. *As part of a reevaluation, the IEP team determines that the student continues to require specially designed services to progress in the general education curriculum; and*
 - b. *The use of functional assessment information supports the IEP team's determination.*

Policy #9: Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter will experience a smooth transition and have an individualized education program developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.3

- 1. *A child study team member of the district will participate in the preschool transition planning conference arranged by the designated service coordinator from the early intervention system and will:*
 - a. *Review the Part C Individualized Family Service Plan for the child; Provide the parent(s) written district registration requirements; Provide the parents written information with respect to available district programs for preschool students, including general education placement options; and Provide the parent(s) a form to use to request that the Part C service coordinator be invited to the child's initial IEP meeting.*
- 2. *The Part C service coordinator will be invited to the initial IEP meeting for a student transitioning from Part C to Part B.*

Policy #15: The in-service training needs for professional and paraprofessional staff who provide special education, general education or related services are identified and that appropriate inservice training is provided. The District Board of Education shall maintain information to demonstrate its efforts to:

- 1. *Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;*
- 2. *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;*

SPECIAL EDUCATION (continued)

3. *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;*
4. *Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and*
5. *Provide for joint training activities of parents and special education, related services and general education personnel.*

Policy #16: Instructional materials will be provided to blind or print-disabled students in a timely manner.

1. *Instructional materials will be provided to blind or print-disabled students in accordance with a plan developed by the district. The plan will be the Individualized Education Program of each student with a disability, which will set forth the instructional materials needed, how they will be provided, and address any assistive technology needed to permit the student to utilize the materials.*

***Policy #21: The school district screens students who have exhibited one or more potential indicators of dyslexia or other reading disabilities in accordance with N.J.S.A. 18A:40-5.1 et seq. The District Board of Education shall maintain information to demonstrate its efforts to:**

1. *Select and implement age-appropriate screening instruments for the early diagnosis of dyslexia and other reading disabilities;*
2. *Ensure that each student enrolled in the district who has exhibited one or more potential indicators of dyslexia or other reading disabilities is screened for dyslexia and other reading disabilities using the selected screening tool no later than the student's completion of the first semester of second grade;*
3. *Develops a procedure to screen eligible newly-enrolled students in accordance with the legislation;*
4. *Ensures the screening is administered by a teacher or other teaching staff member properly trained in the screening process for dyslexia and other reading disabilities; and*
5. *Ensures that students who are diagnosed with dyslexia or other reading disability receive appropriate evidence-based interventions.*

A. **Exemption of educationally disabled students from the high school graduation requirements according to N.J.A.C. 6A:14-4.10 through 14 – 4.11**

The Board shall ensure that all pupils with disabilities participate in statewide and District-wide assessments with appropriate accommodations or modifications, as determined by the pupil's Individual Education Plan (IEP). All pupils with disabilities will participate in statewide assessments or the applicable Alternate Proficiency Assessment in grades 3, 4, 5, 6, 7, 8, and 11 in accordance with their assigned grade level.

SPECIAL EDUCATION (continued)

A. Exemption of educationally disabled students from the high school graduation requirements according to N.J.A.C. 6A:14-4.10 through 14 – 4.11 (continued)

If the nature of the pupil's disability is so severe that the pupil is not receiving instruction in any of the knowledge and skills measured by the statewide assessment and the pupil cannot complete any of the questions on the assessment in a subject area with or without accommodation, the pupil shall participate in the New Jersey Alternate Proficiency Assessment (NJ APA) which includes a locally determined assessment of pupil progress.

By June 30 of a disabled student's last year in the elementary program, the student's case manager, parent/guardian and teacher(s) shall meet to review the instructional guide and basic plan of the student's IEP in view of the transition to the secondary program. Input from appropriate staff from the secondary school shall be part of the review.

A disabled student who has not been exempted from the proficiencies or has performed below the state minimum level of student proficiency on one or more areas of the state-mandated high school proficiency test shall participate in the state alternate assessment.

The basic plan of the IEP for the student exiting the elementary program will address all the elements required in the administrative code including specifically addressing graduation requirements.

Required reviews of the IEP shall continue to address graduation requirements.

The description of the educational program will include exemptions, if any, from regular education program options or state and local graduation requirements including HSPA, along with the rationale for the exemptions.

The exemptions must be approved in writing by the Superintendent/designee.

B. Prevention of needless public labeling of educationally disabled students

No person shall be referred to as educationally disabled before being formally classified by the child study team.

No educationally disabled student shall be needlessly identified or publicly labeled.

This shall include the avoidance of:

- c. public address announcements so designating students;
- d. any open identification of classrooms with signs so designating; or
- e. any item of open or general circulation, such as photographs, audio/videotapes, etc., which so designates an individual student or class.

The Board directs that the names and other personally identifiable data concerning educationally disabled children shall be kept confidential and shall not be included in the code for inclusion in the public record.

A special confidential file shall be maintained, listing the names of educationally handicapped students on whose behalf the Board of Education must take public action.

Motions concerning handicapped students made at public meetings shall be anonymous and referred to this confidential file.

SPECIAL EDUCATION (continued)

B. Prevention of needless public labeling of educationally disabled students (continued)

This file shall be maintained in accordance with N.J.A.C. 6A:32.7.

Student records shall be maintained in accordance with N.J.A.C. 6A:32

C. Compilation, maintenance, access to and confidentiality of student records according to N.J.A.C. 6A:32-7

To ensure proper accessibility and confidentiality, the records of educationally disabled students shall be gathered, updated, maintained, stored, transferred, made accessible and finally disposed of in accordance with the District policy and regulation 5125 Student Records.

To assure the security of special education records:

1. Provision shall be made for access and security of computer-stored records of educationally disabled students.

Clerical and secretarial tasks related to such records shall be performed only under the supervision of appropriately certified staff.

2. As with all student records, access shall be guaranteed to persons authorized according to N.J.A.C. 6:3-6.5 within 10 days of the request, but prior to any review or hearing conducted in accordance with state Board of Education regulations.
3. For the District's general policy and regulation on student records, see 5125, which deals with all requirements common to disabled and general student records including enumeration and description of records, provisions for access, notice to parents/guardians of their rights in regard to the child's records, etc.

D. Identification, location and evaluation of potentially educationally disabled/ students, according to N.J.A.C. 6A:14-3.3

1. Identification

The District shall identify those students ages three through 21 including students attending nonpublic schools who reside within the District and may be educationally disabled, who are not receiving special education and/or related services as required.

The Superintendent shall provide information and direction for parents/guardians of children under the age of three who may be educationally disabled.

There shall be provision for the referral of students who may be experiencing:

- a. physical;
- b. sensory;
- c. emotional;
- d. communication;
- e. cognitive;
- f. social difficulties.

Location of pupils with disabilities (child find) must ensure that:

SPECIAL EDUCATION (continued)

D. Identification, location and evaluation of potentially educationally disabled/ students, according to N.J.A.C. 6A:14-3.3 (continued)

1. Identification (continued)

- a. Person(s) responsible to conduct child find activities are identified.
- b. Child find activities are conducted for all children ages three through 21, who reside within the District or attend nonpublic schools within the District.
- c. Child find activities are conducted at least annually.
- d. Child find activities (meetings, printed materials and/or public service announcements) are conducted in the native language of the population, as appropriate.
- e. Child find activities address public and nonpublic pupils, including highly mobile pupils such as migrant and homeless pupils.
- f. Child find activities for nonpublic school pupils are comparable to activities conducted for public school pupils.
- g. Child find activities for nonpublic school children provide for consultation with appropriate representatives of the nonpublic school and parents on how to carry out these activities.
- h. Child find activities include outreach to a variety of public and private agencies and individuals concerned with the welfare of pupils, such as clinics, hospitals, physicians, social service agencies and welfare agencies.

In order to ensure program placement by a disabled child's third birthday, a written request for initial evaluation shall be forwarded to the District at least 120 days prior to the preschooler attaining age three. Due to concerns about reliability and security, emails will not be accepted.

The Board shall ensure that all preschool students with disabilities shall have their IEP's implemented no later than their third birthdays, if the District has been appropriately notified. If a child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin.

To provide a smooth transition between a child's preschool program and his/her school age program (public or private), particular attention shall be aid to articulation between those programs.

- a. A child study team member of the District will participate in the preschool transition planning conference arranged by the designated service coordinator from the early intervention system and will:
 - Review the Part C Individualized Family Service Plan for the child;
 - Provide the parent(s) written District registration requirements;
 - Provide the parents written information with respect to available District programs for preschool pupils, including general education placement options; and

SPECIAL EDUCATION (continued)

D. Identification, location and evaluation of potentially educationally disabled/ pupils, according to N.J.A.C. 6A:14-3.3

1. Identification (continued)

- Provide the parent(s) a form to use to request that the Part C service coordinator be invited to the child's initial IEP meeting.

- b. The Part C service coordinator will be invited to the initial IEP meeting for a pupil transitioning from Part C to Part B.

These procedures and arrangements shall be adopted by the Board after review and possible revision and shall include criteria by which to identify the potentially disabled, and require the participation of staff, parents/guardians and appropriate agencies.

2. Intervention in the General Education Program

Interventions in the general education program must ensure that:

- a. Criteria/steps for initiating interventions in the general education program are identified.

- b. Parents, teachers and other school professionals, as appropriate, are informed of the procedures to initiate interventions in the general education program.

- c. Activities are in place to determine whether the interventions are effective.
 - School personnel who are responsible for the implementation/evaluation of the interventions are identified; and

 - The type, frequency, duration and effectiveness of the interventions are documented.

3. Referral

The Board shall review and adopt written procedures so that each person identified as being potentially educationally disabled shall be referred to a child study team for evaluation and possible classification.

The referral process shall ensure that:

- a. Steps are in place to refer pupils after it has been determined that interventions in the general education program are not effective in alleviating the educational difficulties.

- b. Steps are in place to refer pupils directly to the child study team when warranted.

- c. Steps are in place to refer pupils who may be disabled but are advancing from grade to grade.

- d. Steps for initiating a referral to the child study team by school personnel identify:
 - The information/documentation of pupil performance required in the referral;

 - Forms, if any, that are to be submitted by school personnel;

 - School personnel who are responsible to process referrals; and

 - Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.

SPECIAL EDUCATION (continued)

D. Identification, location and evaluation of potentially educationally disabled/ pupils, according to N.J.A.C. 6A:14-3.3

3. Referral (continued)

- e. Steps for processing written referrals received from parents identify:
 - School personnel who are responsible to process referrals from parents; and
 - Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.
- f. School personnel, parents and agencies are informed of referral procedures.

4. Evaluation and Determination of Eligibility

The evaluation process to determine a student's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of the administrative code and dealing with:

- a. Parental notice, notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf;
- b. An initial evaluation that consists of a multi-disciplinary assessment in all areas of suspected disability and a written report of the results of each assessment;
- c. A determination that a student is eligible for special education and related services when he/she has been identified as having one or more of the fourteen categories of disability described in the administrative code and the disability adversely affect the student's educational performance.
- d. The specific assessments to be included and the assignment of appropriately certified persons to carry out the assessments;
- e. Determining the most appropriate single classification category, if the student is determined to be eligible for special education services.

The Superintendent shall implement the required evaluation procedures after they have been reviewed and adopted by the Board.

The District shall ensure that a variety of assessment tools and strategies shall be applied to gather information to develop and monitor the IEP, including cooperation and input from the parents/guardians.

Relevant information shall also enable the student to be involved in and progress in the general education curriculum or, for preschool children with disabilities to participate in appropriate activities.

5. Surrogate Parents

For pupils with disabilities potentially in need of a surrogate parent, the District shall ensure that:

- a. A surrogate parent is provided to a pupil in accordance with N.J.A.C. 6A:14-2.2 when:
 - The parent of the pupil cannot be identified or located.

SPECIAL EDUCATION (continued)

D. Identification, location and evaluation of potentially educationally disabled/ pupils, according to N.J.A.C. 6A:14-3.3

4. Surrogate Parents (continued)

- An agency of the State has guardianship of the pupil and that agency has not taken steps to appoint a surrogate parent for the pupil.
 - The pupil is a ward of the State and no State agency has taken steps to appoint a surrogate parent for the pupil.
 - No parent can be identified for the pupil in accordance with N.J.A.C. 6A:14-1.3 except a foster parent, the foster parent does not agree to serve as the pupil's parent and no State agency has taken steps to appoint a surrogate parent for the pupil.
 - The pupil is an unaccompanied homeless youth and no State agency has taken steps to appoint a surrogate parent for the pupil.
- b. The District will make reasonable efforts to appoint a surrogate parent within 30 days of its determination that a surrogate parent is required for a pupil.
- c. The District will appoint a person who will be responsible for appointing surrogate parents and overseeing the process. The responsible person will:
- Determine whether there is a need for a surrogate parent for a pupil;
 - Contact any State agency that is involved with the pupil to determine whether the State has had a surrogate parent appointed for the pupil; and
 - Make reasonable efforts to select and appoint a surrogate parent for the pupil within 30 days of determining that there is a need for a surrogate parent for the pupil.
- d. The District will establish a method for training surrogate parents that includes provision of information with respect to parental rights and procedural safeguards available to parents and pupils in accordance with N.J.A.C. 6A:14.
- The District will appoint a person that will be responsible for training surrogate parents;
 - The training of surrogate parents will ensure that surrogate parents have knowledge and skills that ensure adequate representation of the child with a disability;
 - The training will be designed to make surrogate parents familiar with State and federal requirements for assessment, individualized education program development, and parental rights with respect to the referral and placement process, including their rights with respect to seeking a due process hearing if they disagree with the local procedure or decisions;
 - Surrogate parents will be provided with copies of: the Parental Rights in Special Education booklet; N.J.A.C. 6A:14; the Special Education Process; Code Training Materials from the Department of Education Website; and other relevant materials; and

SPECIAL EDUCATION (continued)

D. Identification, location and evaluation of potentially educationally disabled/ pupils, according to N.J.A.C. 6A:14-3.3

4. Surrogate Parents (continued)

- Surrogate parents will be provided information to enable them to become familiar with the nature of the child's disability.
- e. The District will ensure that:
 - All persons serving as surrogate parents have no interest that conflicts with those of the pupil he or she represents;
 - All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the pupil;
 - All persons serving as surrogate parents are at least 18 years of age;
 - If the school District compensates the surrogate parent for providing such services, a criminal history review of the person in accordance with N.J.S.A. 18A:6-7.1 is completed prior to his or her serving as the surrogate parent; and
 - No person appointed as a surrogate parent will be an employee of the New Jersey Department of Education, the District Board of Education or a public or nonpublic agency that is involved in the education or case of the child.

E. Provision of appropriate educational services to educationally disabled students.

The Board of Education is responsible for providing education for all children resident in the District.

All reasonable efforts will be made to resolve an enrolled child's learning and adjustment difficulties prior to his/her referral to the child study team for screening and/or evaluation.

When a student is found eligible for special education and related services and the Board of Education cannot provide required instruction and related services from its own resources and facilities, the Board will seek appropriate placement outside the District, and will assume such costs of that placement as are required by law.

The goal of the Board's special education program is to provide full educational opportunity to all educationally disabled resident students ages three through 21, as those terms are defined in federal and state law.

The Board will make available to parents/guardians of educationally disabled children below the age of three information regarding services available through other state, county and local agencies.

The Superintendent shall ensure that the District's special education programs comply with the law in every respect, including fiscal regulations and reports.

The Superintendent shall also ensure that the District plan for special education is in compliance with administrative code and the approved state plan for special education, according to N.J.A.C. 6A:14-4.1.

SPECIAL EDUCATION (continued)

E. Provision of appropriate educational services to educationally disabled students.
(continued)

This plan shall consist of:

1. policies;
2. procedures;
3. assurances;
4. a comprehensive system of personnel development;
5. data collection; and
6. an application that describes the use of IDEA Part B funds.

The Superintendent shall ensure that the plan is implemented in this District and shall supervise its operation so that it will accomplish its stated goals and objectives.

The District's written special education plan shall include the five elements required by the administrative code regarding determination and provision of necessary classes, courses, positions and services, for a period not to exceed three years.

The plan must address the comprehensive system of personnel development required by law.

After approval of the written plan by the Board of Education and the executive county Superintendent, the Superintendent shall implement it in this District and supervise its operation so that it will accomplish the District and state goals and objectives.

Pupil with disabilities who are suspended or expelled

The District shall ensure 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 identified.
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.
3. A system is in place to track the number of days a pupil with disabilities has been removed for disciplinary reasons.
4. Suspension from transportation is counted as a day of removal if the pupil does not attend school. If transportation is included in the pupil's IEP as a required related service, the school District shall provide alternate transportation during the period of suspension from the typical means of transportation.
5. Removal for at least half of the school day is reported via the Electronic Violence and Vandalism Reporting System.

SPECIAL EDUCATION (continued)

E. Provision of full educational opportunity to educationally disabled pupils. (continued)
Pupil with disabilities who are suspended or expelled (continued)

6. If the District has an in-school suspension program, participation in the program is not considered a removal when determining whether a manifestation determination must be conducted if the program provides the following:¹
 - a. Opportunity for the pupil to participate and progress in the general curriculum;
 - b. Services and modifications specified in the pupil's IEP;
 - c. Interaction with peers who are not disabled 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.
7. When a series of short-term removals will accumulate to more than 10 school days in the year:
 - a. School officials and the case manager consult to determine whether the removals create a change of placement according to N.J.A.C. 6A:14-2.8(c)2;
 - b. Written documentation of the consultation between school officials and the case manager is maintained;
 - c. If it is determined that there is no change in placement, school officials, the case manager and special education teacher consult to determine the extent to which services are necessary to:
 - Enable the pupil to participate and progress appropriately in the general education curriculum; and
 - Advance appropriately toward achieving the goals set out in the pupil's IEP; and
 - d. Written documentation of the consultation and services provided is maintained.
8. Steps are in place to convene a meeting of the IEP team and, as necessary or required, conduct a functional behavioral assessment and review the behavioral intervention plan according to N.J.A.C. 6A:14 Appendix A, 20 U.S.C. §1415(k).

The District must ensure that a free, appropriate public education is provided to pupils with disabilities who are advancing from grade to grade.

A pupil with a disability, who is advancing from grade to grade with the support of specially designed services, may continue to be eligible when as part of a reevaluation, the IEP team determines that 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

¹ ***For the purpose of documenting all removals, in-school suspension must be reported via the Electronic Violence and Vandalism Reporting System even if services were provided.***

Highly Qualified Personnel

All personnel serving pupils with disabilities are highly qualified and appropriately certified and licensed where a license is required, in accordance with state and federal law.

F. Participation of and consultation with the parents of educationally disabled students toward the goal of providing appropriate educational services to all educationally disabled students ages three through 21 in order to achieve the District's goal of providing full educational opportunity to all educationally disabled students in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process.

All notifications shall be made and all necessary conferences conducted in the language used for communication by the parent/guardian and the student unless it is not feasible to do so, in which case the provisions of administrative code shall be followed.

1. The Board for review and adopt procedures for written notice to parent/guardians shall be provided as follows:
 - a. The Board shall provide written notice no later than 15 calendar days after making a determination;
 - b. The Board shall provide written notice at least 15 calendar days prior to the implementation of a proposed action so that the parents/guardians may consider the proposal.
2. The Board for shall review and adopt procedures for:
 - a. Giving notice to parents/guardians when an initial request is being made for consent to evaluate or when a proposal has been made to initiate or change a classification, evaluation or educational placement of the student, or the provision of a free, appropriate education.

For each instance, all required information and documentation shall be supplied to the parents/guardians within the timelines set by the administrative code.

Particular care will be taken to inform parents/guardians of their right to appeal and their rights in regard to low-cost legal counsel and fees;

- b. Seeking consent of parents/guardians to the actions, when such consent is required;
- c. Seeking parent/guardian participation in conferences and determinations as specified in 1, and in evaluation of the success of the educational plan for their child. If a mutually agreeable time and place cannot be determined the parents/guardians shall be provided with the opportunity to participate in the meeting through alternative sources such as videoconferencing and conference calls.
- d. Mediation when disputes arise during any stage of the special education process which cannot be settled between the original parties.
- e. Parental consent shall be obtained prior to implementation of the initial IEP resulting from evaluation; prior to reevaluation except in the circumstances outlined in code; and prior to the release of student records.

SPECIAL EDUCATION (continued)

- F. Participation of and consultation with the parents of educationally disabled students toward the goal of providing appropriate educational services to all educationally disabled students ages three through 21 in order to achieve the District's goal of providing full educational opportunity to all educationally disabled students in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process. (continued)**

Procedures set out in the administrative code shall be followed when parent/guardian cooperation and/or participation cannot be obtained.

When necessary, a surrogate parent shall be appointed to ensure the protection of a student's rights when the parents/guardians cannot be identified or located or the child is a ward of the State of New Jersey.

The District shall select and train such surrogate parents in compliance with the administrative code.

The evaluation, determination of eligibility and, if the student is eligible, the development and implementation of the IEP shall occur no more than 90 calendar days after parental consent has been received.

- G. Provision of special services to enable educationally disabled students to participate in regular educational programs to the maximum extent appropriate. The Board of Education will provide the kind and quality of those special education-related services prescribed in the IEP to enable educationally disabled students to participate in regular educational programs to the maximum extent appropriate. Such education-related services shall include transportation, ensuring that hearing aids worn by deaf and/or hard of hearing children in school are functioning properly, etc.**

When students with disabilities participate in physical education, intramural and interscholastic sports, non-academic and extracurricular activities in groups consisting solely of students with disabilities, the age range and group size shall be based on the nature of the activity needs of the students participating in the activity and the level of supervision required.

The evaluation process to determine a student's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of the administrative code.

- H. Determination of eligibility according to N.J.A.C. 6A:14-2.3(i) 1 and 14--3.5 and 3.6**
Eligibility for special education and related services shall be determined collaboratively by the parents/guardians; a teacher who is knowledgeable about the student's educational performance or District's programs; the student, where appropriate; at least one child study team member who participated in the evaluation; the case manager; other appropriate individuals at the discretion of the parent or District; personnel referring the student as potentially disabled, or the school principal or designee if they choose to participate.

A student shall be determined eligible and classified for special education and related services when it is determined that the student has one or more of the disabilities defined in the administrative code.

A student shall be determined eligible for speech-language services when he/she exhibits a speech or language disorder as outlined in the administrative code.

SPECIAL EDUCATION (continued)

I. The individualized education program for each educationally disabled student shall be developed in accordance with the provisions of the administrative code, at N.J.A.C. 6A:14-2.3(i) and N.J.A.C. 6A:14-3.7.

The Board, through its administrative staff, shall ensure that an IEP is in effect for every student in the District who is receiving special education and related services.

A written individualized education program shall be developed and implemented for each classified student and, in accordance with New Jersey law. A review shall be conducted by the appropriate staff members to evaluate the disabled student's progress and to revise the individualized education program.

Meetings shall be conducted to determine eligibility and to develop, review and revise a student's individualized education program.

Such meetings shall be scheduled at a mutually agreed upon time and place, and notice of the meetings shall indicate the purpose, time, location and participants.

If the parents/guardians cannot attend the meetings, the Superintendent/designee shall attempt to ensure parental participation, including the use of individual or conference telephone calls.

Documentation shall be maintained of all attempts to secure parents/guardians participation.

Parents/guardians shall receive a copy of the student's IEP and of any revisions made to it.

All communication with parents/guardians, including written notice, notifications and required meetings, shall be conducted in the language used for communication by the parent/guardian and student unless it is not feasible to do so.

This shall include providing foreign language interpreters or translators and sign language interpreters for the deaf at no cost to the parents.

The IEP shall be developed and monitored with the cooperation and input of parents/guardians.

In addition to educational programming, the IEP shall provide for necessary disciplinary action and specify graduation requirements when appropriate. Any accommodations and/or modifications for the administration of statewide assessments shall be specified in the IEP.

I. The individualized education program for each educationally disabled student shall be developed in accordance with the provisions of the administrative code, at N.J.A.C. 6A:14-2.3(i) and N.J.A.C. 6A:14-3.7. (continued)

No more than 90 calendar days after parental consent has been received shall be allowed for the evaluation, determination of eligibility and, if the student is eligible, the development and implementation of the IEP.

The IEP shall be implemented as soon as possible following the IEP meeting.

J Protection of students rights in regard to evaluation and reevaluation procedures according to N.J.A.C. 6A:14-3.4 and 3.8

All due process protection for the rights of the student and his/her parents/guardians shall be provided whether the student is already enrolled in the schools or has been located through the process for identification in the section of this policy.

In order to achieve the District's goal of providing full educational opportunity to all educationally disabled students in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process.

All notifications shall be made and all necessary conferences conducted in the in the language used for communication by the parent/guardian and the student unless it is not feasible to do so, in which case the provisions of administrative code shall be followed.

The Board shall review and adopt the procedures for giving notice to parents/guardians in accordance with N.J.A.C. 6A:14-2.3 when an initial request is being made for consent for evaluation or when a proposal has been made to initiate or change a classification, evaluation or educational placement of the student, or the provision of a free, appropriate education.

For each instance, all required information and documentation shall be supplied to the parents/guardians within the timeliness set by the administrative code.

Particular care will be taken to inform parents/guardians of their right to review all educational records with respect to the identification, evaluation and educational placement of the student; to appeal these by requesting a due process hearing; and their rights in regard to free and low cost legal services and legal fees.

An independent evaluation at the request of the parent/guardian will be provided in accordance with N.J.A.C. 6A:14-2.5(c).

Such independent evaluation will be at no cost to the parent/guardian if it is conducted in compliance with administrative code, unless the District Board of Education initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing.

The IEP team shall consider any independent evaluation submitted to it when making decisions regarding special education and/or related services.

Mediation may occur when disputes arise during any stage of the special education process which cannot be settled between the original parties.

A due process hearing may be initiated by the Board of Education or a parent/guardian.

All evaluation procedures, including but not limited to observations, tests and interviews used to determine eligibility and placement of disabled students, will comply with the requirements of N.J.A.C. 6A:14-3.4, 3.5 and 3.7.

K. Placement of educationally disabled students in the least restrictive environment according to N.J.A.C. 6A:14-4.2

Educational placement decisions made for each disabled student shall be, insofar as possible, in the least restrictive environment commensurate with the student's educational needs.

These decisions should be designed to produce a positive effect on the student and to ensure the quality of services which he/she requires.

SPECIAL EDUCATION (continued)

K. Placement of educationally disabled students in the least restrictive environment according to N.J.A.C. 6A:14-4.2 (continued)

The Superintendent shall encourage positive attitudes toward the educationally disabled in all District students and personnel.

Special classes, separate schooling or other removal of educationally disabled students from the regular educational environment shall occur when the nature or severity of the disability is such that education in regular classes cannot be achieved satisfactorily.

Placement of disabled student in the least restrictive environment shall be determined annually.

Placement shall be provided in appropriate educational settings as close to home as possible.

When the IEP does not describe specific restrictions, the student shall be educated in the school he/she would attend if not disabled.

L. Establishment and implementation of procedural safeguards according to N.J.A.C. 6A:14-2.3 through – 2.4 and N.J.A.C. 1:6A

Procedural safeguards will include:

1. Giving notice to parents/guardians per N.J.A.C. 6A:14-2.3 when an initial request is being made for consent to evaluate or when a proposal has been made to initiate or change a classification, evaluation or educational placement of the student.
2. Supplying all required information and documentation to the parents/guardians within the timeliness set by the administrative code for each instance,

Particular care must be taken to inform parents/guardians of their right to appeal and their rights in regard to legal fees.
3. Seeking consent of parents/guardians to the actions when such consent is required.
4. Seeking parent/guardian participation in conferences and determinations as specified in 1 and in evaluation of the success of the educational plan for their child.

If a mutually agreeable time and place cannot be determined the parents/guardians shall be provided with the opportunity to participate in the meeting through alternative sources such as videoconferencing and conference calls.

The Superintendent shall ensure that the District's special education programs comply with the law in every respect, including fiscal regulations and reports.

All due process protection for the rights of the student and his/her parents/guardians will be provided.

There will be strict compliance with the provisions of the administrative code dealing with parental notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf.

SPECIAL EDUCATION (continued)

L. Establishment and implementation of procedural safeguards according to N.J.A.C. 6A:14-2.3 through – 2.4 and N.J.A.C. 1:6A (continued)

To implement achievement of the Board's goal for provision of special education, the Superintendent shall oversee development of a written plan for special education conforming to the state plan for the educationally disabled. The plan shall consist of policies, procedures, assurances; a comprehensive system of personnel development; data collection and an application that describes the use of IDEA Part B funds.

M. Complying with other aspects of the District program for special education and/or requirements of N.J.A.C. 6A:14

Written Plan

To implement achievement of the Board's goal for provision of special education, the Superintendent shall oversee development of a written plan for special education conforming to the state plan for the educationally disabled.

After the plan has been approved by the Board of Education and the executive county Superintendent, the Superintendent shall implement it in this District and supervise its operation so that it will accomplish its stated goals and objectives.

The plan, any alterations to it, and an evaluation of its effectiveness will be shared annually with the community.

Discipline

The principal shall forward written notification and a description of the reasons for such disciplinary action to the case manager.

Procedures for imposing and implementing disciplinary sanctions on educationally disabled students, including removal to an interim alternative educational setting, suspension for more than 10 school days in a school year, or expulsion, shall be in strict compliance with the provisions of state and federal law and the administrative code. (See N.J.A.C. 6A 14-2.8, 3.7 and Appendix A.)

Early Intervention

The Superintendent or designee shall gather and make available to parents/guardians of disabled children below the age of three information regarding ameliorative services and programs provided by other state, county and local agencies.

The procedures for such dissemination shall be reviewed and adopted by the Board.

Preschool Disabled Program

The Superintendent shall develop and propose for Board adoption programs and related services for students ages three through five who have been identified and classified as preschool disabled. Such programs and services shall be in strict accordance with New Jersey administrative code.

Students in Nonpublic Schools

The Board shall provide a genuine opportunity for the equitable participation of students with disabilities who have been enrolled in nonpublic schools by their parents/guardians, in accordance with federal law and regulations.

All special education programs and services shall be provided with the consent of parents/guardians.

SPECIAL EDUCATION (continued)

M. Complying with other aspects of the District program for special education and/or requirements of N.J.A.C. 6A:14 (continued)
Students in Nonpublic Schools (continued)

Students shall receive programs and services as specified in N.J.A.C 6A:14-6.1.

Limited English Proficient

Evaluation procedures shall be selected so that the student's cultural background and language abilities are taken into consideration unless it is clearly unfeasible to do so; and shall accurately reflect the student's ability rather than the impairment.

All actions under Parent/Guardian Notification, Consent and Participation are to be conducted in the parents/guardians' dominant language, unless that is not feasible..

In that case, care shall be taken that the facts and procedures are made intelligible to the parents/guardians.

Evaluation of Program

At least annually, the Board shall review in a public meeting evidence of progress toward achievement of the special education plan as a whole, the success of identification procedures specifically, and the effectiveness of implementation of IEP's.

The Superintendent shall ensure that all requirements for receiving, using and accounting for state and federal funds shall be fulfilled in an accurate and timely manner.

Procurement, control, use and disposition of equipment and supplies purchased with state/federal funds shall be in full compliance with law.

Blind and Print Disabled Pupils

Instructional materials will be provided to blind or print-disabled pupils in a timely manner. Instructional materials will be provided to blind or print-disabled pupils in accordance with a plan developed by the District. The plan will be the Individualized Education Program of each pupil with a disability, which will set forth the instructional materials needed, how they will be provided, and address any assistive technology needed to permit the pupil to utilize the materials.

Services from the Division of Developmental Disabilities

For pupils with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the District will provide, pursuant to the Uniform Application Act, N.J.S.A. 30:4-25.10 et seq., the necessary materials to the parent to apply for such services.

Electronic Mail

The school District uses electronic mail and parents shall be informed of the procedures to access the electronic mail system. They shall be informed that they may not use electronic mail for an initial referral or to provide written consent when the District provides written notice and seeks parental consent as required by N.J.A.C. 6A:14.)

Teacher Aides

The school District will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each pupil's IEP.

SPECIAL EDUCATION (continued)

M. Complying with other aspects of the District program for special education and/or requirements of N.J.A.C. 6A:14 (continued)

Access

In addition to educational programs, the Board directs that the Superintendent take into consideration physical access to District facilities for disabled students, staff and the community in determining location of programs or planning new facilities per state and federal law.

Approved: June 19, 2000
Revised: November 30, 2009

FAMILY AND MEDICAL LEAVE

The Board of Education believes there is a need for promoting the economic security of its employees and their families by safeguarding to the extent possible the jobs of those employees who need or choose to take a period of medical or family leave. The Board, therefore, declares that its eligible employees shall be entitled to such medical or family leave, pursuant to the terms of this Policy, without the risk of termination or retaliation for taking such leave.

Eligibility – Employees may be eligible for family or medical leave under School policy, after working for the District for at least one year, provided they also satisfy the leave-specific eligibility criteria.

MEDICAL LEAVE

Procedure – Eligible employees who worked at least 1250 hours in the twelve (12) months immediately prior to the first day of leave and who are suffering from a serious medical condition which renders them unable to work, may request up to twelve (12) weeks of leave in any twelve (12) month period. A serious medical condition is defined as in-patient care at a hospital, hospice, or residential medical facility, or continuing care by a doctor of medicine or osteopathy. Employees will be required to submit a medical certification from a licensed physician documenting the serious medical condition using a form supplied by the Board.

Employees are required to give notice ninety (90) days prior to the anticipated first day of leave, if they know of the need for leave at that time. At a minimum, employees are required to request leave at least thirty (30) days prior to the anticipated first day of leave, except in emergency situations, when notice must be given as soon as possible. If an employee has at least thirty (30) days prior notice of leave and fails to provide timely notice, the starting date of the leave could be delayed.

Leave may be consecutive (multi-day or multi-week increments), intermittent (separate blocks of time due to a single qualifying reason) or reduced leave (leave schedule that reduces an employee's usual number of hours per workday, generally a schedule change from full-time to part-time), depending on medical necessity as determined by the health care practitioner. Leave can be taken in increments of as little as one hour. For teaching staff members only, where a reduced or intermittent leave will require the employee to be absent more than 20% of the total number of working days during the period the leave will extend, the District may require the employee to choose either to take a consecutive (rather than intermittent or reduced) leave for the full period of the proposed leave or to transfer temporarily to an alternative position for which he/she is qualified (if available) and which better accommodates recurring periods of leave than the employee's regular position.

Benefit Continuation and Return to Work Rights – Throughout an approved medical leave of absence, the District will continue medical insurance coverage for faculty and staff under the same terms that medical insurance coverage was offered prior to the leave.

FAMILY AND MEDICAL LEAVE (continued)

If an employee fails to return to work upon the scheduled expiration of the leave of absence for reasons other than a documented continuing serious health condition, the District will exercise its right to recover from the employee the amount of the premium cost which it paid for the employee's health insurance coverage during the term of the medical leave, and will treat the employee's failure to return as a voluntary resignation without notice. Any employee who fails to return to work at the scheduled expiration of the leave of absence may forego any right to continued employment with the District.

Employees taking an approved medical leave of absence will be entitled to reinstatement to their former position, or to another position of substantially equivalent compensation, benefits, status or responsibility, if they return from the leave on the agreed upon date (including any approved extension), and the entire medical leave lasts no more than twelve (12) weeks. If an approved leave lasts longer than twelve (12) weeks, then the District may return the employee to the former position if available or another position substantially equivalent compensation, benefits, status and responsibility, provided such position is available at the time the employee intends to return from leave and the employee is qualified for the position.

The employee will be entitled to all of the same benefits awarded to employees during an approved leave as if the employee was actively at work. Likewise, in the event an employee's position is eliminated while the employee is on a leave of absence and the employee otherwise would be subject to layoff, the employee will have the same layoff rights and restrictions he/she would have had if he/she was actively at work. The employee will not suffer the loss of any preferred eligibility or recall rights as a result of his/her taking leave pursuant to this Policy.

Returning employees will be placed on the appropriate grade and step, which will be determined on the basis of days worked immediately prior to starting the leave. Any staff member, who is absent from work on a leave of absence which is fully or partially paid, or which does not exceed 30 calendar days in an academic year, will be credited with a full year of service for that academic year. Any staff member who is absent on one or more unpaid leaves of absence which exceed thirty (30) calendar days in any academic year will not be credited with seniority for the length of time absent in excess of thirty (30) days.

Salary Continuation During Medical Leave – In an effort to allow employees to continue to receive pay while absent on an approved medical leave, if the employee requests, the District will apply available sick leave days to the employee until either the employee's benefits are exhausted or he/she returns to work. After all sick leave days are exhausted, an employee on medical leave may apply for available state temporary disability benefits.

FAMILY LEAVE

Procedure – Eligible employees who worked at least 1000 hours in the twelve (12) month period immediately prior to the first day of leave, may request up to twelve (12) weeks of unpaid family leave in any twelve (12) month period. Family leave may be requested to care for a newly born child or a child newly placed for adoption or foster care, or to care for an immediate family member (parent, parent in-law, child, spouse) suffering from a serious medical condition which renders the immediate family member unable to work, attend school, or to care for him/herself.

FAMILY AND MEDICAL LEAVE (continued)

Employees will be required to submit a medical certification from a physician, documenting the serious medical condition of the immediate family member.

Employees are required to give notice ninety (90) days prior to the anticipated first day of leave, if they know of the need for leave at that time. At a minimum, employees are required to request leave at least thirty (30) days prior to the anticipated first day of leave, except in emergency situations, when notice must be given as soon as possible. If an employee has at least thirty (30) days prior notice of leave and fails to provide timely notice, the starting date of the leave could be delayed.

Leave to care for an immediate family member may be consecutive (multi-day or multi-week increments), intermittent (separate blocks of time due to a single qualifying reason) or reduced leave (leave schedule that reduces an employee's usual number of hours per workday, generally a schedule change from full-time to part-time), depending on medical necessity as determined by the health care practitioner. Leave can be taken in increments of as little as one hour. For teaching staff members only, where a reduced or intermittent leave will require the employee to be absent more than 20% of the total number of working days during the period the leave will extend, the District may require the employee to choose either to take a consecutive (rather than intermittent or reduced) leave for the full period of the proposed leave or to transfer temporarily to an alternative position for which he/she is qualified (if available) and which better accommodates recurring periods of leave than the employee's regular position.

Leave to care for a new child may be consecutive, intermittent or reduced, but intermittent or reduced leave requires Board approval and will not automatically be granted. Leave to care for a new child must commence within the first year of the child's life or placement.

Benefit Continuation and Return to Work Rights – Throughout an approved family leave of absence, the District will continue medical insurance coverage for the employee under the same terms which medical insurance coverage was offered prior to the leave.

If an employee fails to return to work on the scheduled expiration of the leave of absence, without obtaining an extension, the District may exercise its right to recover from the employee the premium cost which it paid for the employee's health insurance coverage during the length of the leave, and will treat the employee's failure to return as a voluntary resignation without notice. Employees seeking an extension of an approved leave that will expire prior to the end of the current academic year in June must submit their request to the District at least two (2) weeks prior to expiration of the approved portion of the leave. Any employee whose approved leave is scheduled to continue through the end of the current academic year in June must notify the District by March 1 if he/she intends to return to work as of the beginning of the next academic year. Any employee who fails to return to work at the scheduled expiration of the leave of absence or to provide notification by March 1 may forgo any right to continued employment with the District.

Employees taking an approved family leave will be entitled to reinstatement to their former position, or to another position of substantially equivalent compensation, benefits, status and responsibility, if they return from the leave on the agreed upon date and the entire family leave lasts no more than twelve (12) weeks. If an approved leave lasts longer than twelve (12) weeks, then the District may return the employee to the former position if available or another

FAMILY AND MEDICAL LEAVE (continued)

position substantially equivalent compensation, benefits, status and responsibility, provided such position is available at the time the employee intends to return from leave and the employee is qualified for the position.

The employee will be entitled to all of the same benefits awarded to employees during an approved leave as if the employee was actively at work. Likewise, in the event an employee's position is eliminated while the employee is on a leave of absence and the employee otherwise would be subject to layoff, the employee will have the same layoff rights and restrictions he/she would have had if he/she was actively at work. The employee will not suffer the loss of any preferred eligibility or recall rights as a result of his/her taking leave pursuant to this Policy.

Returning employees will be placed on the appropriate guide and step, which will be determined on the basis of days worked immediately prior to starting the leave. Any staff member, who is absent from work on a leave of absence which is fully or partially paid, or which does not exceed 30 calendar days in an academic year, will be credited with a full year of service for that academic year. Any staff member who is absent on one or more unpaid leaves of absence which exceed thirty (30) calendar days in any academic year will not be credited with seniority for length of time absent in excess of thirty (30) days.

Salary Continuation During Family Leave – Family leave is unpaid. Employees may not use sick leave benefits during a family leave.

ADDITIONAL PARENTAL LEAVE

In addition to the leave entitlement described in this policy, every tenured employee may be granted additional leave, without pay, following the birth, adoption, and/or foster care placement of children.

If the employee's family leave is to begin between September 1 and December 31, the employee may be granted the balance of one (1) full school year, that is, start of leave through June 30th of the school year in which leave is taken. Such leaves may be taken at the sole discretion of the Board and/or the Administration.

In addition to any leave taken in the prior year between September 1, and June 30, as stated in the paragraph above, the employee may be granted, at the sole discretion of the Board and/or the Administration, leave during the succeeding school year, that is September 1st through June 30 inclusive.

If the employee's family leave is to begin between January 1 and June 30, the employee may be granted the following school year (September through June) in addition to any leave taken in the year the leave was taken (between January 1 and June 30).

Such extension(s) of leave may be granted for any additional and reasonable period of time, provided, however, that it is understood by the employee that the Board reserves, at all times, its right to alter and/or change the additional requested dates for leave hereunder if such additional extension of leave, in the sole opinion of the Board and/or the Administration, would substantially interfere with the administration of the school(s) and/or would, in the sole opinion

FAMILY AND MEDICAL LEAVE (continued)

of the Board and/or the Administration, interfere with the educational welfare of the student(s), the student's (s') right to a continuous and uninterrupted educational schedule and program and/or the student's (s') right to a thorough and efficient educational in the Old Tappan Elementary School system.

Legal References:

<u>N.J.S.A.</u> 18A:6-6	No sex discrimination
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:16-2	Physical examinations
<u>N.J.S.A.</u> 18A:16-4	Sick leave; dismissal
<u>N.J.S.A.</u> 18A:16-16	Termination of Coverage
<u>N.J.S.A.</u> 18A:16-17	Premium payment by Boards of Education; Contribution
<u>N.J.S.A.</u> 18A:17-1, et seq.	Employment and contracts
<u>N.J.S.A.</u> 18A:27-4, et seq.	Employment in districts governed by rules for employment
<u>N.J.S.A.</u> 18A:28-8	Termination of employment
<u>N.J.S.A.</u> 18A:30-1, et seq.	Leaves of Absence
<u>N.J.S.A.</u> 34:11B-1, et seq.	N.J. Family Leave Act
<u>N.J.A.C.</u> 13:14-1.1, et seq.	Regulations to N.J. Family Leave Act
<u>N.J.S.A.</u> 43:21-25, et seq.	Temporary Disability Benefits Law
<u>N.J.A.C.</u> 6:3-5.1	Seniority
<u>29 U.S.C.</u> 2601, et seq.	Family and Medical Leave Act (federal)
<u>29 C.F.R.</u> 625	Regulations to Federal Family Medical Leave Act

Adopted: May 10, 1977
 Revised: July 26, 1993, November 18, 1996, August 30, 1999

FAMILY AND MEDICAL LEAVE

Employees may use accrued sick days during an absence due to pregnancy and/or child birth during the presumptive period of disability, which is the 4 weeks prior to the due date and the 4 weeks following the birth. The employee need only provide a doctor's note certifying the anticipated or actual due date and they will be entitled to take sick leave, during the appropriate time period, in addition to the unpaid family leave to which they are entitled under this Policy. If however, an employee requires sick leave arising out of pregnancy and/or delivery-related complications beyond the period of presumed disability, meaning more than 4 weeks before the anticipated due date or more than 4 weeks following the date of delivery, the employee must provide further medical certification as to the dates the disability illness begins and ends. Without proper physician certification as to the dates of the disability, any leave taken outside of the presumptive disability period will be considered unpaid family or medical leave. Note that sick leave refers to the number of sick days an employee has accrued up to date when the leave begins. As a new set of sick days is allotted to each employee at the beginning of the academic year, only employees who are on active work status at this time will accrue additional sick days. Sick days do not accrue during the leave period.

Approved: September 27, 2004