

### **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.

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Director of Special Education Services\*

Date

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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.**

<p><b>Legal References:</b> <u>N.J.S.A. 10:5-1 et seq.</u>  <u>N.J.S.A. 18A:46-1 et seq.</u>          See particularly:  <u>N.J.S.A. 18A:46-13</u>  <u>N.J.S.A. 18A:46A-1 et seq.</u>  <u>N.J.A.C. 5:23-7</u></p> <p><u>N.J.A.C. 6A:7-1.7</u>  <u>N.J.A.C. 6A:8-1.2</u>  <u>N.J.A.C. 6A:8-1.3</u>  <u>N.J.A.C. 6A:8-3.1</u>  <u>N.J.A.C. 6A:8-4.1 et seq.</u></p> <p><u>N.J.A.C. 6A:8-5.1 et seq.</u>  <u>N.J.A.C. 6A:9-1.1 et seq.</u>          See particularly:  <u>N.J.A.C. 6A:9-11.3</u>  <u>N.J.A.C. 6A:14-1.1 et seq.</u>  <u>N.J.A.C. 6A:15-1.4</u></p> <p><u>N.J.A.C. 6A:23-1.1 et seq.</u>          See particularly:  <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></p> <p><u>N.J.A.C. 6A:30-1.1 et seq.</u>  <u>N.J.A.C. 6A:32-7.1 et seq.</u>  <u>N.J.A.C. 6A:32-8.3</u>  <u>N.J.A.C. 6A:32-12.1</u>  <u>N.J.A.C. 6A:32-14.1</u></p>	<p>Law Against Discrimination          Classes and Facilities for Handicapped Children</p> <p>Auxiliary Services          Barrier free subcode of the uniform construction code          Equality in school and classroom practices          Scope          Definitions          Curriculum and instruction          Implementation of the Statewide Assessment System          Implementation of Graduation Requirements          Professional Licensure and Standards</p> <p>Special Education          Bilingual programs for limited English proficient students          Finance and Business Services</p> <p>Planning and Construction Standards for School Facilities          Evaluation of the Performance of School Districts          Student Records          School attendance          Reporting requirements          Review of mandated programs and services</p>
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**SPECIAL EDUCATION (continued)****Legal References: (continued)**

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

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)

<b><u>Cross References:</u></b>	*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

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