

DELANCO TOWNSHIP BOARD OF EDUCATION

2460. SPECIAL EDUCATION (M)

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Special Education

School district officials and staff shall adhere to all regulations included in N.J.A.C.

6A:14-1.I et seq. and the following special education regulations:

R 2460.1 Special Education - Location, Identification, and Referral

R 2460.8 Special Education - Free and Appropriate Public Education

R 2460.9 Special Education - Transition From Early Intervention Programs to
Preschool Programs

R 2460.16 Special Education - Instructional Material to Blind or Print-Disabled
Pupils

Definitions:

Refer to N.J.A.C. 6A:14-1.3 for definitions of terms used in Regulations 2460.1 through
2460.16.

Adopted:

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

1. All pupils with disabilities, who are in need of special education and related services, including pupils with disabilities attending nonpublic schools, regardless of the severity of their disabilities, are located, identified, and evaluated according to N.J.A.C. 6A:14-3.3.
2. Homeless pupils 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 an accompanied homeless youths as defined in 42 U.S.C. §§11431 et seq.
3. Pupils with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.
4. An Individualized Education Program (IEP) is developed, reviewed and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7.
5. To the maximum extent appropriate, pupils with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2.
6. Pupils with disabilities are included in State-wide and district-wide assessment programs with appropriate accommodations, where necessary according to N.J.A.C. 6A:14-4.10. All pupils with disabilities will participate in State-wide assessments or the applicable Alternative Proficiency Assessment in grades three, four, five, six, . seven, eight, and eleven in accordance with their assigned grade level.
7. Pupils with disabilities are afforded 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 pupils with disabilities between the ages of three and twenty-one, including pupils with disabilities who have been suspended or expelled from school:
 - a. The obligation to make a free, appropriate public education available to each eligible pupil begins no later than the pupil's third birthday and that an individualized education program (IEP) is in effect for the pupil by that date;

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- 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 pupil with a disability who is eligible for special education and related services, even though the pupil is advancing from grade to grade;
 - d. The services and placement needed by each pupil with a disability to receive a free, appropriate public education are based on the pupil's unique needs and not on the pupil's disability; and
 - e. The services and placement needed by each pupil with a disability to receive a free, appropriate public education are provided in appropriate educational settings as close to the pupil's home as possible and, when the IEP does not describe specific restrictions, the pupil is educated in the school he or she would attend if not a pupil with a disability.
9. Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under N.J.A.C. 6A:14 will experience a smooth transition and have an IEP developed and 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 pupils with disabilities is provided.
11. The compilation, maintenance, access to, and confidentiality of pupil records are in accordance with N.J.A.C. 6A:32-7.
12. Provision is made for the participation of pupils with disabilities who are placed by their parent(s) in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2.
13. Pupils with disabilities who are placed in private schools by the district Board are provided special education and related services at no cost to their parent(s) 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 pupils with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law.

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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 shall maintain information to demonstrate its efforts to:

- a. Prepare general and special education personnel with content knowledge and collaborative skills needed to meet the needs of children with disabilities;
- b. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of pupils with disabilities that impedes the learning of pupils 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 activities of parent(s) and special education, related services and general education personnel.

16. Instructional material will be provided to blind or print-disabled pupils in a timely manner.

17. 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(s) to apply for such services.

18. The school district will not accept the use of electronic mail from the parent(s) to submit requests to a school official regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education.

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 pupil's IEP.

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The school district shall provide an Assurance Statement to the County Office of Education that the Board of Education has adopted the required special education policies and procedures/regulations and the district is complying with the mandated policies and procedures/regulations.

N.J.A.C. 6A:14-1 et seq.
20 USC §1400 et seq.
34 C.F.R. §300 et seq.
Adopted: September 2009

All pupils with disabilities, who are in need of special education and related services, including pupils with disabilities attending nonpublic schools, and highly mobile pupils such as migrant workers' children and homeless pupils regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3

A. Procedures for Locating Pupils With Disabilities

1. The Child Study Team Director will coordinate the child find activities to locate, identify and evaluate all children, ages three through twenty-one, who reside within the school district or attend nonpublic schools within the school district and who may be disabled.
2. By May of each school year, the Child Study Team Director or his/her designee will conduct child find activities including but not limited to:
 - a. Development of child find materials for distribution.
 - b. Broadcasting of child find information on the school district cable television station. (if applicable)
 - c. Distribution of flyers to the parents of all pupils enrolled in the school district.
 - d. Mailing of child find material to nonpublic schools in the area.
 - e. Mailing of child find material to local pediatricians, hospitals and clergy.
 - f. Public service announcements on the local foreign language radio stations and cable television stations in the following languages (list languages) English

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- g. Public service announcements in local newspapers.
- h. Distribution of child find materials in supermarkets, convenience stores, shelters for the homeless, public and private social service agency locations and nursery school providers.
- i. Mailing information letters to local physicians, hospitals, nursery schools, non-public schools, health departments, community centers, rescue squads and churches.
- j. A guide to preschool services for potentially disabled children ages three to five is made available.
- k. Posting of State developed child find materials on the District Website for potentially disabled pupils and/or early intervention program.
- l. Training of home school advocate/school community liaisons or others to assist in the identification of potentially disabled pupils.
- m. Listings of Early Intervention Program (EIP), local nursery schools and pediatricians are maintained. The district's preschool coordinator (or other) maintains contact with EIP coordinator and nursery school director.
- n. Information is distributed through the Parent Advisory Committee.
- o. School handbooks distributed to parents contain information describing special education services.
- p. Distribution of information to the school district's ESL/Bilingual teachers describing child find activities.
- q. Pupils entering Kindergarten are screened annually to identify potentially disabled pupils.
- r. Intervention and Referral Services Committees (I&RS) have been established in all school buildings.

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3. No later than May of each school year the Child Study Team Director will contact by mail the Administrator of the nonpublic school(s) to request input from nonpublic school parents and officials for suggestions on ways to conduct child find activities for pupils attending nonpublic schools. The child find activities for nonpublic pupils shall be comparable to the child find activities for public school pupils.

Based on the suggestions from the representatives of the nonpublic schools and parent(s), the Child Study Team Director will modify the child find activities for the next school year, as appropriate.

B. Procedures for Intervention in the General Education Program a staff member or agency shall provide in writing a request for intervention services for pupils ages 3 to I 5 to the Building Principal or designee. The request shall contain the following:

1. Reason for request (including parental or adult pupil request);
2. Descriptive behavior of pupil performanec; and
3. Indication of the prior interventions.

Teachers and other school professionals, as appropriate, will be in-serviced annually by the Building Principal or designee regarding the procedures for initiating and providing interventions in the general education program. The parent(s) will be informed of the procedures to initiate interventions in the general education program. The Superintendent or designee will oversee the district's implementation and effectiveness of the procedures for interventions in the general education program.

An Intervention and Referral Services Committee (I&RS) will be in place in each school building pursuant to N.J.A.C. 6A:16-8.1. The Building Principal or designee will be responsible for the following:

1. The implementation and effectiveness of building level I&RS Committee;
2. Will identify the roles and responsibilities of building staff who participate in planning and providing intervention services; and
3. Review, assess and document the effectiveness of the services provided in achieving the outcome identified in the intervention plan. *Sample forms are

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located in the Resource Manual for Intervention and Referral Services published by the NJDOE.

4. The I&RS Committee shall:

- a. Plan and provide appropriate intervention services;
- b. Actively involve the parent(s) in the development and implementation of intervention plans;
- c. Develop an action plan for an identified pupil which specifies specific tasks, resources, persons responsible, completion dates, date for review;
- d. Coordinate the services of community based social and health provider agencies;
- e. Process and complete the documentation forms;
- f. Review and assess the effectiveness of the services provided in achieving the outcomes identified in the intervention and referral plan;
- g. Ensure the type, frequency, duration, and effectiveness of the interventions are documented.

5. The Building Principal will insure that:

- a. I&RS Committee receive in-service training by the Building Principal or designee by December each school year;
- b. Staff handbooks are updated by September and include information regarding intervention procedures;
- c. New instructional staff attend the district's orientation program commencing in the month of September which includes information on I&RS Committee;
- d. Parent/pupil handbooks distributed in the month of September and include information on intervention services.

C. Procedures for Referral

Referral procedures are included in professional staff handbooks and referral forms are available in the Principal's office, the Child Study Team office, and the Office of Superintendent.

1. Parental Notification of Referral Procedures

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Referral procedures shall be included on the District's website. These procedures and publications shall be updated annually and be distributed to the parent(s) and appropriate social service and welfare agencies not later than October 1 of each year.

2. Parent Initiated Referral

When a parent makes a written request for an evaluation to determine eligibility for services:

- a. The written request shall be received and dated by the Building Administrator;
- b. The written request shall be immediately forwarded to the office of special services/special education;
- c. A file will be initiated to include a timeline for processing the referral including the date that initiates the twenty-day timeline for conducting the referral/identification meeting and forms used to open a case;
- d. Upon receipt of the referral a request for a summary and review of health and medical information regarding the pupil shall be forwarded to the school nurse who will transmit the summary to the Child Study Team (CST);
- e. The Child Study Team Director will convene a referral/identification meeting within twenty calendar days (excluding school holidays, but not summer vacation) of the date the request was received by the district;
- f. A "Notice of a Referral/Identification Meeting" will be sent to the parent(s);
- g. The notice will contain "Parental Rights in Special Education" (PRISE) Booklet; and
- h. The referral/identification meeting will be attended by the parent(s), CST and regular education teacher.

3. School Initiated Referral

Referral of a pupil may be made by administrative, instructional and other professional staff to determine eligibility for special services when:

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a. It is determined (optional: through the I&RS Committee) that interventions in the general education program have not adequately addressed the educational difficulties and it is believed that the pupil may be disabled.

b. It can be documented that the nature of the pupil's educational problem(s) is such that an evaluation to determine eligibility for services is warranted without delay.

c. The Building Administrator, through in-service training, shall ensure that pupils who may be potentially disabled are referred even though they are advancing from grade to grade.

The following procedure will be followed for a school initiated referral:

a. A referral to the CST will be completed by the referring staff member;

b. I&RS documentation (including, but not limited to: teacher reports, grades and other relevant data (optional: the intervention record) shall be forwarded with the referral to the CST along with any other relevant data;

c. I&RS documentation does not need to be forwarded for direct referral when the nature of the pupil's problem is such that the evaluation is warranted without delay;

d. The referral should be dated upon receipt by the CST;

e. A file will be initiated to include a timeline for processing the referral including the date that initiates the twenty-day timeline for conducting the referral/identification meeting;

f. Upon receipt of the referral, a request for a summary and review of health and medical information regarding the pupil shall be forwarded to the school nurse who will transmit the summary to the CST;

g. The Child Study Team Director will convene a referral/identification meeting within twenty calendar days (excluding school holidays, but not summer vacation) of the date recorded on the referral;

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- h. A "Notice of a Referral/Identification Meeting" will be sent to the parent(s);
 - i. The notice shall contain "Parental Rights in Special Education" (PRISE); and
 - j. The referral/identification meeting will be attended by the parent(s), CST and regular education teacher.
4. The district may use community rehabilitation programs approved by the New Jersey Department of Labor, Division of Vocational Rehabilitation Services or any other State agency empowered to accept secondary level pupil placement according to N.J.A.C. 6A:14-4.7(f)1.
5. Each evaluation of the pupil requires an assessment to determine appropriate post-secondary outcomes as part of transition services planning.
6. Each IEP Team member is required to certify in writing whether the IEP Team report reflects his or her conclusions. In the event the IEP Team report does not reflect the IEP Team member's conclusion, the IEP Team member must submit a dissenting opinion in order to ensure the parent(s) is aware of dissenting opinions regarding the determination of eligibility for a specific learning disability.
7. The parent(s) must receive a copy of their child's evaluation report and any documentation leading to a determination of eligibility not less than ten calendar days prior to the eligibility conference in order to ensure the parent(s) has a reasonable amount of time to review documentation prior to an eligibility conference.
8. A pupil may be referred directly to the Child Study Team when warranted.

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A free and appropriate public education is available to all pupils with disabilities between the ages of three and twenty-one including pupils with disabilities who have been suspended or expelled from school. Procedures regarding the provision of a free and appropriate public education to pupils with disabilities who are suspended or expelled are as follows:

1. School officials responsible for implementing suspensions/expulsions in the district are the following: (List school officials/designees by district organizational level.)

a. x 6-8 Buildin Administrator

b. x PreK - 5 Principal

2. Each time a pupil with a disability is removed from his/her current placement for disciplinary reasons, notification of the removal is provided to the case manager by the Principal or designee. (Notification must be in written format for documentation.)

a. Removal for at least half of the school day shall be reported via the Electronic Violence and Vandalism Reporting System.

3. Each Principal or designee will ensure that a system is in place to track the number of days a pupil with disabilities has been removed for disciplinary reasons. Documentation will include:

a. Pupil's name;

b. The infraction;

c. Time suspended; and

d. The cumulative days suspended including removal for a portion of the school day which is counted proportionately.

4. When a pupil is suspended from transportation:

a. Suspension from transportation is not counted as a day of removal if the pupil attended school.

b. Suspension from transportation is counted as a day of removal if the pupil does not attend school.

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- c. 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.
 - d. Suspension from transportation may be counted as a day of absence rather than a day of removal if the district made available an alternate means of transportation and the pupil does not attend school.
5. When a pupil with a disability participates in an in-school suspension program, the Principal or designee shall ensure that participation in the program is not considered removal when determining whether a manifestation determination must be conducted if the program provides the following:
 - a. Opportunity for the pupil to participate and progress in the general curriculum,
 - b. Services and modifications specified in the pupil's,
 - c. Interaction with non-disabled peers to the extent they would have in the current placement, and
 - d. The pupil is counted as present for the time spent in the in-school suspension program.
6. When a series of short-term removals will accumulate to more than ten school days in the year:
 - a. The Principal/Vice Principal or designee and the case manager will consult to determine whether the removals create a change of placement according to N.J.A.C. 6A:14-2.8(c)2. Written documentation of the consultation between the school administration and the case manager shall be maintained by the case manager.
 - b. If it is determined that there is no change in placement, the Principal/Vice Principal or designee, the case manager, and special education teacher will consult to determine the extent to which services are necessary to:
 - (1) Enable the pupil to participate and progress appropriately in the general education curriculum; and

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(2) Advance appropriately toward achieving the goals set out in the pupil's IEP. Written documentation of the consultation and services provided shall be maintained in the pupil's file.

7. When a disabled pupil is removed from his/her current placement for more than ten days and the removal does not constitute a change in placement, the case manager shall convene a meeting of the IEP Team and, as necessary or required, conduct a functional behavior assessment and review the behavioral intervention plan according to N.J.A.C. 6A:14 Appendix A, 20 U.S.C. §1415(k). The IEP Team shall:

a. Review the behavioral intervention plan and its implementation;

b. Determine if modifications are necessary; and

c. Modify the behavioral intervention plan and its implementation as appropriate. The plan will be modified to the extent necessary if at least one member of the team determines that modifications are necessary. The case manager will document the date and the outcome of the meeting. The documentation shall be placed in the pupil's file. Procedures Regarding the Provision of a Free and Appropriate Public Education to Preschool Age Pupils with Disabilities To ensure that preschoolers with disabilities who are not participating in an early intervention program have their initial IEP's in effect by their third birthday, a written request for an initial evaluation shall be forwarded to the district.

The following procedures will be followed:

1. A parent of a preschool-age pupil suspected of having a disability, who requests a Child Study Team (CST) evaluation by telephone, will be advised to submit a written request for an evaluation to the Superintendent.

2. Upon receipt of the written request, the request shall be dated and signed by the recipient.

3. The district will respond to referrals of preschoolers according to N.J.A.C. 6A:14-3.3(e).

4. A file will be initiated for the potentially disabled preschooler:

a. The Child Study Team Director will convene a referral/identification meeting within twenty calendar days

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(excluding school holidays but not summer vacation) of the date recorded on the request;

b. A "Notice of Referral/ Identification Meeting" will be sent to the parent(s);

c. The notice will contain "Parental Rights in Special Education" (PRISE) Booklet;

d. The meeting will be attended by the CST, including a speech language specialist, the parent(s), and a teacher who is knowledgeable about the district's program; and e. A program shall be in place no later than ninety calendar days from the date of consent.

Procedures Regarding the Provision of a Free, Appropriate Public Education to Pupils with Disabilities Who Are Advancing From Grade to Grade The Building Administrator through in-service training shall ensure pupils with disabilities who are advancing from grade to grade with the support of specially designed services, continue to be eligible when as part of a reevaluation, the IEP Team determines the pupil continues to require specially designed services to progress in the general education curriculum and the use of functional assessment information supports the IEP Team's determination.

Procedures Involving Procedural Safeguards to Pupils Not Yet Eligible For Special Education Disciplinary procedural safeguards will apply to pupils not yet eligible for special education. The parent(s) and/or adult pupil may assert any of the protections of the law if the district had knowledge the pupil was a pupil with a disability before the behavior that precipitated the disciplinary action occurred.

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2460.9. SPECIAL EDUCATION - TRANSITION FROM EARLY INTERVENTION PROGRAMS TO PRESCHOOL PROGRAMS

Children with disabilities participating in early intervention programs (EIP) assisted under IDEA Part C who will participate in preschool programs under N.J.A.C. 6A:14-1.1 et seq. will experience a smooth transition and will have an Individualized Education Program (IEP) developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7. Procedure for Child Study Team (CST) Member Attendance at the Transition Planning Conference

1. The district will make available a CST member to 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 registration requirements;
 - c. Provide the parent(s) written information with respect to available district programs for preschool pupils, 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 IEP meeting.
2. The district will work collaboratively with the EIP designated service coordinator or early intervention system to eliminate barriers regarding meeting times and locations.
3. School district officials shall adhere to all procedures contained in N.J.A.C. 6A:14-1.1 et seq. for transitioning children with disabilities from EIP to preschool programs.
4. The Part C service coordinator shall be invited to the initial IEP meeting for a pupil transitioning from Part C to Part B.

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