

PLEASANTVILLE SCHOOL DISTRICT

Department of Student Services

801 Mill Road

Pleasantville, New Jersey 08232

**SECTION ONE**

**INTRODUCTION**

**In accordance with federal regulations, the NJ Administrative Code and local board of education policy, Pleasantville Public Schools assumes the responsibility for the location, identification and referral of all children requiring special education and/or related services from age three through age 21.**

The district's child identification process is coordinated by the Department of Student Services, which utilizes a variety of community resources and conducts many systematic activities in its effort to identify children requiring special services.

A standard referral form is used to document all referrals.

**1. Child Identification Procedures (age three -21)**

**All students with disabilities, who are in need of special education and related services, regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A-14-3.3.**

*a. Community Awareness*

*Professional and Agency Notification*

- The Department of Student Services maintains a current listing of community resources that may be sources of referral for children who may require special education and related services. This list may include pediatricians and other health providers, mental health centers, nursery schools, private schools, regional education service centers, day care centers and other appropriate individuals/agencies.

*b. System-wide Child Find Activities*

*Early Childhood Assessment*

The school district actively seeks to locate and identify children from age three to age five through the Pre-School Positive Support Team.

### *Birth to Three Component*

- The Early Childhood CST's are contacted by the Early Intervention Program to ascertain if there is a preschooler who will turn three in 120 days and who may be in need of special education and related services. To facilitate the transition from early intervention to preschool, a child study team member shall participate in the preschool transition planning conference arranged by the Department of Health and Senior Services.
- School district personnel may attend Early Intervention Program meetings when invited. The transition plan must be in place at least 90 days prior to the child's third birthday. The district must ensure that an Individualized Education Program (IEP) is in place by the third birthday of each child eligible for special education and related services.

### *Three to Five Component*

Children with disabilities 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).

- To facilitate the transition from early intervention to preschool, a member of the Early Childhood Team shall participate in the preschool transition planning conference arranged by the Early Intervention Program. Preschoolers with disabilities shall have their IEPs implemented no later than age three. To ensure that preschoolers with disabilities have their IEPs implemented no later than age three, a written request for initial evaluation shall be forwarded to the district at least 120 days prior the preschooler attaining age three.
- When a preschool age child is referred for an initial evaluation, a speech language specialist shall participate as a member of the Child Study Team in the meeting to determine whether further evaluations are necessary and the nature and scope of the evaluations.
- Parents or other referring agencies may contact the Early Childhood Child Study Team. (383-6800 X2052 or X2036) or the office of the Director of Student Services (383-6800 X 2241). If the referral is made to the CST, the CST will fax a copy of the referral to the secretary of the Director of Student Services on the same day as the referral is received.

## **2. Identification of School Aged Students (5-21 Years of Age)**

### ***a. Screening of Transfer Students***

- Transfer students are screened according to the attached memo "Procedures for the Registration of Special Education Students"

## **PROCEDURE FOR THE REGISTRATION OF SPECIAL EDUCATION STUDENTS**

1. A child with disabilities must be enrolled immediately and assigned to a school.
2. If the parent does not have proof of residency, the child will be enrolled but the parent must sign an agreement that proof of residency will be forwarded within 21 days. If the proof of residency is not forwarded within that time, the child will be excluded from school until such time as the parent presents the proof.
3. Registration will make sure that the parent of any new registrant, who does not have records, signs the form requesting special education records from the sending district. The name and address of the sending district and school must be entered on this form.
4. Registration will immediately fax a copy of the registration form of special education students and releases to the office of the Director of Student Services. If the parent has special education records, Registration sends the parent to the Director's Office with the records.
5. The Director's secretary will forward the registration and records to the appropriate Child Study Team (CST).
6. If there are no records, the Director's secretary contacts the secretary of the appropriate Child Study Team. The CST secretary faxes a signed request for records to the sending district immediately.
7. The Child Study Team will conduct an immediate review of the evaluation information and the IEP and if necessary contact the sending school for further information.
  - (a) If the parents and the district agree, the IEP is implemented as written. 6A:14-4.1(g)1
  - (b) An interim IEP that is consistent with the current IEP is implemented when
    - (i) The district disagrees with the current evaluation and/or the current IEP; 6A: 14-4(g)2
    - (ii) The parent disagrees with the proposed revisions to the IEP; 6A:14-4.1(g) 1
    - (iii) Supplemental evaluations are required. 6A:14-4.1(g) iii

**Note: A Notice of Interim Placement must be sent to the parent**

### ***a. Screening of Currently Enrolled Students***

- Students in all grades of the student system receive ongoing attention of professional personnel. Students whose behavior, attendance or progress in school is unsatisfactory or at a marginal level of acceptance (potential dropouts) or who are demonstrating atypical patterns of performance are identified and monitored by their classroom teachers. Such students are identified through anecdotal records, conversations with parents, individual performance records, and standardized test results. A referral to the Family Support Team (FST) or Intervention & Referral Services Committee (I&RS) may be made (FORMS Appendix). The FST/I&RS team works collaboratively with the classroom teacher to develop and document strategies to assist the student within the regular education program. If the student's problems or difficulties persist, a referral to the Child Study Team may be made.
- Referrals may also be made directly to the CST, but strategies and interventions should be recommended and implemented immediately to aid the student.

**c. Identification of Homeless Students**

- The Director of Student Services or his/her designee will consult monthly with the district's homeless coordinator to ascertain the status of the homeless students registered in the district [34 C.F.R. § 300.125 (a) (2)].

**d. Determination of Eligibility for Special Education and Related Services**

When an initial evaluation is completed for a student aged three through 21, a meeting will be convened to determine if the student is eligible for special education and related services. A copy of the evaluation report(s) and documentation of eligibility shall be given to the parent. If eligible, the student shall be assigned the classification "eligible for special education and related services."

- Staff/program reports are collected and analyzed with regard to number of referrals to FST teams and to CSTs.
- The results of this study are reviewed annually with the superintendent and building principals as well as with regular and special services staff members, as appropriate.

**e. Special Education and Related Services**

The district's programs and services for students with disabilities are annually evaluated for effectiveness. This evaluation includes district demographics, mastery and state test scores, progress reports, and follow-up studies.

**3. Identification Procedures (Age Three– 5)**

The Pleasantville Public Schools in compliance with Federal and State laws and guidelines is committed to locating, screening/evaluating and identifying all children from age three through age twenty-one with possible handicapping conditions.

**a. Community Awareness**

A variety of public information dissemination activities are implemented annually to make public and private agencies and families aware of the school district's responsibilities and procedures for the referral of children who might be identified as having a handicapping condition.

- The Pleasantville Public Schools implements community awareness activities through the following:
- Newspaper, radio, and other media announcements;
- Communications to community agencies, physicians, nursery schools, day care centers, Head Start, and hospital personnel
- Distribution to Child Identification Procedures to school administrative personnel
- Participation in interagency early childhood organizations.
- In-service to day care facilities.

**b. Process – Children birth to three**

- For children under the age of three who are suspected of having a disability and may be eligible for early intervention services, the school district refers the parent to Early Intervention Services.

- The Pleasantville Public Schools accepts and processes referrals from the Early Intervention Program Services.
- The CST will determine eligibility for pre-school special education and related services. If the child is eligible, the Pleasantville Public Schools will work with the Early Intervention Program in the implementation of a transition plan to the Public Schools. The transition plan will be carried out 120 days before the child turns 3 years of age.

**c. *Process – Children over age three***

- The parental request for assistance is made directly to the Pleasantville School District.
- The request for assistance is reviewed by the Pre-school Positive Support Team. The Pre-school Positive Support Team members are available to clarify parental request for assistance and review of data.
- In some cases, this review of data will lead to a referral to the CST to determine eligibility for special education and related services.
- A direct referral to the CST may be made.

**d. *Transition Planning Activities – ages 2.6 to 2.9***

***Early Childhood CST***

- Obtains available information from the Early Intervention Program.
- Reviews the identification procedures with the parents.
- Observes the child in the setting where the service is provided.

***CST Activities***

- Review of available material.
- Review of the strengths and needs of the child.
- Determination of the need for additional data and/or evaluation.
- Arrange for the transitional IEP meeting to review additional data and/or evaluation material.
- Determination of eligibility and strategies necessary to meet the needs of the child.
- Provision of an overview of program options and arranges for visitation to program options.
- Determine a program, following visitations and review of program options.
- Development of the Individualized Educational Program (IEP).
- Review of the enrollment packet with parents of students enrolled in the public school program with the parent.
- Transfer of records to the staff of the receiving program.
- A CST Member reviews the transition process with the parents and staff in an effort to assure smooth and appropriate transition from Birth to Three services to Pre-School services.

**e. *Transfer of Records***

- Once a child is enrolled in a program within the Pleasantville Public Schools, the child's special education folder is transferred to the appropriate school personnel.
- Transfer of records to the staff of the receiving program

- A CST Member reviews the transition process with the parents and staff in an effort to assure a smooth and appropriate transition from Birth to Three services to Pre-School services.

#### 4. FAMILY SUPPORT TEAM

The Family Support Team (FST) or Intervention & Referral Services Committee (I&RS) is a General Education Committee, not a special education committee and is designed to recommend instructional alternatives for students in general education.

- The FST/I&RS shall recommend interventions in the general education program to alleviate educational problems. Interventions shall be provided to a student unless the student's educational problem(s) is such that direct referral to the child study team is required .N.J.A.C. 6:26
- The staff of the general education program shall maintain written documentation of the implementation and effectiveness of the interventions.

#### DETAILED RESPONSIBILITIES OF THE BUILDING ADMINISTRATOR FOR THE IMPLEMENTATION OF THE FAMILY SUPPORT TEAM or INTERVENTION & REFERRAL SERVICES COMMITTEE.

1. Encourage the identification of students with perceived difficulties or disabilities within the boundaries of your school. This can be done through your faculty meetings, pupil assistance meetings, and school management teams.
2. Accept referrals from teachers, parents, etc. by having them complete the **REQUEST FOR INTERVENTION FORM**.
3. Notify the parent of the request that has been made and *document* the notification using the **MEETING FORM**.  
The principal or their designee will meet with the parent to discuss the request for interventions and concerns:
  - a. Document the meeting using the **CONFERENCE SUMMARY SHEET**.
  - b. Have the parent sign a release of information form for any records from outside agencies (ex. medical, guidance center, etc.) using the **RELEASE OF INFORMATION FORM**.
4. Conduct a FST or I&RS meeting to gather the information available. This could include:
  - a. Standardized testing results; work samples; teacher reports; medical records; social/cultural background; adaptive behavior; cumulative file information; guidance records; attendance record; transcripts; information from outside agencies; etc.
  - b. Organize the presentation of the data and determine the need for FST/I&RS interventions.
  - c. Schedule a Family Support Team meeting with the parent using the **NOTICE OF MEETING FORM**.
  - d. Conduct the meeting with the FST/I&RS and brainstorm ideas for student interventions, documenting them on the **FST INTERVENTION FORM**
  - e. Schedule a follow up FST/I&RS meeting within 6 to 8 weeks to determine the results of the interventions recommended using the **NOTICE OF MEETING FORM**.
  - f. Conduct the follow-up meeting and document the recommendations.

## 5. SECTION 504

### Section 504 is a general education program

#### DETAILED RESPONSIBILITIES OF THE BUILDING ADMINISTRATOR FOR THE IMPLEMENTATION OF THE SECTION 504 COMMITTEE

1. Encourage the identification of children with perceived or actual disabilities within the boundaries of your school. This can be done through your faculty meetings, pupil assistance meetings, and school management teams, etc
2. Accept referrals from teachers, parents, etc. by having them complete the REQUEST FOR INTERVENTION FORM
3. Notify the parent of the request that has been made and *document* the notification using the NOTICE OF MEETING FORM.
4. The principal or their designee will meet with the parent to discuss the request for intervention and concerns:
  - a. Document the meeting using the CONFERENCE SUMMARY SHEET.
  - b. Have the parent sign a release of information form for any records from agencies (ex. medical, guidance center, etc.) using the RELEASE OF INFORMATION FORM.
  - c. Have the parent sign a consent for evaluation for Section 504 cases using the *CONSENT FOR EVALUATION FORM*
5. Conduct a Section 504 meeting to gather the information available, which might include:
  - a. Standardized testing results; work samples; teacher reports; medical records; social/cultural background; adaptive behavior; cumulative file information; guidance records; attendance record; transcripts; information from outside agencies; etc.
  - b. Organize the presentation of the data and determine the eligibility for Section 504 service by answering the following questions:
    - Does the student have a physical or mental impairment?
    - Does this impairment substantially limit one or more major life activities of the student?
    - Is there a history of impairment?
    - Is the student regarded as having impairment?
    - Is there sufficient data to justify a determination?
    - Is the student a qualified individual with disabilities?
6. Provide written notification to the parent of the determination made by the committee using the NOTICE OF DETERMINATION.
7. Schedule a meeting with the Section 504 Committee and the parent using the NOTICE OF MEETING FORM.
8. Develop a Section 504 accommodation plan for the student.
  - Request parent signature on the accommodation plan.
  - If parents do not participate after given notice and opportunity (verbally and written), the accommodation plan can be implemented without parental permission.
  - Document all proceedings, discussion, and decisions on the CONFERENCE SUMMARY SHEET.
  - If parents refuse to allow for the implementation of services, they can file a grievance or request an impartial hearing through the district Section 504 coordinator.

- Send copies of the completed Section 504 accommodation plan to Section 504 Coordinator, all teachers providing services to the student, parent, and student file.
9. Explain to the parents their rights and the rights provided to the student.
  10. Schedule a meeting to review the plan annually by using the NOTICE OF MEETING.
  11. Conduct an annual meeting to review the plan, revise the plan, or document its continued validity for the following school year.
  12. Document the determinations made by completing a new accommodation plan or signing off on the plan, which is in place.
  13. Schedule a reevaluation meeting at least every three years to reevaluate continued eligibility for Section 504 services using the NOTICE OF MEETING.
  14. Conduct a meeting for reevaluation
    - At least every three years
    - If a medical disorder exists, evaluate more often
    - If discontinuing the plan you must reevaluate
    - Document all meetings and decisions on the CONFERENCE SUMMARY SHEET.

## ***6. SPECIAL EDUCATION SELF-EVALUATION PROCESS***

### ***Child Find Procedures***

The district's Child Find procedures are evaluated on an annual basis through a variety of activities. The Director of Student Services or his/her designee, in conjunction with members of the special education staff, reviews the following types of data to determine the effectiveness of Child Find efforts:

The school district's special education population report is examined for identification rates by exceptionality, age at identification, and types of referral sources.

The number of newly identified children for the current year is compared to previous years to determine the percentage of increases/decreases.



## **SECTION TWO**

### **CONFIDENTIALITY OF STUDENT RECORDS**

**The compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C.**

**6:3-6:4.**

#### **1. COMPILATION AND MAINTENANCE OF RECORDS**

- Originals of all classified students' CST files and copies of records are kept in locked cabinets in the Child Study Team offices.
- Computerized records will have computer programmed security blocks to protect against any security violations of the records stored therein.
- A copy of the Individualized Education Program (IEP) for each classified student will be available through EASY IEP to each student's special education instructor(s) for review.
- All service providers and teachers of classified students will be given a copy of the student's strengths and weaknesses, accommodations and curriculum modifications. School personnel will be informed as to where the student's records and IEP can be accessed in accordance with N.J.A.C. 6:3-6.
- Social history notes, counseling notes, and notes kept by Child Study Team members and service providers will be kept in the student's folder by the appropriate team member in a locked cabinet.

#### **2. ACCESS TO STUDENT RECORDS**

##### ***a. Authorized agencies***

***Only authorized organizations, and agencies or persons will have access to pupil records in accordance with N.J.A.C. 6:3-6:4.***

- No pupil records shall be altered or destroyed during the time period between a request to review the record and the actual review of the record.
- Authorized organizations, agencies and persons from outside the school whose access requires the consent of parents or adult pupils must submit their request in writing together with any required authorization, to the chief school administrator or his or her designee.
- The chief school administrator or his or her designee shall be present during the period of inspection to provide interpretation of the records necessary and to prevent their alteration, damage or loss. In every instance of inspection of pupil records by persons other than parents, pupils or individuals who have assigned educational responsibility for the individual student, an entry shall be made in the pupil record of the names of persons granted access, the reason access was granted, the time and circumstances of inspection, the records studied and the purposes for which the data will be used.
- Unless otherwise judicially instructed, the district board of education shall, prior to the disclosure of any pupil records to organizations, agencies or persons outside the school district pursuant to a court order, give the parent or adult pupil at least three

days' notice of the name of the requesting agency and the specific records requested. Such notification shall be provided in writing if practical. Only those records related to the specific purpose of the court order shall be disclosed.

- A record may be withheld from a parent of a pupil under 18 or from an adult pupil only when the local education agency obtains a court order or is provided with evidence that there is a court order revoking the right to access. Only that portion of the record designated by the court may be withheld. When the local education agency has or obtains evidence of such court order the parent or adult pupil shall be notified in writing five days of his or her request that access to the record has been denied and that the person has the right to appeal this decision to the court issuing the order.
- The Child Study Team files, computerized records, and protocols relevant to a specific student are to be made available to the parent/guardian, adult student or designated representative for their inspection. The following standards shall apply:
  - A request for viewing the said records should be in writing to the Director of Student Services.
  - An appointment will be made at a mutually agreeable time so that the records may be inspected by the parent or guardian in the presence of the Director of Student Services or his/her designee within 10 days of the parent request.
  - Protocols used by a team member will be inspected only in the presence of that team member.

#### ***b. Custody***

When parents are separated or divorced and one parent has been granted custody by agreement or court order, both natural parents still have access rights to records. The school district may presume that the parent has the authority to inspect and review records relating to his or her child unless the agency has been advised in writing that the parent does not have the authority under applicable State law governing such matters as guardianship, separation and divorce.

- The Director of Student Services, upon receipt of a written request for access to the student's records, shall comply with such request within ten school days, or within three calendar days if the request is in order to prepare for a meeting regarding an individualized program or any due process proceeding.
- The parents may designate a representative to inspect and review the records.
- A school professional shall be present at all such inspections and reviews and shall respond to requests for explanations and interpretations of records whenever access is granted.

#### ***c. Employee Access and Responsibilities***

The district maintains a record of parties that have access to education records, including information found in computer memory banks.

- Only parties who have been determined by the school system to have a legitimate educational need.
- A form indicating individuals obtaining access to student records including information found in computer memory banks will be kept.

- The form shall indicate the name of any individual who obtained access to the student's records, the date access was given, and the purpose for which the party was granted access to the records.
- The form does not need to include a record of access if the information was given to parents, eligible students, teachers, or other school personnel who have a legitimate educational interest in the student's record.
- The form is a permanent part of the record and must be available to the parent or student of age upon request.

### **3. PARENTS' RIGHTS**

Parents have the right to inspect and review all education records pertaining to their child. Parent's rights of inspection and review are restricted to information dealing with their own child. If the school district maintains education records that include the names of more than one child, the parents of that child have the right to view only information pertinent to their child.

A parent, or student who has attained 18 years of age, an emancipated minor, or a student who is attending a post-secondary education institution has the right of access to his/her educational records and is afforded the right to privacy.

- Parents of Special Education students are notified of their procedural safeguard via the Parent's Rights Handbook that is sent to them upon referral of their child to Special Education.
- Majority students are notified of their rights.

### **4. AMENDMENT OF STUDENT RECORDS**

#### *Amendment of Student Records*

If a parent or an eligible student believes that information in the student's records is inaccurate or misleading, or violates the privacy or other rights of the student, he/she is entitled to:

- Request in writing that the Director of Student Services make appropriate amendments.
- Receive a decision from the Director of Student Services within ten school days.
- If the decision is to amend the records, the Director of Student Services shall promptly take such steps as may be necessary to put the decision into effect
- If the Director of Student Services decides that an amendment of data in accordance with the request is not warranted, the Superintendent shall so inform the parent or eligible student in writing and advise him/her of the right to a hearing.

### **5. HEARING RIGHTS AND PROCEDURES**

Upon written request by a parent or eligible student to the Superintendent, an opportunity for a hearing shall be provided to challenge data to insure that the data is not inaccurate, misleading, or otherwise in violation of privacy rights.

If, as a result of the hearing, the decision is that the data are inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the data shall be amended and the a parent or eligible student be informed in writing.

If, as a result of the hearing, it is decided that data are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the parent or eligible student shall be informed of the right to place in the records a statement commenting on the information or setting forth the reasons for disagreement with the decision.

## **6. RELEASE OF CONFIDENTIAL INFORMATION**

### ***Written Parental Consent***

The school district must obtain written parental consent whenever personally identifiable information is disclosed to anyone other than officials of the school district unless such disclosure is permitted by the Family Education Rights and Privacy Act. Personally identifiable information contained in the student record, other than the fact that the student is enrolled in school, will not be furnished in any form, i.e., written, taped, person-to-person, statement over the telephone, on computer disk, etc. to any person unless written consent has been obtained. The school district may not permit the release of personally identifiable records or files of any student to any outside individual, agency or organization without the written consent of the parents or eligible student.

### ***Permitted Disclosures without Parental Consent***

Personally identifiable information may be released without written consent of the parents, or eligible student, only if the disclosure is:

- To other school officials, including teachers within the educational agency who have been determined by such agency or institution to have legitimate educational interests.
- To officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and has an opportunity for a hearing to challenge the content of the record.
- To authorized representatives of the Comptroller General of the United States; the Secretary of Education; the U.S. Commissioner of Education; the Director of the National Institute of Education, or the Assistant Secretary of Education; or State Educational Authorities, under the following conditions: the school shall provide such authorized representatives access to student or other records which may be necessary in connection with the audit, evaluation, or enforcement of state and federally supported education programs, but shall not permit such representatives to collect personally identifiable data unless specifically authorized to do so by state and federal law.
- In connection with a student's application for, or receipt of, financial aid.
- To parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1954.
- In connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. Factors to be taken into

account in determining whether personally identifiable information from the education records of a student may be disclosed include:

- The seriousness of the threat to the health or safety of the student or other individuals;
- The need for the information to meet the emergency;
- Whether the parties to whom the information is disclosed are in a position to deal with the emergency; and
- The extent to which time is of the essence in dealing with the emergency.
- To comply with a judicial order or lawfully issued subpoena provided that the educational agency makes a reasonable effort to notify the parent or the eligible student in advance of compliance.
- Between two or more schools in which the student is enrolled or receiving services.

## **7. SPECIAL EDUCATION SELF-EVALUATION PROCESS**

CST files are monitored for compliance on a regular basis by the Director of Student Services.

## **8. PROCEDURES FOR CST's (Sending Original Documents to Central Office)**

**To: All Child Study Teams  
Child Study Team Secretaries**

**From: Director of Student Services**

**Re: Original Records - Documentation and Filing**

### **A. ITEMS TO BE INCLUDED IN THE CHILD STUDY TEAM PACKETS:**

When sending paperwork to the secretary for the Director of Student Services, please include the following:

1. Child Study Teams
  - a. Initial Referral Packet
    - Timeline Compliance Checklist
    - Copy of the Referral with stamped date of receipt
    - Evaluation Determination Meeting Notice
    - Evaluation Determination Meeting Summary
    - Evaluation Plan (if appropriate)
    - Copy of the Case Manager Letter to the Parent
  - b. IEP Meetings Packet
    - Timeline Compliance Checklist

IEP Team Meeting Notice or Documentation of Verbal  
Notice on the IEP Team Meeting Notice, including Goals and Objective  
Conference Summary Sheet (if appropriate)  
Functional Behavioral Assessment (if appropriate)  
Copy of the Case Manager Letter (if there is a change in case manager)  
Parent Notification letter  
Report of Annual Review Process form (to be done at every annual review)  
CST Transition Checklist (Secondary or Preschool, as appropriate)  
Review/Reevaluation IEP Team Notice of Determination (if appropriate)

2. Speech and Language (Speech Only)

a. Initial Referral packet

Timeline Compliance Checklist  
Copy of the Referral  
Evaluation Determination Meeting Notice  
Evaluation Determination Meeting Summary  
Evaluation Plan (if appropriate)  
Copy of the Case Manager letter to the parent

b. IEP Meeting packet

Timeline Compliance Checklist  
IEP Team Meeting Notice or Documentation of Verbal Notice on the  
IEP Team Meeting Notice  
IEP including Goals and Objective  
Conference Summary Sheet (if appropriate)  
Re-evaluation Plan or Notice of Revision of Evaluation Plan (if appropriate)  
Copy of the Case Manager Letter (if the case manager has changed)  
CST Transition Checklist ( Secondary or Preschool, as appropriate)  
Parent Notification Letter  
Report of Annual Review Process (if appropriate)

3. Manifestation Determination packet

Timeline Compliance Checklist  
Written Notification of the Suspension  
IEP Team Manifestation Determination Meeting  
Functional Behavioral Assessment  
Behavioral Intervention Plan

The secretary will log in the above packets and forward the original packet to the appropriate personnel for review.

**B. IEP PROCEDURE**

1. Send all IEP original forms stapled together as part of IEP meeting package to the secretary who will log in the IEP. Remember these must be sent immediately, as the parents must receive their copy within 15 days of the meeting. Remember also that

copies of the reports are mailed out 10 days before the IEP meeting.

2. If there are serious compliance issues with the IEP, the CST will be asked to reconvene the meeting.
3. The secretary will file the original copy of the IEP in the student's folder (after it has been logged in).
4. The Compliance Checklist will be filed with the secretary.
5. The report of Annual Review Process will be filed by the case manager checking the IEP.
6. The secretary will make sure that only appropriate documents are kept in the student's file.

## **SECTION THREE**

### **1. INITIAL DETERMINATION MEETING/EVALUATION**

#### ***a. Consent***

Consent is required from the parent or adult student prior to:

- Conducting any initial evaluation. 6A: 14-2.3 (a)1;
- Implementing the initial IEP and placement. 6A: 14-2.3 (a)2;
- Conducting any reevaluation unless the district can demonstrate that the parent or adult failed to respond to reasonable efforts to obtain consent. 6A: 14-2.3 (a)3; or
- Releasing student records according to N.J.A.C 6: 3-6.

#### ***b. Written Prior Notice***

##### ***Procedure***

Written notice which meets the requirements shall be provided to the parent when a district board of education:

- Proposes to initiate or change the identification, classification, evaluation, educational placement of the student or the provision of a free, appropriate public education to the student; or
- Declines to initiate or change the identification, classification, evaluation, and educational placement of the student or the provision of a free, appropriate public education to the student.
- Written notice shall be in language understandable to the general public, and shall be provided in the native language of the parent, unless it is clearly not feasible to do so according to N.J.A.C. 6A: 14-2.4. Written notice shall include:
  - A description of the action proposed or denied by the district board of education;
  - An explanation of why it is taking such action;
  - A description of any options the district board of education considered and the reasons why those options were rejected;
  - A description of the procedures, tests, records or reports and factors used by the district board of education in determining whether to propose or deny an action;
  - A description of any other factors that are relevant to the proposal or refusal by the district board of education; and
  - A statement that the parents of a student with a disability have protection under the procedural safeguards of this chapter, the means by which a copy of a description of the procedural safeguards can be obtained and sources for parents to contact to obtain assistance in understanding the provisions of this chapter. The Parent Rights in Special Education (PRISE) is sent to the parents with the notice.



*c. Timelines*

Provide written notice after making a determination and/or implementing a proposed action.	Within 15 Calendar Days
Provide written notice upon receipt of any written parental request to initiate or change identification, classification, evaluation, educational plan, or FAPE	Within 20 Calendar Days

**2. PARENTAL RIGHTS HANDBOOK-PROCEDURAL SAFEGUARDS**

*Procedure*

A copy of the procedural safeguards statement **Parental Rights in Special Education (PRISE), New Jersey Department of Education** published by the New Jersey Department of Education which contains a full explanation of the procedural safeguards available to parents shall be provided:

- Upon referral for an initial evaluation;
- Upon each notification of an IEP meeting;
- Upon reevaluation; and
- When a request for a due process hearing is submitted to the Department of Education

**2. DETERMINATION AND ELIGIBILITY MEETING PARTICIPANTS**

*a. Pre-School*

- Child Study Team Members– School Psychologist, Learning Consultant, School Social Worker, Speech Language Specialist, Parent, Regular Education Teacher of the Student or a teacher who is knowledgeable about the district’s programs. Specialist in the area of disability – e.g. occupational therapists, physical therapists, audiologists, school nurses.
- If the parent cannot attend the meeting(s), the CST case manager will attempt to ensure parental participation. Parental participation may include the use of electronic conference equipment.
- A meeting may be conducted without the parent in attendance if the CST can document that it is unable to secure the participation of the parent. The CST will maintain a record of its attempts to arrange the meeting, including but not limited to:
  - Detailed records of telephone calls made or attempted and the results of those calls;
  - Copies of correspondence sent to the parents and any responses received; and detailed records of visits made to the parent’s home or place of employment and the results of those visits.
- Meeting to be convened within 20 calendar days (excluding school holidays, but not summer vacation) of receipt of request.

*b. Students 5 – 21*

- Child Study Team – School Psychologist, Learning Disabilities Teacher Consultant, School Social Worker, Parent, Regular Education Teacher of the Student or a teacher

who is knowledgeable about the district's programs. Speech Language Specialist – if the area of suspected disability includes a language disorder.

- If the parent cannot attend the meeting(s), the CST case manager will attempt to ensure parental participation. Parental participation may include the use of electronic conference equipment.
- A meeting may be conducted without the parent in attendance if the CST can document that it is unable to secure the participation of the parent. The CST will maintain a record of its attempts to arrange the meeting, including but not limited to:
  - Detailed records of telephone calls made or attempted and the results of those calls;
  - Copies of correspondence sent to the parents and any responses received; and
  - Detailed records of visits made to the parent's home or place of employment and the results of those visits.

***c. Voice, Articulation, Fluency only***

Only if the suspected disability is a disorder of voice, articulation, and fluency only; the meeting shall include the speech language specialist, the parent, and the regular education teacher or a teacher who is knowledgeable about the district program.

***d. Surrogate Parents/Foster Parents***

The Child Study Team will ensure that the rights of a student are protected through the provision of an individual to act as surrogate for the parent and assume all parental rights when either:

- The parent cannot be identified;
- The parent cannot be located after reasonable efforts; or
- An agency of the State of New Jersey has guardianship of the student.
- The CST case manager will contact the Supervisor of Special Education to ensure that a surrogate parent is appointed.
- When a student (who is or may be a student with a disability) is in the care of a foster parent, the CST case manager will contact the student's case manager at the Division of Youth and Family Services (DYFS) in the Department of Human Services to:
  - Determine whether the parent retains the right to make educational decisions; and
  - Determine the whereabouts of the parent.
- If the parent retains the right to make educational decisions and the parent's whereabouts are known to the district board of education, the CST case manager will obtain all required consent from and provide written notices to the parent.
- If the CST case manager cannot ascertain the whereabouts of the parent, the CST case manager will consult with the student's case manager at DYFS to assist in identifying an individual including the foster parent, who may serve as a surrogate. The CST case manager will notify the Director of Student Services who will appoint a surrogate parent and obtain all required consent from and provide written notices to the surrogate parent.
- If the rights of the parent have been terminated, the CST case manager will consult with the student's case manager at DYFS to determine whether the foster parent meets the criteria established at N.J.A.C. 6A: 14-1.3 in the definition of "parent" and can act

o behalf of the student. If so, the CST case manager will obtain all required consent from and provide written notices to the foster parent.

- If it is determined that the foster parent cannot serve as the parent on behalf of the student, the Director of Student Services in consultation with DYFS shall appoint a surrogate parent and obtain all required consent from and provide written notices to the surrogate parent.

*e. Audiometric & Vision Screening*

- Audiometric screening will be considered for every student referred to a Child Study Team for evaluation.
- Vision screening will be considered by the school nurse for every student referred to the Child Study Team for evaluation.

**3. ROLE OF THE CASE MANAGER**

- A case manager shall be assigned to a student when it is determined that an initial classification shall be conducted. Child Study Team members or speech-language specialists when they act as members of the Child Study Team shall be designated and serve as the case manager for each student with a disability.
  - The case manager shall coordinate the development, monitoring, and evaluation of the effectiveness of the IEP. The case manager shall facilitate communication between home and school and shall coordinate the annual review and reevaluation process.
  - The case manager shall:
    - Be knowledgeable about the student’s educational needs and program;
    - Be knowledgeable about special education procedures and procedural safeguards;
    - Have an apportioned amount of time for case management responsibilities; and
    - Be responsible for transition planning.

The case manager role is one of the most important roles in the special education process. A case manager is the liaison between the parent and the school system, as well as being the advocate for the child and a support person for the teacher. To fulfill the role of case manager in the most meaningful way, the case manager should have at least three contacts, other than during meetings, with both the parent and the student. To ensure that these contacts are documented for the file, please follow these procedures:

- In September, send out the **Parent notification for Case Manager Form**. When appropriate, this letter should be in the language of the parent.
- Meet and/or observe the student in the classroom.

**4. EVALUATION**

**Students with disabilities are evaluated according to N.J.A.C 6A: 14-2.5 and 3.4**

*a. Assessment tools*

In conducting the evaluation, the CST will:

- Use a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent that may assist in determining whether the child is a student with a disability and in determining the content of the student's IEP; and 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;
- Not use any single procedure as the sole criterion for determining whether a student is a student with a disability or determining an appropriate educational program for the student; and
- Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- The CST shall ensure that evaluation procedures include, but not limited to, tests and other evaluation materials according to N.J.A.C. 6A: 14-3.4 that:
  - Are selected and administered so as not to be racially or culturally discriminatory; and
  - are provided and administered in the student's native language or other mode of communication unless it is clearly not feasible to do so;
  - Have been validated for the purpose(s) for which they are administered; and
  - are administered by certified personnel trained in conformance with the instructions provided by their producer;
- Assess the student in all areas of suspected disability.
- Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the student are provided.
- Are selected, administered, and interpreted so that when a student has sensory, manual, or communication impairments, the results accurately reflect the ability which that procedure purports to measure, rather than the impairment unless that is the intended purpose of the testing; and
- The evaluation is conducted by a multi-disciplinary team of professionals consisting of at least two members of the child study team and where appropriate, other specialists.
- At least one evaluator shall be knowledgeable in the area of the suspected disability.

***b. Rights of students when an evaluation for eligibility is warranted***

A student, for who an evaluation for eligibility is warranted, is considered as potentially disabled. If the student is removed for disciplinary action, limitations on the amount of time the student is removed and the requirement to provide services is consistent with procedures in N.J.A.C. 6A: 14-2.8.

***c. Eligibility Meeting***

The child study team, the parent, and the regular education teacher who has knowledge of the student's educational performance or the district's programs will:

- Review existing evaluation data on the student including evaluations and information provided by the parents, current classroom-based assessments and observations, and the observations of teachers and related services providers;
- Review the reports and assessments of child study team members or specialists from other public school districts, Department of Education approved clinics or agencies,

educational services commissions, or jointure commissions or professionals in private practice may be submitted to the IEP team for consideration. The IEP team may accept or reject the entire report(s) or any part of the report(s). Acceptance of the report shall be noted in writing and shall become part of the report(s) of the district. If the report or part of a report is rejected, a written rationale shall be provided to the parent or adult student by the IEP team

- Consider the need for any health appraisal or specialized medical evaluation;
- On the basis of the review above, will identify what additional data, if any are needed to determine:
  - Whether the student has a disability under this chapter
  - The present levels of performance and educational needs of the student.
  - Whether the student needs special educational and related services; and
  - Whether any additional or modifications to the special education and related services are needed to enable the student with a disability to meet annual goals set out in the IEP and to participate, as appropriate, in the general education curriculum; and
- Determine which child study team members and/or specialists shall conduct the evaluation.

**d. *Initial evaluation***

- After parental consent for initial evaluation of a preschool age or school age student has been received, the evaluation, determination of eligibility for services under this chapter, and, if eligible, development and implementation of the IEP for the student shall be completed within 90 calendar days.
- If initial evaluation of a preschool age child is warranted, the district board of education shall take steps to ensure that consent to evaluate is obtained without delay.
- An initial evaluation shall consist of multi-disciplinary assessment in all areas of suspected disability. Such evaluation shall include assessment by at least two members of the child study team and other specialists in the area of disability as required or as determined necessary. Each evaluation of the student shall include, where appropriate, or required, the use of a standardized test(s) which shall be:
  - Individually administered;
  - Valid and reliable;
  - Normed on a representative population;
  - Scored as either standard score with standard deviation or norm referenced scores with a cutoff score; and include functional assessment of academic performance and where appropriate, behavior. Each of the following components shall be completed by at least one evaluator; and
- A minimum of one structured observation by one evaluator in other than a testing session.

In the case of a student who is suspected of having a specific learning disability, one evaluator shall observe the student's academic performance in the regular classroom. Additionally, the following may be included:

- An interview with the student's parent;
- An interview with the teacher(s) referring the potentially disabled student;
- A review of the student's developmental/educational history including records and interviews;

- A review of interventions documented by the classroom teacher(s) and others who work with the student;
- A functional Behavioral Assessment must be completed for all students experiencing discipline and/or behavioral difficulties; and
- One or more informal measure(s) which may include, but not be limited to surveys and inventories; analysis of work, trial teaching; self report; criterion referenced tests; curriculum based assessment; and Informal rating scales.

*e. Articulation, Voice, Fluency*

When the suspected disability is a disorder of articulation, voice or fluency according to N.J.A.C. 6AL 14-3.6(3), the speech-language specialist shall:

- Meet with the parent and regular education teacher who is knowledgeable about the student's educational performance or the district's programs to review existing data on the student including evaluations and information provided by parents, current classroom-based assessments and observations, and the observations of teachers and related services providers;
- Obtain consent to conduct the evaluation according to N.J.A.C. 6A: 14-3.3(e)5;
- Conduct an assessment according to E. 1 and 2 above. The assessment shall include written information from the classroom teacher. Such assessment shall fulfill the requirement for multi-disciplinary evaluation as required in (d) above; and prepare a written report of the results;
- A written report of the results of each assessment shall be prepared. At the discretion of the district, the written report may be prepared collaboratively by the evaluators or each evaluator may prepare an individually written report of the results of his or her assessments. Each written report shall be dated and signed by the individual(s) who conducted the assessment and shall include;
- An appraisal of the student's current functioning and an analysis of instructional implication(s) appropriate to the professional discipline of the evaluator; and
- A statement regarding relevant behavior of the student either reported or observed and the relationship of that behavior to the student's academic functioning.

*f. Specific Learning Disability*

When a student is suspected of having a specific learning disability, the documentation of the determination of eligibility shall include a statement of:

- Whether the student has a specific learning disability;
- The basis for making the determination;
- The relevant behavior noted during the observation;
- The relationship of that behavior to the student's academic performance;
- Educationally relevant medical findings, if any;
- Whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services; and
- The determination concerning the effects of environmental, cultural, or economic disadvantage.

By June 30 of a student's last year in a program for preschoolers with disabilities, a reevaluation shall be conducted and, if the student continues to be a student with a disability, the student shall be classified according to N.J.A.C. 6A: 14-3.5(c) or 3.6(a).

## 6. INDEPENDENT EVALUATION

A parent may request an Independent Evaluation if there is disagreement with the evaluation provided by a district board of education.

- Such independent evaluation(s) shall be provided at no cost to the parent 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.
- Any independent evaluation purchased at public expense shall:
  - Be conducted according to N.J.A.C. 6A: 14-3.4; and
  - Be obtained from another public school district, educational services commission, jointure commission, a clinic or agency approved under N.J.A.C. 6A: 14-5, or private practitioner, who is certified and/or licensed, where a license is required.
  - An independent medical evaluation may be obtained according to N.J.A.C. 6A: 14-5.1(e).
  - Upon receipt of a parental request, each district board of education shall provide information about where an independent evaluation may be obtained.
  - Any independent evaluation submitted to the district shall be considered in making decisions regarding special education and related services.

## 9. TIMELINES FOR COMPLIANCE

FROM	TO	TIME
Receipt of a Referral	Holding a Determination Meeting	20 Calendar Days
Determination Meeting	Signing of the Evaluation Plan	15 Calendar Days
Parental Consent	Implementation of a completed IEP	90 Calendar Days
Determination of Eligibility	Meeting for development of the IEP	30 Calendar Days

TASK	TIME
Provide written notice after making a determination implementing a proposed action	At least 15 calendar days prior to the and/or action taking place
Provide written notice upon receipt of any written parental request to initiate or change identification, classification, evaluation, educational plan, or FAPE	Within 20 Calendar Days, excluding school holidays but not summer vacation
Provide copies of written reports (CST, Speech) to parents	At least 10 days before the IEP meeting
Request for due process after unresolved IEP Meeting	Within 15 Calendar Days of the completed IEP meeting
Complete a behavioral assessment and develop a plan	Within 10 Days from the behavioral plan disciplinary action

Provide written notice of an IEP meeting	Early enough to ensure opportunity to attend
Provision of a mediation conference	Within 10 Days of the written request
Request for due process after denying a request for an independent evaluation	Not later than 20 calendar days from receipt of request

***Summary of Required Consent***

- Before conducting any initial evaluation.
- Before implementing the initial IEP and placement; 6A: 14-2.3(a)2;
- Before conducting any reevaluation unless the district can demonstrate that the parent or adult failed to respond to reasonable efforts to obtain consent; 6A: 14-2.3(a) 3; or
- Before releasing student records according to NJAC 6: 3-6; 6A: 14-2.3(a) 4.

**10. SPECIAL EDUCATION SELF-EVALUATION PROCESS**

All completed meeting, IEP and conference forms are monitored by the Director of Student Services and the Supervisor of Special Education.



## SECTION FIVE

### PROGRAMS, INSTRUCTION, AND SERVICES

#### 1. PROGRAM OPTIONS

A full continuum of alternative placements shall be available to meet the needs of students with disabilities ages three through 21 for special education and related services. Educational program options include placement in the following:

- Regular classes with supplementary aids and services including, but not limited to, the following:
  - Curricular or instructional modifications or specialized instructional strategies;
  - Supplementary instruction;
  - Assistive technology devices and services as defined in N.J.A.C. 6A: 14-1.3.
  - Teacher aides; and
  - Related services.
- Resource programs;
- A special class program in the student's local school district;
- A special education program in another local school district;
- A special education program in a vocational and technical school;
- A special education program in the following settings:
  - A county special services school district;
  - An educational services commission; and
  - A jointure commission
- A New Jersey approved private school for the disabled or an out-of-state school for the disabled in the continental United States approved by the department of education in the state where the school is located;
- A program operated by a department of New Jersey State government;
- Community rehabilitation programs;
- Programs in hospitals, convalescent centers or other medical institutions;
- Individual instruction at home or in other appropriate facilities, with the prior written approval of the Department of Education through its county office;
- An accredited nonpublic school which is not specifically approved for the education of students with disabilities according to N.J.A.C. 6A: 14-6.5;
- Instruction in other appropriate settings according to N.J.A.C. 6A: 14-1.1 (d); and
- An early intervention program (which is under contract with the Department of Health and Senior Services) in which the child has been enrolled for the balance of the school year in which the child turns age three.

#### 2. EXTENDED SCHOOL YEAR

The IEP team shall make an individual determination regarding the need for an extended school year program. An extended year program provides for the extension of special education and related services beyond the regular school year. An extended school year program is provided in accordance with the student's IEP when an interruption in educational programming causes the student's performance to revert to a lower level of functioning and recoupment cannot be expected

in a reasonable length of time. The IEP team shall consider all relevant factors in determining the need for an extended school year program.

- The district board of education shall not limit extended school year services to particular categories of disability or limit the type, amount, or duration of those services.

### **3. PRESCHOOL**

A preschool age student with a disability may be placed by the district board of education in an early childhood program operated by an agency other than a board of education according to the following:

- Such early childhood program shall be licensed or approved by a governmental agency;
- The district board of education shall assure that the program is nonsectarian;
- The district board of education shall assure the student's IEP can be implemented in the early childhood program with any supplementary aids and services that are specified in the student's IEP; and
- The special education and related services specified in the student's IEP shall be provided by appropriately certified and/or licensed personnel or by paraprofessionals according to N.J.A.C. 6A: 14-3.9 (a) or N.J.A.C. 6A: 14-4.1 (e).

### **4. PROGRAM CRITERIA**

#### ***a. Speech-Language Services***

Speech-language services provided to a student with a disability shall be in addition to the regular instructional program and shall meet the following criteria:

- Speech-language services shall be given individually or in groups. The size and composition of the group shall be determined by the IEP team in accordance with the speech-language needs of the student(s) with educational disabilities and shall not exceed five students.
- Speech-language services shall be provided by a certified speech-language specialist as defined in N.J.A.C. 6A: 14-1.3.

#### ***b. Resource Program***

- Resource programs shall offer individual and small group instruction to students with disabilities. Resource programs may be provided in a regular class or in a pull-out resource program according to N.J.A.C. 6:22-5.4 and 5.5. When a resource program is provided, it shall be specified in the student's IEP. Resource programs shall provide support instruction or replacement instruction as defined in (e) and (f) below.
- The resource program teacher shall hold certification as a teacher of the handicapped. If the resource room program solely serves students with a visual impairment, the teacher shall be certified as a teacher blind or partially sighted. If the resource program solely serves students with an auditory impairment, the teacher shall be certified as a teacher of deaf and/or hard of hearing.

- A resource program teacher shall be provided time for consultation with appropriate general education teaching staff.
- An in-class resource program may be provided up to the student’s entire instructional day. At the elementary level, a pull-out resource program may be provided for up to one half of the instructional day. At the secondary level, a pull-out resource program may be provided for up to the entire instructional day.
- In a support resource program, the student shall meet the regular education curriculum requirements for the grade or subject being taught. Modifications to the instructional strategies or testing procedures may be provided an, if provided shall be provided in accordance with the student’s IEP. The primary instructional responsibility for the student in a support resource program shall be the regular classroom teacher with input from the resource program teacher as specified in the student’s IEP.
- In a replacement resource program, the regular education curriculum and the instructional strategies may be modified based on the student’s IEP. The resource program teacher shall have primary instructional responsibility for the student in the replacement resource program and shall consult with the regular classroom teacher as appropriate. In an in-class replacement resource program, only a single content area shall be taught to the group. A student receiving an in-class replacement program shall be included in activities such as group discussion, special projects, field trips and other regular class activities as deemed appropriate in the student’s IEP.
- The age span in an approved separate resource program shall not exceed four years.

**c. Group size - Resource**

Group size for resource programs shall not exceed the limits listed below. Group size may be increased with the addition of an instructional aide, except where noted, according to the following:

<u>Preschool/Elementary</u>			<u>Secondary</u>	
<u>Support</u>	<u>No Aide</u>	<u>Aide Required</u>	<u>No Aide</u>	<u>Aide Required</u>
<i>In-class</i>	8	--	10	--
<i>Pull-Out</i>				
Single Subject	6	7 to 9	9	10 to 12
Multiple Subjects	6	7 to 9	6	7 to 9
<u>Replacement</u>	<u>No Aide</u>	<u>Aide Required</u>	<u>No Aide</u>	<u>Aide Required</u>
<i>In-class</i>	3	--	3	--
<i>Pull-Out</i>				
Single Subject	6	7 to 9	9	10 to 12
Multiple Subjects	4	--	4	--

## 5. SPECIAL CLASS PROGRAMS

A special class program shall serve students who have similar educational needs in accordance with their individualized education programs. Special class programs shall offer instruction in the core curriculum content standards unless the IEP specifies an alternative curriculum due to the nature or severity of the student's disability. The regular education curriculum and the instructional strategies may be modified based on the student's IEP. Special class programs shall meet the following criteria:

- Depending on the disabilities of the students assigned to the special class program, the special class teacher shall hold certification as teacher of the handicapped, teacher of blind or partially sighted, and/or teacher of the deaf or hard of hearing;
- The age span in special class programs shall not exceed four years.

The special class programs listed below are organized to provide environments where the nature of the student's impairment is the primary focus. The district board of education shall develop a description of each special class program it provides. Special class programs for students with auditory impairments shall be instructed by a certified teacher of the deaf/hard of hearing.

- The nature and intensity of the student's educational needs shall determine whether the student is placed in a program that addresses moderate to severe cognitive disabilities or severe to profound cognitive disabilities.
- Special class programs for students with learning and/or language disabilities may be organized around the learning disabilities or the language disabilities or a combination of learning and language disabilities.
- Instructional group sizes for preschool, elementary and secondary special class programs shall not exceed the limits listed below. The instructional group size may be increased with the addition of a classroom aide according to the numbers listed in Column III as follows:

<u>I</u>	<u>II</u>	<u>III</u>
<u>Program</u>	<u>Instructional Size:</u> <u>No Classroom Aide</u> <u>Required</u>	<u>Instructional Size:</u> <u>Classroom Aide Required</u>
<i>Auditory Impairments</i>	8	9 to 12
<i>Autism (1)</i>	3	4 to 6
		7 to 9 (Secondary only; Two aides required)
<i>Behavioral Disabilities</i>	9	10 to 12
<i>Cognitive(2)</i>		
<i>Mild</i>	12	13 to 16
<i>Moderate</i>	10	11 to 13
<i>Severe</i>	3	7 to 9 (Two aides required)
<i>Learning and/or Language Disabilities</i>		

<i>Mild To Moderate</i>	10	11 to 16
<i>Severe</i>	8	9 to 12
<i>Multiple Disabilities</i>	8	9 to 12
<i>Preschool Disabilities (3)</i>	--	1 to 8
		9 to 12 (Two aides required)
<i>Visual Impairments</i>	8	9 to 12

- (1) *A program for students with Autism shall maintain a student to staff ratio of three to one. For a secondary program, two classroom aides are required when the class size exceeds six students.*
- (2) *A program for students with severe to profound cognitive disabilities shall maintain a three to one student to staff ratio.*
- (3) *A classroom aide is required for a preschool classroom. Two aides are required when the class size exceeds eight students.*

## **6. SECONDARY SPECIAL CLASS PROGRAMS**

- Secondary special class programs are defined as programs, which are, located in schools in which there is any combination of grades six through 12 and where the organizational structure is departmentalized for general education students.
- In addition to the requirements for instructional size for special class programs according to (b) 3 above, instruction may be provided in the following secondary settings as appropriate:
- A class organized around a single content area consisting solely of students with disabilities instructed by a regular education teacher where an adapted general education curriculum is used shall have a maximum instructional size of 12. The instructional size may be increased with the addition of a classroom aide up to 16 students.
- The number of students with disabilities in a regular education class instructed by a subject area teacher should be limited to four, if significant program modification is required. The IEP shall specify the program modifications including the supplementary aids and services to ensure access to the general education curriculum.

## **7. HOME INSTRUCTION**

### **a. *As a result of a Behavior Manifestation Meeting***

A student classified as disabled shall have his or her IEP implemented through one to one instruction at home or in another appropriate setting when it can be documented that all other less restrictive programs options have been considered and have been determined inappropriate.

- Prior written approval to provide home instruction shall be obtained from the Department of Education through its county office.
- Approval may be obtained for a maximum of 60 calendar days at which time renewal of the request may be made. Each renewal of the approval may be granted for a maximum of 60 calendar days.
- N.J.A.C. 6A: 14-4.9 (a) 2, 3 and 4 shall apply.

- Instruction shall be provided for no fewer than 10 hours per week. The 10 hours of instruction per week shall be accomplished in no fewer than three visits by a certified teacher on at least three separate days.

***b. Due to Temporary Illness or Injury for Non-Disabled Students***

To request home instruction due to temporary illness or injury, the parent shall submit a written determination from a physician documenting the need for confinement at the student's residence for at least a two week period of time. Home instruction for temporary illness or injury shall be provided according to the following:

- The district board of education shall immediately forward the written request to the school physician, who shall verify the determination of the need for home instruction without delay;
- Instructional services shall begin as soon as possible but no later than seven calendar days after the school physician's verification;
- A record of the student's home instruction shall be maintained.
- The teacher providing the instruction shall be appropriately certified as teacher of the handicapped or for the subject or level in which the instruction is given;
- Instruction shall be provided for no fewer than five hours per week. The five hours of instruction per week shall be accomplished in no fewer than three visits by a certified teacher on at least three separate days.
- Instruction shall be provided at the student's place of confinement. If the student is confined to a hospital, convalescent home or other medical institution, the following criteria shall also apply:
- Instruction shall be provided by a district board of education, educational services commission, State-operated facility, jointure commission or approved clinic or agency at the student's place of confinement;
- Instruction shall be provided through one to one instruction according to above or through instruction to small groups as follows:
- When instruction is provided in a small group, the number of hours of instruction per week for the group shall be determined by multiplying the number of students in the group by five hours. The hours of instruction shall be provided in no fewer than three visits by a certified teacher on at least three separate days.
- Instruction may be provided by direct communication to a classroom program by distance learning devices. If provided, such instruction shall be provided in addition to the one to one according to above or small group instruction according to above; and
- Students shall receive a program that meets the requirements of the district board of education for promotion and graduation.
- For students with disabilities, the district shall provide a program that is consistent with the student's IEP to the extent appropriate. When the provision of home instruction will exceed 30 consecutive school days in a school year, the IEP team shall convene a meeting to review and if appropriate, revise the student's IEP.
- When a non-disabled student is confined at home or to a hospital by a physician for more than 60 calendar days, the school physician shall refer the student to the child study team according to N.J.A.C. 6A: 14-3.3 (e).

## 9. RELATED SERVICES

Related services including, but not limited to, counseling, occupational therapy, physical therapy, and speech-language services shall be provided to a student with a disability when required for the student to benefit from the educational program. Related services shall be provided by appropriately certified and/or licensed professionals as specified in the student's IEP and according to the following:

- Counseling services that are provided by school district personnel shall be provided by certified school psychologists, social workers or guidance counselors.
- Counseling and/or training services for parents shall be provided to assist them in understanding the special education needs of their child.
- Speech and language services may be provided as a related service to a student who is classified as "eligible for special education and related services." Assessment by a speech-language specialist is required. The student shall meet the eligibility criteria for the classification of "eligible for speech-language services" but shall not be classified as such.
- Occupational therapy and physical therapy may be provided by therapy assistants under the direction of the certified and, where required, licensed therapist in accordance with all applicable State statutes and rules.
- Prior to the provision of occupational therapy, assessment by a certified (and, where required, licensed) occupational therapist and development of an IEP are required.
- Prior to the provision of physical therapy, assessment by a certified and licensed physical therapist and development of an IEP are required.
- A district board of education may contract for the provision of counseling services, occupational therapy, and/or physical therapy in accordance with N.J.A.C. 6A: 14-5.
- Recreation shall be provided by certified school personnel.
- Transportation shall be provided as follows:
- The district board of education shall provide transportation as required in the IEP. Such services shall include special transportation equipment, transportation aides and special arrangements for other assistance to and from and in and around the school;
- When out-of-district placement for educational reasons is made by a district board of education, transportation shall be provided consistent with the school calendar of the receiving school;
- When necessary, the case manager shall provide the transportation coordinator and the bus driver with specific information including safety concerns, mode of communication, health and behavioral characteristics of a student or restraint systems are required.
- Other related services shall be provided as specified in the student's IEP.