

Special Education Handbook



Paterson Charter School for Science and Technology

Department of Special Services

The information contained in this manual aligns with the rules and regulations in the NJDOE special education code. The intent of this manual is to serve as a guide to facilitate the operating procedures of the special services department and to act as a source of information for teachers, staff, and parents.

MISSION STATEMENT

The mission of the PCSST Special Education Department is to provide support services that will facilitate the development of literacy and encourage analytical and critical thinking skills that will foster responsibility, self-reliance, independence, and confidence in order for our students to graduate and transition into productive members of the community.

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CHILD FIND

School districts are responsible for finding children with disabilities living within the district. They also must evaluate these children to see if they need special education and/or related services. Each district must have policies and procedures in place for all children with disabilities residing within the district and must be able to report to the state of New Jersey which children have been located, identified and evaluated. This includes children with disabilities attending private schools.

An ongoing effort must be made to locate and identify every child with a disability, ages three to 21 that lives in the school district.

The district's Child Find activities should include but are not limited to mailing letter information to:

- Local physicians,
- Hospitals
- Nursery schools,
- Non-public schools,
- Health departments,
- Community centers
- Pediatricians

Children from birth to age three are referred to New Jersey Early Intervention Services (NJEIS). NJEIS operates under the Division of Family Health Services, which implements New Jersey's statewide system of services for infants and toddlers with developmental delays or disabilities and their families. NJEIS can be reached at: 1(800) 367-6543; their website is: <http://www.njeis.org/>

CHILD STUDY TEAM AND CASE MANAGERS

The Child Study Team at PCSST consists of LDTC, School Psychologists, and Social Workers. Speech-Language Specialists, Occupational Therapist, Physical Therapist, and Behavior Specialist may be part of the CST when needed. The CST is responsible to locate, identify, evaluate, determine eligibility, and develop an Individualized Education Program (IEP) for students suspected of having educational disabilities. The Child Study Team (CST) work closely with teachers, administrators, and I&RS committees to make recommendations for programs and placements, which will best address the needs of students who are experiencing school-related issues.

The roles and responsibilities of the CST members include the following:

- Conduct evaluations for their own fields
- Interpret evaluation results and findings for the assessments they conduct
- Participate in the eligibility determination meetings for special education and/or related services
- Monitor the implementation of special education and related services to students
- Provide consultation and support to special education and general education staff

CASE MANAGERS

Child Study Team (CST) members also act as case managers for students who are being referred or who are already in the special education program. Every student who receives special education and/or related services is assigned a case manager. The case managers are responsible for:

- Coordinating the development, monitoring, and evaluating of the effectiveness of the student's IEP
- Coordinating the annual review IEP meetings and the tri-annual reevaluation process.
- Recommending educational strategies, services, and programs to meet the special needs of students
- Sharing the IEP accommodations/modifications with staff/teachers and monitoring their implementation.
- Collaborating with parents, teachers, and administrators to ensure that students are provided with an appropriate education that fit their needs.
- Transition planning from grade to grade and campus to campus.

INTERVENTION AND REFERRAL SERVICES (I&RS)

An I&RS committee is established in each campus. The purpose of the I&RS team is to plan and deliver intervention and referral services that are designed to assist students who are experiencing learning, behavior or health difficulties in their classes. The I&RS committee includes but is not limited to at least one teacher, the school coordinator or his/her designee, school counselor, nurse, an educational services staff member, reading specialist, the referring teacher and others deemed appropriate by the school administrator.

When a student is referred to I&RS, the committee may provide support, guidance and professional development for school staff who identify and refer students, and who plan and provide intervention and referral services. Parents shall be notified when a student is referred to the committee and shall participate in the development and implementation of intervention and referral plans. Parents can also refer their child for I&RS by contacting the child's teacher, counselor, or school coordinator.

The school administrator or his/her designee shall, in consultation with the I&RS committee, review and assess the effectiveness of the services provided every 6 months and communicate the results to the parent. In some instances a student may continue to demonstrate social, emotional or educational difficulties despite the implementation of interventions through the I&RS process. The team may consider a referral to the Child Study Team when interventions have been implemented, documented and determined unsuccessful. This referral is initiated with the understanding that all school alternatives have been exhausted and the problem continues. Parents can always request a CST evaluation before, during, or after the I&RS process. Written requests for CST evaluations should be directed to the building case manager or a child study team member.

PROCEDURES FOR REFERRAL TO CHILD STUDY TEAM

Parent/Legal Guardian Referral:

- a. Parent/guardian requests evaluation in writing.
- b. School recipient dates and forwards the request to the child study team/building case manager. The request and form are processed and case is opened.
- c. The case manager requests health and medical information from the school nurse. Once received it is appropriately filed.
- d. The case manager shall convene a meeting within 20 calendar days (excluding school holidays but not summer vacation) of the date the request was received by the school. Participants will include the parent(s) and/or guardian(s), all child study team members and at least one of the child's general education teachers or if the child does not have a teacher, a teacher knowledgeable about the school's programs. This evaluation planning team will determine if an evaluation is warranted. The team may also determine that an evaluation is not warranted and determine other appropriate action.
- e. The case manager provides the parents with written notice of the determination and a *Request for Consent to Evaluate* (if appropriate) and encloses Parental Rights in Special Education (PRISE).

SCHOOL INITIATED REFERRALS: Via Intervention and Referral Services (I&RS):

- a. Referring I&RS staff member completes a *Referral to the Child Study Team*, attaches all I&RS documentation and any other relevant data and forwards to the child study team.
- b. The request and form are processed and case is opened.
- c. The case manager requests health and medical information from the school nurse. Once received it is appropriately filed.
- d. The case manager shall convene a meeting within 20 calendar days (excluding school holidays but not summer vacation) of the date the request was received by the district. Participants will include the parent(s) and/or guardian(s), all child study team members and at least one of the child's general education teachers or if the child does not have a teacher, a teacher knowledgeable about the district's programs. This group will determine if an evaluation is warranted. The team may also determine that an evaluation is not warranted and determine other appropriate action.
- e. The case manager provides the parents with written notice of the determination and a *Request for Consent to Evaluate* (if appropriate) and encloses Parental Rights in Special Education (PRISE).

DIRECT REFERRAL: Used in cases where:

There is sufficient documentation that the nature of the student's educational problem(s) is such that an evaluation to determine eligibility for services is warranted without delay.

- a. Referring staff member completes *Referral to Child Study Team* and forwards to the building administrator or child study team member/building case manager.
- b. The request and form are processed and case is opened. The case manager requests health and medical information from the school nurse. Once received it is appropriately filed.

- c. The case manager shall convene a meeting within 20 calendar days (excluding school holidays but not summer vacation) of the date the request was received by the district. Participants will include the parent(s) and/or guardian(s), all child study team members and at least one of the child's general education teachers or if the child does not have a teacher, a teacher knowledgeable about the district's programs.
- d. The case manager sends the parents a *Request for Consent to Evaluate* and encloses Parental Rights in Special Education (PRISE).

Initial Evaluation Not Warranted:

When the CST determines that an initial evaluation is not warranted, the case manager will provide the parent with Written Notice, a copy of the Short Procedural Safeguards Statement, PRISE and copies of NJAC 6A: 14 and NJAC 1:6A. According to NJAC 6A: 14, this information is to be provided within 15 calendar days of the evaluation plan meeting, however, the district procedure is to provide this information upon completion of the evaluation plan meeting.

Initial Evaluation Warranted:

When the CST Team determines that an initial evaluation is warranted, the student shall be considered identified as potentially disabled and the disciplinary requirements of NJAC 6A: 14-2:8 shall apply.

PROCEDURAL SAFEGUARDS

IDEA requires school districts to provide parents of a child with a suspected disability a notice containing a full explanation of the procedural safeguards (legal rights) available under IDEA and other state and federal regulations. This handbook is called, “Parental Rights in Special Education”(PRISE). Parents can obtain a copy of PRISE in any of the district’s schools or at : <http://www.nj.gov/education/specialed/form/prise/prise.pdf>

The procedural safeguards must be given to parents one time each school year and at the following times:

- When the child is first referred for evaluation or when you request an evaluation;
- When the parent request a copy of the procedural safeguards;
- When the child is removed for disciplinary reasons and the removal results in a change in placement
- Upon receipt of the first state complaint and/or the first due process petition in a school year, if you should file a state complaint or request a due process hearing;
- Upon revision to the procedural safeguards.

EVALUATION

Written parental consent must be received for the school to proceed with an evaluation. It is important for the parent to understand the components of the evaluation and how the results of the evaluation will be used to determine eligibility for special education services. An initial evaluation shall consist of a multi-disciplinary assessment in all areas of suspected disability. Such evaluation shall include at least two assessments and shall be conducted by at least two members of the Child Study Team in those areas in which they have appropriate training, or are qualified through their professional licensure or educational certification, and other specialists in the area of disability as required or as determined necessary.

The specific kind of evaluations a child needs is decided on an individual basis and will include professionals licensed and trained to assess specific areas. Persons from varying disciplines including a school psychologist, school social worker, learning disabilities/teacher consultant, behavior consultant, speech-language therapist, physical therapist, occupational therapist, audiologist, and/or neurologist may conduct evaluations.

The common elements of a comprehensive assessment generally include the following:

- A psychological evaluation, which includes a standardized aptitude test that measures cognitive functioning, a clinical interview, observation and, as needed, social-emotional and adaptive behavior rating scales;
- A social history, which includes developmental, medical, and educational histories, and parent, teacher, and student interviews;
- An educational evaluation, which includes achievement testing, learning style inventory, and a classroom observation; and
- A medical evaluation/health appraisal, which includes a physical examination and visual and auditory acuity testing.

Persons trained in the area of hearing or visual impairment may also provide assessment services, if needed. At this step of the process, parents will receive *Parental Rights in Special Education* (PRISE). After parent 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.

Parents can provide the school with information about their child that they want the CST to use in deciding if their child has a disability that requires special education and related services. In the event that a parent does not give permission for the school to evaluate the child and the school personnel believe that the child is in need of special education, the school system may, but is not required to, pursue the initial evaluation of the

child by utilizing due process procedures.

Other Professionals Involved in Evaluating as Needed

School Physician – A medical examination may be conducted to determine if any physical factors can account for the student’s difficulty in school. This may include a vision and hearing screening, and a standard physical examination.

Behaviorist – These professionals specialize in identifying, analyzing and the remediating of challenging behaviors. Behavior specialists conduct comprehensive assessments including interviews, and observations in order to identify the function and environmental contribution to the occurrence of problem behaviors (*Functional Behavioral Assessment –FBA*). These specialists will develop behavioral intervention plans and collaborate with and/or train additional team members (teachers, therapists, aides) to implement the treatment. The behaviorist will also analyze and evaluate data to determine if the treatment has been successful, or if modifications are needed.

INDEPENDENT EVALUATIONS

A parent has a right to obtain evaluations from qualified professionals (at their own expense) who are not employed by the school district and submit them to the CST. These reports are called independent evaluations or are sometimes referred to as expert reports. The CST must consider the results of any independent evaluations or expert reports the parent/guardian submits during any evaluation of the child or at any other time.

If you disagree with the school’s evaluation results, you can request an independent evaluation. The maximum allowable cost for an independent evaluation will be limited to the reasonable and customary rate, as determined and approved by the Board of Trustees’ annually. This Board approved rate shall be provided to the parent upon request. The testing is done by a licensed professional not employed by Paterson Charter School for Science and Technology. The results of the independent evaluation must be considered by the IEP team. The district has the right to file due process if they do not agree with the request.

ELIGIBILITY

Upon completion of the required evaluations, an eligibility determination meeting will be held to discuss whether the student meets the eligibility criteria for special education and/or related services. A copy of the Child Study Team evaluations will be given to the parents 10 days prior to the eligibility determination meeting.

The Eligibility meeting is held to determine if a child has a disability and needs special education and/or related services. The IEP team includes the child's parents and professionals who are knowledgeable about the child's learning and behavior in the school environment. The team should discuss every area of physical, behavioral and academic functioning that affects the child's educational performance. The team must decide if the student (a) meets the eligibility criteria for a disability as outlined in the New Jersey Special Education Administrative Code, Chapter 14, Title 6A; (b) if the disability adversely affects educational performance; and (c) is in need of specially-designed instruction and related services. All three criteria must be met for the student to be found eligible for special education. According to IDEA, students may not be deemed eligible for special education services if they do not meet the eligibility criteria of the law or if their eligibility is based on a lack of instruction in reading and math. A student may also be deemed ineligible if the disability does not adversely affect the child's educational performance.

THE INDIVIDUALIZED EDUCATION PLAN (IEP)

At this meeting, the student's educational strengths and needs will be considered. Goals and objectives will be developed to address identified needs. The team will then determine the appropriate program for each individual student with consideration of the least restrictive environment as a priority. The evaluations, determination of eligibility for services, and (if eligible) the development and implementation of the IEP shall be completed within 90 calendar days of the district's receipt of parental permission to evaluate. Typically, immediately following the eligibility determination an Individualized Education Plan (IEP) conference will be held.

Times may vary, for example, if a child is assigned to another school for services and transportation must be arranged; if supplemental aids must be acquired and/or staff must receive specialized training in order to fully implement the IEP. The IEP document should identify the student's primary educational placement, the projected date for the beginning of the services, modifications described in the plan, and the frequency, location and duration for each service.

Required Elements of an IEP

For a comprehensive list of the required elements of an IEP, see Special Education NJ Administrative Code, Chapter 14: -3.7 (e) 1-17.

IEP Team Attendance

According to the Individuals with Disabilities Education Act (IDEA), the Individualized Education Program team or IEP Team must include the following persons:

- The parent(s) of the child
- At least one general education teacher of the child
- At least one special education teacher or, where appropriate, at least one special education provider of the child
- A representative of the local education agency (LEA) who
- is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities
- is knowledgeable about general curriculum
- is knowledgeable about the availability of resources of the local educational agency
- An individual who can interpret the instructional implications of evaluation results. This person may be the LEA representative described above
- At the discretion of the parent or the school system, other individuals who have knowledge or special

expertise regarding the child, including related services personnel, as appropriate

- The child, when appropriate

Parents shall be given written notice of a meeting early enough to ensure that they will have an opportunity to attend. Meetings shall be scheduled at a mutually agreed upon time and place. If a mutually agreeable time and place can not be determined, the parent(s) shall be provided the opportunity to participate in the meeting through alternative means, such as virtually or phone conference calls.

AREAS OF DISABILITY

The following defines each area of disability included in New Jersey Special Education Administrative Code, Chapter 14, Title 6A:

- **Auditorily Impaired:** means an inability to hear within normal limits due to physical impairment or dysfunction of auditory mechanisms. An audiological evaluation by a specialist qualified in the field of audiology and a speech and language evaluation by a certified speech-language specialist is required.
- **Autistic:** means a pervasive developmental disability, which significantly impacts verbal and nonverbal communication and social interaction that adversely affects a student's educational performance. Onset is generally evident before age three.
- **Cognitively impaired:** means a disability that is characterized by significantly below average general cognitive functioning existing concurrently with deficits in adaptive behavior.
- **Communication Impaired:** means a language disorder in the areas of syntax, semantics, morphology and/or pragmatics/discourse, which adversely affects a student's educational performance and is not due primarily to an auditory impairment.
- **Emotionally Disturbed:** means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student's educational performance due to:
 - i. An inability to learn that cannot be explained by intellectual, sensory or health factors;
 - ii. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
 - iii. Inappropriate types of behaviors or feelings under normal circumstances;
 - iv. A general pervasive mood of unhappiness or depression; or
 - v. A tendency to develop physical symptoms or fears associated with personal or school problems.
- **Multiply Disabled:** means the presence of two or more disabling conditions, the combination of which causes such severe educational needs that they cannot be accommodated in a program designed solely to address one of the impairments.
- **Deaf/blindness** means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for students with deafness or

students with blindness

- **Orthopedically Impaired:** means a disability characterized by a severe orthopedic impairment that adversely affects a student's educational performance
- **Other Health Impaired:** means a disability characterized by having limited strength, vitality or alertness, including a heightened alertness with respect to the educational environment, due to chronic or acute health problem(s).
- **Preschool Child with a Disability** means a child between the ages of three and five experiencing developmental delay, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas:
 - i. Physical, including gross motor, fine motor and sensory (vision and hearing)
 - ii. Cognitive
 - iii. Communication
 - iv. Social and emotional
 - v. Adaptive
- **Social Maladjustment:** means a consistent inability to conform to the standards for behavior established by the school. Such behavior is seriously disruptive to the education of the student or other students and is not due to emotional disturbance as defined above.
- **Specific Learning Disability:** means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. A specific learning disability is determined when a severe discrepancy is found between the student's current achievement and intellectual ability in one or more of the following areas, and that discrepancy is not primarily the result of visual, hearing, or motor disabilities, general cognitive deficits, emotional disturbance or environmental, cultural or economic disadvantage:
 - (1) Basic reading skills;
 - (2) Reading comprehension;
 - (3) Oral expression;
 - (4) Listening comprehension;
 - (5) Mathematical calculation;
 - (6) Mathematical problem solving;

(7) Written expression; and

(8) Reading fluency

- **Traumatic Brain Injury:** means an acquired injury to the brain caused by an external physical force or insult to the brain, resulting in total or partial functional disability or psychosocial impairment, or both.
- **Visually Impaired:** means an impairment in vision that, even with correction, adversely affects a student's educational performance.

Accommodations and Modifications in the Classroom and for Testing

The IEP team determines whether accommodations, modifications of curriculum or testing, or alternative testing are needed. When the decision is made it must be documented in the student's IEP. The decision regarding the need for special consideration is based on the student's evaluation results, current level of functioning and unique learning characteristics.

LEAST RESTRICTIVE ENVIRONMENT (LRE)

Once the determination of eligibility has been made based on the evaluations, the next step in the process is for the IEP Team to determine the appropriate program and placement for the student. Placement means where the program should be provided.

Every child is entitled to an appropriate program to be implemented in the Least Restrictive Environment (LRE). LRE means:

- To the maximum extent appropriate, a child with a disability is educated with children who do not have disabilities.
- Special classes, separate schooling or removal from general education classroom is allowed only when the nature or severity of the child's disability makes it impossible to satisfactorily educate the child in the regular classroom, even with the use of supplementary aids and services
- A full continuum of alternative placements is available to meet the needs of children with disabilities.
- The child must be educated in the school the child would attend if he or she did not have a disability, unless the IEP requires some other arrangement.
- To the maximum extent appropriate, a child a disability participates with children without disabilities in nonacademic and extracurricular services and programs, such as athletics, recreation, special interest groups and clubs, and lunch and recess periods. Children in out-of- district placements may need to be return to the district in order to effectuate such participation. {NJAC 6A:14-3.7(e)(17)}

Some of the factors that are considered when deciding appropriate placement are:

- What reasonable efforts the school district can make to accommodate the child in the general education classroom, with supplementary aids and services.
- A comparison of the benefits provided in a general classroom and the benefits provided special education class
- The potentially beneficial and harmful effects which a placement may have on the child or other children in the class.

SUPPLEMENTARY AIDS AND SERVICES

Supplementary aids and services are provided by paraprofessionals, teachers, related service providers, or CST members in the general education classroom to enable students with disabilities to be educated as much as possible with non disabled peers. Supplementary aides and services may include assistive technology consultant who analyzes the needs of students with disabilities, assisting in the selection of appropriate assistive technology for the student's needs, and providing training in the use of the selected device(s). Supplementary aids and services may include specialized equipment or use of audio- visual aids. Adaptive physical education is a diversified program of activities specially designed for an individual who meets eligibility criteria for special education and/or related services and is not able to participate safely and/or successfully in the regular physical education program which also may be included as a supplementary service.

SPECIAL EDUCATION PROGRAMS

Resource Programs provide specialized instruction by a special education teacher to students with disabilities, in the general education classroom (in-class resource program) or in a separate Resource center (pull-out resource program). An individual student may receive either in-class or pull-out resource services, or both, depending on his or her individual needs.

In an in-class resource program, the student shall be provided modifications to the instructional strategies or testing procedures, or other specialized instruction, to access the general education curriculum in accordance with the student's IEP. The general education teacher shall have primary instructional responsibility for the student in an in-class resource program unless otherwise specified in the student's IEP. An in-class resource program shall be provided in the student's general education class at the same time as the rest of the class. A student receiving an in-class resource 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 maximum number of students with disabilities that shall receive an in-class resource program shall be 8 at the elementary level, and 10 at the secondary level.

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Pull-out Replacement Resource Classes. Instruction in more than one subject may be provided in a pull-out resource program. In a pull-out replacement resource program, the general education curriculum and the instructional strategies may be modified based on the student's IEP. The resource program teacher must be certified in the area/subject he/she is teaching and shall have primary instructional responsibility for the student in the replacement resource program. The pull-out replacement resource teacher shall consult with the general classroom teacher, as appropriate.

Group size for Pull-out replacement resource classes are:

At the elementary level (grades K-5) up to 6 students without an aide or 7 to 9 students with an aide. At the secondary level (grades 6-12) up to 9 students without an aide or 10 to 12 students with an aide.

Self-Contained Classes (Autism/ Multiply Disabled/ Language Learning Disabled) are for students in need of more intensive and specialized instruction, placement in a special class program may be the least restrictive appropriate educational placement. Special class programs offer instruction in the core curriculum content standards, but the regular education curriculum and the instructional strategies may be modified based on the student's IEP. For some students, the IEP may specify a modified curriculum emphasizing functional life skills and/or prevocational/vocational skills. Students placed in a special education class typically remain in this class for a major portion of the day but may also participate in resource/general education classes and programs appropriate to their needs.

EXTENDED SCHOOL YEAR (ESY)

The federal law, Individuals with Disabilities Education Act (IDEA), and New Jersey Special Education Code specify the requirements local school districts must follow in providing special education and related services to students with disabilities (6A:14-4.3.c)

In meeting the obligation to offer each child with a disability a free, appropriate public education (FAPE), the school must make available programs and services that met a child's individual needs. Some children may require the provision of services beyond the traditional school year. Such services are components known as extended school year (ESY) services. Federal and state law and regulations do not require that every student with a disability receive extended school year services.

Goals and Objectives for ESY

ESY services address the maintenance of previously learned skills, as identified in the current IEP. The intent of ESY services is not to teach new skills.

The IEP team shall make an individual determination regarding the need for an extended school year program. An extended school year program provides for the extension of special education and related services beyond the regular school year. An extended school year program is provide 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.

FREQUENTLY ASKED QUESTIONS

1. WHAT DOES EXTENDED SCHOOL YEAR (ESY) MEAN?

The term "extended school year" services means educational programming beyond the traditional 180 day school year for eligible students with disabilities as outlined by the Individuals with Disabilities Education Act (IDEA).

2. WHO MUST BE CONSIDERED FOR ESY SERVICES?

Every student with a disability under IDEA must be considered for ESY services. The determination of whether a student is eligible for ESY services is made on an individual basis by the student's IEP team and must be discussed at each annual IEP review meeting.

3. WHO DETERMINES ESY ELIGIBILITY?

The IEP team determines eligibility for ESY services. The team is made up of the parent, child if appropriate, regular education teacher if the student is or may be in a regular class, at least one special education teacher or provider, at least one child study team member, the school district representative who is qualified to provide or supervise the

provision of special education and is knowledgeable about the general curriculum and the available resources, and others at the parent's or school's discretion.

4. WHAT CRITERIA SHOULD BE USED IN MAKING AN ESY ELIGIBILITY DETERMINATION?

While there is no single criterion used in making an eligibility determination, case law has established several factors to be considered. One standard is the regression/recoupment analysis.

- **Regression**—a decline to a lower level of functioning demonstrated by a decrease of previously learned skills that occurs as a result of an interruption in educational programming.
- **Recoupment**— the ability to recover or regain skills at the level demonstrated prior to the interruption of educational programming.

Additionally, the student's disability and the nature and severity of the disability must also be considered.

Category of disability: Students with disabilities requiring consistent, highly structured programs may be predisposed to regression when their services are interrupted. These students may also have limited recoupment capacity.

Nature and Severity of disability: Although limited recoupment capacity can occur among students with moderate disabilities, it is more likely to be a learning characteristic of students with severe disabilities. Students with the most severe emotional disturbance, for example, are more likely to revert to lower functioning levels or to exhibit inappropriate behaviors, such as extreme withdrawal or anxiety reactions, when their programs are interrupted. For many of these students, each successive interruption in programming and consequential regression also reduces the level of motivation and trust and may lead to an irreversible withdrawal from the learning process. Finally, students with severe disabilities are more likely to have difficulty attaining the goals of self-sufficiency and independence from caretakers in the home and may need additional help and support to reach those goals.

Consideration of all pertinent information and individual student circumstances are taken into account in determining appropriateness of ESY programming. For example, when a child is emerging in a key area (such as reading), the child may be determined eligible for ESY services to support the breakthrough or emergence of the skill.

RELATED SERVICES

Related Services may be provided to students, ages three through twenty-one, who are eligible for special education and related services. Related services in grades Pre-K through 12 include speech/language, occupational and physical therapies, counseling, and intervention/consultation, special transportation, etc.

Speech-Language Therapy

Speech Language Therapy involves having a speech-language specialist work with a child on a one-to-one basis, in a small group or directly in a classroom, to overcome difficulties involved with a specific disorder. Speech-language therapy uses a variety of therapeutic strategies. Language disorders can be either receptive or expressive - receptive disorders refer to difficulties understanding or processing language. Expressive disorders include difficulty putting words together, limited vocabulary, or inability to use language in a socially appropriate way.

Speech Only Referrals

Among the many services available to students within our district, including students not eligible for special education, are those services provided by our speech therapists. Therapists are trained in techniques to identify, support and remediate a student's speech and language needs. There are two ways in which our district identifies which children may be eligible for speech and language services.

- A child can be referred for evaluation by the child's teacher.
- A child can also be referred by the child's parent who may send a letter to the Child Study Team.

Within 20 days of receipt of a referral a meeting will be convened to discuss with parents, teachers and speech therapist if evaluation for speech services is warranted. If an evaluation is agreed upon, once it is completed, parents, teachers, and speech therapist will reconvene another meeting within 90 days to discuss assessment results and, if necessary, subsequent therapy.

Social and Behavioral Skills

Social and behavioral skills are interactions with others that create healthy and positive relationships. Children who have social skills can communicate clearly, calmly, and respectfully. They show consideration for the feelings and interests of their peers. They take responsibility for their actions, can control themselves, and are able to assert themselves when needed. Children learn social skills through experiences with peers, examples and instructions from their parents, and time with adults.

It is vital for children to use social skills because they are the route to creating and developing relationships.

They are needed for enriching social experiences, and they lessen the chance for negative interactions. Being the building blocks for friendships, social skills give children the chance to learn from their peers and learn how to be considerate with those they meet in the future. By having a positive impact on life experiences, social skills also give children a sense of confidence and mastery over their environment.

Occupational Therapy

School based Occupational Therapy (OT) is provided when a student needs services to function in an educational environment. The need for OT services is identified using formal and informal assessments conducted by the therapist. Direct OT services consist of group and/or individual sessions provided in class or out of class where the child's specific goals are addressed through hands on, purposeful activity. Consultation is an ongoing communication between the therapist, parent, teacher and student where problem solving, and trial of different adaptations are used to allow the student to function optimally in his/her educational environment without the need for direct services.

Physical Therapy

A Contracted Physical Therapist (PT) provides physical therapy to students whose motor activity may significantly impact a student's ability to access their education. The physical therapist works on school related goals to help the student benefit from their educational program. Educational performance for young children also includes self-help skills, gross motor skills and participation in physical education classes. PT services can take place in a variety of school settings such as a classroom, hallway, gym, and playground or in separate therapy room. Collaborating with educational staff to modify the child's environment and daily school activities is also part of school therapy.

Paraprofessionals

As the IEP team plans, they may decide that a student needs a paraprofessional to support the classroom teacher and/or students. The overarching needs that the paraprofessional has to address, are identified by the IEP team. However, daily, paraprofessionals work as support personnel under the supervision of certified school professionals. A paraprofessional serving in a special education position assists teacher in a variety of responsibilities and performs a multitude of tasks that are both instructional and/or non-instructional.

TRANSPORTATION

When a student requires transportation as a related service, the case manager will complete a transportation request form and send it to the Paterson board of education bus transportation department along with a copy of the bus transportation information from the IEP.

The case manager shall inform the bus transportation department coordinator when special circumstances are involved such as: medical, behavioral, or physical concerns.

TRANSITION

PRESCHOOL TO ELEMENTARY

1. By June 30 of the child's last year of eligibility for preschool, the annual review will be completed. The case manager will:

- Meet with parents to discuss transition process (i.e.: reevaluation, eligibility categories and criteria, program options, curriculum, etc.) *
- Conduct a reevaluation-planning meeting with the appropriate members of the IEP team.
- The case manager arranges a Determination of Eligibility meeting following the completion of evaluations. A kindergarten teacher and other appropriate members of the IEP team will attend. To ease the transition, a member of the CST from the school where the child will attend kindergarten should be invited to attend. Information regarding kindergarten orientation (if available) should also be shared.

ELEMENTARY TO MIDDLE

- Elementary CST/case manager holds "staffing" meetings with middle school CST/case manager and building coordinators to discuss needs and data related to individual students entering the transition grade. It is recommended to start this process in conjunction with the budget development timeline in the district(January-February)
- Upon completion of annual review meetings, the case manager informs middle school team and school coordinator of types of placement and programs needed for the students (e.g in-class resource program or pull-out replacement resource program..etc). Case manager compile a list of students and the types of special education programs and forwards to middle school CST/case manager and middle school coordinator.
- Transition to a new school often includes visitations and orientation sessions for parents/students.

MIDDLE SCHOOL TO HIGH SCHOOL

- Middle School CST/case manager holds "staffing" meetings with representative of high school staff(i.e. guidance or CST member knowledgeable of all special education program options at high school) to discuss needs and data related to individual students entering the transition grade. It is recommended to start this process in conjunction with the budget development timeline in the district(January-February)
- Case manager consults with administrators, CST members, and guidance counselors about program/schedule recommendations, including discussion regarding the statement of transition for all students who will be 14 on or before entrance into high school. Meetings for this purpose are held periodically throughout the spring.
- Case managers compile a list of all 8th grade students with program types they are placed in and forward to guidance and school coordinator.

- Transition to a new school often includes visitations and orientation sessions for parents/students.
- Careful review of the statement of transition shall be reviewed between the middle school case manager and high school CST to ensure that the courses of study(electives) are commensurate with the student's strengths and interests and support the development of post secondary goals related to training, education and employment (6A:14-3.7 (d)10-12.

HIGH SCHOOL TO POST SECONDARY

- The case manager complies with 6A: 14-3.7(d) 10-17.
- On an on-going basis, the case manager collaborates with the teachers and monitors and assists the students in developing and determining strengths, interests and preferences related to the child's future through a variety of assessments and tools. The child's schedule is developed based upon course requirements and interests(electives) and is listed in the IEP. Goals that will assist the student to develop or attain post-secondary goals are indicated in the IEP. When a student does not have post school goals established, consider activities/strategies that provide more opportunities for them to develop and/orrefine their goals or vision for the future. *The transition plan should be revised, refined and expanded as the child progresses through high school.
- The case manager schedules and conducts annual review meeting in spring prior to anticipated final year in school. The required members of the IEP team and guidance counselor review status toward graduation/exiting and develop plan for the following year. For students who will likely require services of outside agencies, representatives of those agencies are invited to participate in the development of this plan. These transition planning resources will be included in the IEP. *If an agency (i.e. DDD) is likely to provide transition services to the student prior to graduation, obtain written consent from the parent or adult student to invite that agency to the IEP meeting. If written consent is obtained, send a written invitation to the agency representative and place a copy of the agency invite and written consider to invite in the student's file.
- In a student's final year in school, the case manager convenes an IEP meeting. If the IEP team agrees that a student has met or is expected to meet the requirements, the case manager will send *Notice of Graduation* following the meeting.
- In cases where it is anticipated that a student under age 21 will not meet graduation requirements, an IEP will be developed for the following year.

IEP AMENDMENTS

An IEP may be amended without a meeting of the IEP team if:

- (1) The parent requests in writing a specific change to the IEP and the school district agrees
- (2) The school district provides the parent a written proposal to change the IEP and, within 15 days of receiving that proposal, the parent consents in writing to the proposed change.

Any changes that are incorporated into an amended IEP or as an addendum to the IEP will be provided to the parent within 15 days of when the district receives consent from the parent to make

the change. The IEP amendment does not affect the requirement for an annual IEP review meeting.

{NJAC 6A:14- 3.7(d)(1), (2) and (3)}

ANNUAL IEP REVIEW

Annually, or more if necessary, the IEP team shall meet to review and revise the IEP and determine program. The annual IEP review meeting is held around the same time every year, usually near the date of the previous year's IEP meeting.

The case manager will coordinate an annual review meeting. The meeting will include the case manager, the parent, the student, where appropriate, a general education teacher if the student is or may be participating in the general education classroom or program, a special education teacher, and specialists who have special expertise regarding the student, when possible.

If the purpose of the meeting is to consider transition services, when appropriate, include a representative from any other agency that is likely to be responsible for providing or paying for transition services.

The case manager will send the parent or adult student (when applicable) the request for participation in a meeting form and PRISE. The "Request" must ensure sufficient time for parent participation. Invitation will be sent to all attendees and a copy will be filed in the student's CST file at Student Services.

Input regarding the student's progress will be gathered. The team, including the parent, discusses strengths, weaknesses, and the progress of the student toward meeting the goals and objectives, including social and/or behavioral plan goals, developed for the IEP being reviewed. The appropriate revisions of child's IEP are determined by the team based on these discussions. The Case manager will prepare the draft IEP. The case manager will conduct the annual review meeting when input from all attendees will be solicited. Attendance will be documented. Within 15 days of the annual review meeting, the case manager will ensure that the parent(s) (and adult student, when applicable) is provided with written notice of the proposed actions (IEP or Notice of an IEP when the IEP is not used as Notice. A copy of the IEP is sent to the parent with a cover letter. Parent (and adult student, when applicable) will be provided 15 calendar days to consider implementation of the IEP. The parent (adult student, when applicable) may agree in writing to implementation sooner. The IEP may be implemented after 15 calendar days, if the parent (adult student, when applicable) did not disagree by requesting mediation or a due process hearing. The original IEP is maintained in the student's file in Special Services/CST Office. Eligible/responsible professional staff shall have access to the IEP in accordance with NJAC 6:3 and NJAC 6A: 14.

REEVALUATION

Within three years of the previous classification, a reevaluation shall be completed to determine whether the student continues to be a student with a disability. The parent and the school may also agree to waive the re-evaluation. Reevaluation shall be conducted sooner (without undue delay) if conditions warrant, or if the student's parent or teacher requests the reevaluation.

By June 30th of a student's last year in the 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 NJAC 6A: 14-3.5(c) or 3.6(a).

The case manager will coordinate a reevaluation planning meeting which will include the case manager, parent(s), adult student, when applicable, a regular education teacher if the student is or may be participating in the regular program, a special education teacher, and specialists who have expertise regarding the student, when possible. The parent(s) and adult student, when applicable) will be provided with invitation to a meeting *notice* and PRISE. Notice of the meeting must allow sufficient time to ensure parent (adult student) participation. A copy will be filed in the student's special education file in the CST/Special Services office.

At the meeting, the IEP team shall review existing data and decide if additional tests and procedures should be administered.

When the IEP team determines that no additional data are needed, the parent will be provided with Written Notice. The IEP Team may agree to proceed to determination of eligibility and/or development of the IEP, provided that sufficient notice has been given.

When the IEP Team determines additional data are warranted, the IEP Team will determine which child study team members and/or specialists will conduct assessments. When outside specialist assessments are warranted, the case manager will notify the director of special services.

The parent will be provided with Written Notice and a copy of Parental Consent. The parent (adult student, when applicable) may consider the proposed reevaluation for up to 15 calendar days. The reevaluation must be completed within 60 days from the date the parent provides consent for the assessments to be conducted as part of a reevaluation.

Upon completion of the assessments, the case manager will coordinate a meeting. The case manager will send a request for Participation at a Meeting indicating the purpose(s) of the meeting (indicate if an IEP will be developed.) The case manager will send copies of all assessment reports to the parent(s) (adult student, when applicable) at least ten days before the scheduled meeting.

A reevaluation will determine

- If the child should continue in special education, and what changes, if any, should be made to the child's program or related services.
- The reevaluation includes a review of all assessments, information from the parent, the observations of teachers and related services personnel. {NJAC 6A:14-3.8}

When the IEP team determines that the student is no longer eligible for special education and

related services, the case manager will provide the parent with written notice of the determination of ineligibility. Attendance will be documented by required signatures on the attendance sheet. The case manager will keep all originals in the student's file.

When the IEP team determines that the student continues to be eligible for special education and related services, the parent (adult student, when applicable) will be provided with written notice of the determination and proposed actions. Attendance will be recorded on the attendance sheet. The IEP Team may agree to proceed to develop an Individual Education Plan provided that sufficient notice has been given. The IEP will be developed by the IEP Team which includes the case manager, parent, a regular education teacher, a special education teacher, the student, where appropriate, and specialists who have special expertise regarding the student, when possible.

If a purpose of the meeting is to consider transition services, a representative of any other agency that is likely to be responsible for providing or paying for transition services shall be invited to attend.

Prior to reevaluation eligibility/IEP meeting, the teacher(s) will provide the case manager input for present levels of academic achievement and functional performance, progress on current goals and objectives and the proposed goals and objectives, if appropriate, for the purpose of developing a draft IEP. The case manager will coordinate the development of the draft IEP.

Attendance at the IEP conference will be documented on the cover sheet of the IEP. The case manager will advise the parents of required parental signatures.

Within 15 days of the IEP meeting, the case manager will provide the parent (adult student, when applicable) with written notice of the determination(s) and proposed option(s).

The case manager will prepare the final IEP and forward it to the parent with a cover letter. The special education teacher(s) will maintain a copy of the IEP in a locked cabinet. Eligible/responsible staff shall have access to the IEP in accordance with NJAC

DECLASSIFICATION FROM SPECIAL EDUCATION

If the IEP team, including the parents or guardians, determines that a student no longer requires special education and related services, s/he must be considered for declassification from special education. A reevaluation meeting must be held, and the IEP team, including the parents or guardians, will discuss and decide whether additional testing is required to determine whether the child remains eligible for special education.

Following review of additional evaluations and data a determination may be made, during an eligibility determination meeting with IEP team, including the parents or guardians, and with the agreement of the entire team, the child may be dismissed from special education.

If the parents or guardians disagree with the recommendation to dismiss the child from special education, they must provide written disagreement to the case manager and a copy to the Child Study Team within 15 calendar days, excluding holidays but not summer vacation. The district must respond to any written disagreement within 20 calendar days, excluding holidays but not summer vacation, of receipt of the written parental disagreement or request for action, to let the parent know whether or not they will do what the parent has asked them to do or whether a meeting is required to make a determination.

If a meeting is necessary to make a determination, it must be held and a determination made within 20 calendar days, excluding holidays but not summer vacation, of the parent's written request or expression of disagreement, with written notice of determination provided within 15 calendar days of the meeting. {NJAC 6A-14: 2.3(h)(5) & (5)(I)}

TRANSFER STUDENTS

When a student with a disability transfers from another New Jersey school district or from a state facility, or from an out-of-state school district, the Child Study Team conducts an immediate review of the evaluation information and the IEP. If records are incomplete, the case manager shall immediately request child study team records from the district of last attendance.

If the parents and/or guardians and the district agree, the IEP is implemented as written with appropriate notice and handouts (PRISE, NJAC 6A: 14, NJAC 6A: 1) and the Short Procedural Safeguards Statement. If transportation is required, the case manager shall complete the transportation request form.

For a student who transfers from a New Jersey school district, if the parents and the district agree, the IEP shall be implemented as written. If the appropriate school district staff do not agree to implement the current IEP, the district shall conduct all necessary assessments and, within 30 days of the date the student enrolls in the district, develop and implement a new IEP.

For a student who transfers from an out-of-state district, the appropriate school staff shall conduct any assessments determined necessary and, within 30 days of the date the student enrolls in the district, develop and implement a new IEP for the student.

When a student with a disability transfers from a nonpublic school with a services plan, appropriate school district staff shall conduct an immediate review of the services plan and shall provide services pending completion of any necessary assessments and, as appropriate, the development of an IEP for the students. An IEP for the students shall be in place within 60 days from the date of enrollment in the school district.

The student is provided a program through an interim IEP that is consistent with the current IEP when:

- The CST disagrees with the current evaluation(s) and/or the current IEP
- The parent disagrees with the proposed revisions to the IEP
- Supplemental evaluations are required

In cases when the records from the previous school district are incomplete or not available, the CST immediately places the student into an interim educational program consistent with the

available information, and completes any evaluations and develops or revises the IEP without delay.

If it is recommended that the student continue to attend a private out-of-district school arranged for by a former New Jersey school district, the director must be advised who then will notify the resident school district and submit a copy of the IEP.

HOME INSTRUCTION

When it is determined that a classified student shall receive home instruction as his or her educational program, the case manager will coordinate an IEP meeting and inform the director of special services who will then complete a *request for Approval Form* and forward the *Request for Approval Form*, the rationale for placement, and the IEP to the county office.

Approval may be obtained for a maximum of 60 calendar days at which time a request for renewal may be made.

When the provision of home instruction for a classified student is due to temporary illness or injury, an IEP meeting is not required. Instruction shall be provided for the number of days and length of time sufficient to continue the student's academic progress and dependent upon the student's ability to participate.

When the provision of home instruction will exceed 30 consecutive school days, the IEP team will convene a meeting to review and if appropriate, revise the student's IEP.

DISCIPLINE PROCEDURES FOR STUDENTS WITH DISABILITIES

Discipline procedures are consistent with NJAC 6A: 14-2.8 and 20 U.S.C. 1415 and district Policy 2460 and Regulation 2460.7R (See attached)

When a pupil with a disability is suspended, the dean of discipline or the school coordinator shall forward written notification and a description of the reasons for suspension to the case manager at the time of suspension. The school will ensure that a system is in place to track the number of days a pupil with disabilities has been removed for disciplinary reasons.

When there is a removal of 10 consecutive school days or a series of short term removals accumulate to more than 10 school days in the year.

1. The dean of discipline, the school coordinator and the case manager will consult to determine whether the removals create a change of placement according to NJAC 6A: 14-2.8(b) 2.(if removals create a pattern..)
2. If it is determined that there is no change in placement, the dean of discipline, case manager, and special education teacher will consult to determine the extent to which services are necessary to:
 - a. Enable the pupil to progress appropriately in the general education curriculum; and
 - b. Advance appropriately toward achieving the goals set out in the pupil's IEP.

Written documentation of the consultation and services provided is maintained in the pupil's file.

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 an IEP meeting to:

- 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 will be placed in the pupil's file.

When a pupil with a disability participates in an in-school suspension program, the dean of discipline and school coordinator shall ensure that participation in the program is not counted as a day of removal if the program meets the following criteria:

- a. The pupil has the opportunity to progress in the general curriculum,
- b. Services and modifications specified in the pupil's IEP can be provided in the in-school suspension program,
- 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 in the in-school suspension program.

When a disabled pupil is removed from his/her current placement for more than 10 days and the removal does constitute a change in placement, the IEP Team must conduct a Manifestation Determination meeting and meet to develop a Behavior Assessment/Management Plan, or if the student already has one, to review the plan and to modify the plan and its implementation as necessary to address the behavior. The case manager will convene a meeting of the IEP Team to develop and/or revise the Behavioral Management section of the IEP.

If the behavior is found to be a manifestation of a student's disability, the student cannot be suspended. The district must review the BIP and/or conduct an FBA to develop a BIP

If the behavior is not found to be a manifestation of the student's disability, the child may be suspended and as appropriate (on a case by case basis), review the BIP and/or conduct and FBA

For all suspensions that are 10 consecutive days, academic instruction shall be provided within 5 days of the suspension.

FURTHER EXPLANATION OF DISCIPLINARY PROCEDURES

A disciplinary "change of placement" occurs—

- when a child is removed for more than 10 consecutive school days, or
- when a child is subjected to a series of removals that constitute a pattern...
- because they cumulate to more than 10 school days in a school year, and
- because of factors such as the length of the removal, the total amount of time the child is removed, and the proximity of the removals to one another. (§300.519)

Changes also have been made to §300.520(a)(1) to make clear that **multiple short-term removals** (i.e., 10 consecutive days or less) for separate incidents of misconduct **are permitted**—

- to the extent removals would be applied to children without disabilities, and
- as long as those removals do **not** constitute a change of placement (as defined in §300.519).

Instead of requiring that services begin on the 11th day in a school year that a child is removed from his or her current placement (as was proposed in the NPRM), the regulations take a more flexible approach. If the removal **is...**

- ... pursuant to school personnel's authority to remove for not more than 10 consecutive days, **or**
- ... for behavior that is not a manifestation of the child's disability.

Then...

- ...services (consistent with §300.524) must be provided to the extent necessary to enable the child to continue to appropriately progress in the general curriculum and appropriately advance toward the goals in his or her IEP. [§300.121(d)]

Who Determines the Extent to Which Services Are Necessary to Meet This Standard?

- If the removal is by school personnel under their authority to remove for not more than 10 school days at a time [§300.520(a)(1)]:
School personnel, in consultation with the child's special education teacher, make the determination.
- If the removal constitutes a change of placement:
The child's IEP team must be involved.
- If the removal is pursuant to the authority to discipline a child with a disability to the same extent as a nondisabled child for behavior determined not to be a manifestation of the child's disability (§300.524):
The child's IEP team makes the determination.
- If the child is being placed in an interim alternative educational setting (IAES) for up to 45 days...
... because of certain weapon or drug offenses [§300.520(a)(2)], or
... because a hearing officer has determined that there is a substantial likelihood of injury to the child or others if the child remains in his or her current placement [§300.521]...

Then...

- ...the services to be provided to the child are determined based on §300.522. In these cases, the **IAES must be selected** so as to enable the child...

- ... to continue to progress in the general curriculum, although in another setting, **and**
- ... to continue to receive those services and modifications, including those listed in the IEP, that will enable the child to meet the goals set out in that IEP and include services and modifications to address the behavior [§§300.121(d)(2)(ii) and 300.522].

Functional Behavioral Assessments & Behavioral Intervention Plans

IEP team meetings regarding these topics will only be required within 10 business days of:

- (1) when the child is first removed for more than 10 school days in a school year, **and**
- (2) whenever the child is subjected to a disciplinary change of placement [§300.520(b)(1)].

In other subsequent removals in a school year of a child who already has a functional behavioral assessment and behavioral intervention plan, the IEP team members:

Review the behavioral intervention plan and its implementation in light of the child’s behavior, without a meeting, **and**

Manifestation Determinations

Manifestation determinations, and the IEP team meetings to make these determinations, are only required when a child is subjected to a disciplinary change of placement [§300.523(a)].

These changes should eliminate the need for unnecessary, repetitive IEP team meetings.

Frequently Asked Questions:

1. Can a child with a disability who is experiencing significant disciplinary problems be removed to another placement?

Yes. The child’s parents and school officials may agree to a change of placement. Even if such agreement is not possible, in general, school officials can remove any child with a disability from his or her regular school placement for up to 10 school days at a time, even over parents’ objections, whenever discipline:

- is appropriate, and
- is administered consistent with the treatment of nondisabled children. [§300.520(a)(1)]

However, School officials cannot use this authority to repeatedly remove a child from his or her current placement if that series of removals:

- means the child is removed **for more than 10 school days in a school year**, and
- **leads to the conclusion that there has been a change in placement**, based on such factors as length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another. [§§300.519-300.520(a)(1)]

There is no specific limit on the number of days in a school year that a child with a disability can be removed from his or her current placement.

After a child is removed for more than 10 cumulative school days in a school year, services must be provided to the extent required under [§300.121(d)], which concerns the provision of FAPE to children suspended or expelled from school.

For Weapons or Drugs Offenses

If a child brings a weapon to school or to a school brings a weapon to school or to a school If a child brings a weapon to school or to a school function, or knowingly possesses or uses illegal drugs, or sells or solicits the sale of controlled substances while at school or a school function:

Parents and school officials may agree to a change of placement for the child, or

School authorities can unilaterally remove a child with a disability from his or her regular placement for up

to 45 days at a time. [§300.520(a)(2)]

Substantial Likelihood of Injury to Self or Others

If school officials believe that a child with a disability is substantially likely to injure self or others in the child's regular placement:

They can ask an impartial hearing officer to order that the child be removed to an IAES for a period of up to 45 days. (§300.521)

If, at the end of the period of removal for weapons or drug offenses based on a hearing officer's determination of likely injury, school officials still believe there is a substantial likelihood of injury to self or others in the regular placement:

They can ask an impartial hearing officer to order that the child remain in an IAES for an additional 45 days. [(§300.526(c)]

If necessary, they can also request subsequent extensions of these IAES for up to 45 days at a time. [(§300.526(c)(4)]

In addition:

At any time, school officials may seek to obtain a court order:

to remove a child with a disability from school, or to change his or her current educational placement...

...if they believe that maintaining the child in the current educational placement is substantially likely to result in injury to the child others.

Finally:

School officials can report crimes committed by children with disabilities to appropriate law enforcement authorities to the same extent as they do for crimes committed by nondisabled students. (§300.529)

2. Do the IDEA regulations mean that a child with a disability cannot be removed from his or her current placement for more than 10 school days in a school year?

No. School authorities may unilaterally suspend a child with a disability from the child's regular placement for not more than 10 school days at a time for any violation of school rules, **if** nondisabled children would be subjected to removal for the same offense; implement additional suspensions of up to 10 school days at a time in that same school year for separate incidents of misconduct, **if** educational services are provided for the remainder of the removals, to the extent required under §300.121(d).

However, school authorities may not remove a child in a series of short-term suspensions (up to 10 school days at a time), if these suspensions constitute a pattern that is a change of placement because: the removals cumulate to more than 10 school days in a school year, and of factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.

But...

...not all series of removals that cumulate to more than 10 school days in a school year would constitute such a pattern.

In the case of less serious infractions :

Schools can address the misconduct through appropriate instructional and/or related services, including:

- conflict management,
- behavior management strategies, and
- measures such as study carrels, timeouts, and restrictions in privileges...

...as long as they are not inconsistent with the with the child’s IEP.

If a child’s IEP or behavior intervention plan addresses a particular behavior, it generally would be inappropriate to utilize some other response, such as suspension, to that behavior.

3: What must a school district do when removing a child from his or her current placement for the 11th cumulative day in a school year?

Beginning on the 5th cumulative day in a school year that a child with a disability is from his or her current placement, the school district must provide those services that school personnel, in consultation with the c with the child’s special education teacher, determine to be necessary to enable the child to: appropriately progress in the general curriculum, and appropriately advance toward achieving the goals set out in his or her IEP.

School personnel would determine where services would be provided. This means that, for the remainder of the removal that includes the 11th day, and for any subsequent removals, services must be provided to the extent determined necessary, while the removal continues. [§300.121(d)(2) and (3)]

Functional Behavior Assessments & Behavioral Intervention Plans

Not later than 10 business days after removing a child with a disability for more than 10 school days in a school year, the school district must convene an IEP team meeting to develop a behavioral assessment plan (if the district has not already conducted such an assessment and implemented a behavioral intervention plan for the child).

If the child who is being removed for the 11th cumulative day in a school year already has a behavioral intervention plan, the school district must convene the IEP team (either before or not later than 10 business days after first removing the child for more than 10 school days in a school year) to:

- review the plan and its implementation, and
- modify the plan and its implementation as necessary to address the behavior. [§300.520(b)]

A manifestation determination review would not be required unless the removal that includes the 11th cumulative school day (of a removal in a school year) is a change of placement. [§300.523(a)]

4: Does IDEA or its regulations mean that a child with a disability can never be suspended for more than 10 school days at a time or expelled for behavior that is not a manifestation of his or her disability?

No. If the IEP team concludes that the child’s behavior was not a manifestation of the child’s disability...

- ...the child can be disciplined in the same manner as nondisabled children, except that appropriate educational services must be provided. [§300.524(a)]

EQUIVALENCY AND WAIVERS

The Director of Student Services is required to apply for waivers and/or individual exceptions (class size or age range) when mandates are exceeded. Note that when an aide has been assigned to a classroom, a waiver would be completed only if class size exceeds the number of students allowed with an aide. The case manager will complete a *Request for Approval Form* (forms from county supervisor)

The case manager will inform the parent(s) of each student in the classroom about equivalency/ waiver requests and individual exceptions which have been granted using the *Notification Letter for Exemptions Applied for in Accordance with NJAC 6A: 14-4.10*. Upon receipt of county approval, the Director of Student Services' secretary will inform the case manager, who will then send the *Notification Letter for Exemptions Granted in Accordance with NJAC 6A: 14-4.10*. ***Copies of these letters will be placed in the individual student files.*** (Use forms from county supervisor)

FLOW CHARTS AND CHECKLISTS

FLOW CHART for SPECIAL EDUCATION PROCESS

Identification and Referral
(Written Request for Evaluation)



Within 20 Days-
Screening by CST to determine if evaluation is warranted



Within 15 Days~
Written response from CST re: whether to evaluate (6A:14-2.3(h))



If yes, written consent of “parent “sought. Parent has 15 days to consider. Team has 90 days from written consent to evaluate, develop and implement an IEP.



CST Evaluation



Eligibility Meeting/Classification Conference
Parent must receive evaluation results 10 days prior. If parent disagrees with evaluation results, may request an independent evaluation.
School district may contest by filing for due process



If appropriate, IEP developed by IEP Team (6A:14-3.7)



IEP Implementation (Program, Placement, Services)



IEP Annual Review



Triennial Reevaluation

*For preschool, by June 30th of the year the child turns 5 (6A:14-3.8g)

CASE MANAGER CHECKLIST- IDENTIFICATION/EVALUATION

DATE:

- _____ Referral received by school(forward to CST/Building case manager)
- _____ Info to open new case
- _____ Request for Medical
- _____ Schedule Evaluation Planning Meeting [20 days/PRISE]
- _____ Parental Consent for evaluation (From this date 90 days to complete process)
- _____ Submit requests for outside additional evaluations to Special Services
- _____ Bilingual assessment request, if appropriate (2)
- _____ Request for interpreter, if appropriate (X)
- _____ Evaluation(s) Completed (Specify): (Best Practice: BY 60 Days)

<u>Evaluation</u>	<u>Date</u>
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- _____ Schedule eligibility conference and IEP (Best Practice By 75 Days)
- _____ Notify IEP team
- _____ Send Notification of Meeting with enclosed evaluations 10 days in advance of the meeting date (Consider 13 days when sending postal mail to ensure receipt by 10 days prior)
- _____ Notify Student (age 14 or older)

**CASE MANAGER CHECKLIST
IDENTIFICATION/EVALUATION (con't)**

- _____ Prepare for the Eligibility Meeting
- _____ Prepare Notice of Eligibility/Ineligibility and provide copy to parent at meeting
- _____ If eligible collaboratively prepare IEP
 - _____ Complete IEP at meeting and obtain consent; parent is given a copy of consented IEP
 - _____ Copy and mail IEP to parent (Parent must receive IEP within 15 days)
 - _____ Provide access to IEP to relevant staff

Consent for Eligibility, Not Required: 6A: 14-2.3

CASE MANAGER CHECKLIST
EVALUATION AND INITIAL IEP

Student: _____

Date Assigned: _____

Date/Check when completed:

- _____ Give evaluation plan and consent letter to parents (include Eligibility Short Procedural Safeguard Statement, NJAC 6A: 14 and NJAC 1:6A) – Written Notice
- _____ Receive parent consent – Written Notice
- _____ Notify nurse to complete audiometric and visual screening information
- _____ Notify evaluation team to begin evaluation
- _____ Schedule eligibility conference, and if appropriate, IEP meeting date (no later than day 75)
- _____ Notify evaluation team
- _____ Notify parent (15 day notice and include PRISE)
- _____ Collect evaluation reports prior to eligibility conference
- _____ Develop collaborative statement of eligibility with evaluators
- _____ Attend eligibility meeting
- _____ If not eligible for services, written notice provided
- _____ Testing completed by day 60.
- _____ Send evaluations and eligibility meeting invitation .

CASE MANAGER CHECKLIST

LEAST RESTRICTIVE ENVIRONMENT

- _____ Areas of need described in Present Levels of Academic Achievement and Functional Performance are matched with goals and objectives and match the placement option
- _____ When appropriate, students receive supplementary aids, services, assistive technology so that they can be maintained in general education
- _____ Supplementary aids and services are varied across the student's disability categories in accordance with individual needs. (This option is not limited to certain disability categories and types of services available are defined by student need.)
- _____ The explanation of the extent to which the student does not participate in general education documents that:
- The student could not be educated satisfactorily in the general education class with the use of supplementary aids and services (this was considered first)
 - The placement is as close to home as possible
 - The student is educated in the school he or she would attend if not disabled
 - This is the school he or she would attend if not disabled, when appropriate

CASE MANAGER CHECKLIST

INITIAL IEP

Student: _____

Date Assigned: _____

Check when completed:

- _____ Parent input
- _____ Student input if applicable
- _____ Evaluation data input
- _____ Design Behavioral Intervention Plan, if applicable, as part of the IEP
- _____ Complete IEP draft which should contain PLAAFP for your use at meeting
- _____ Attend IEP meeting
- _____ Obtain IEP participant signature
- _____ Complete IEP document reflecting results of the meeting and include goals and objectives from teachers

Send copies of IEP to:

After parent signs IEP (15 days of receipt or sooner), send signed copies of the IEP to:

- _____ Transportation (Include transportation request form and bus transportation information from IEP)
- _____ Mail/Provide Access to IEP via Edplan/Easy IEP

CASE MANAGER CHECKLIST

IEP –ANNUAL REVIEWS

Student: _____

Date Assigned: _____

Check when completed

DURING SCHOOL YEAR:

- _____ Secure progress reports from service providers (Speech, OT, PT) for each reporting period
- _____ School progress reports are available to parents at each reporting period
- _____ Schedule IEP meetings as needed (Written Notice w/PRISE)

FOR ANNUAL REVIEW:

- _____ Schedule annual review meeting
- _____ Notify parents of annual review meeting (includes PRISE)
- _____ Notify IEP team of annual review meeting
- _____ Parental input
- _____ Student input if applicable
- _____ Teacher input
- _____ Evaluation data input
- _____ Design behavioral intervention plan, if applicable, as part of IEP
- _____ Coordinate transition plans if applicable
- _____ Complete the IEP on Edplan/Easy IEP
- _____ Attend IEP Annual Review meeting
- _____ Obtain IEP participant signatures
- _____ Obtain parent signature (parents have 15 days to consider IEP)
- _____ Provide copy of IEP to parent at conclusion of meeting
- _____ File copy in student's CST file

CASE MANAGER CHECKLIST

REEVALUATION

Date/Check when completed

- Schedule reevaluation meeting to discuss reevaluation at least 60 days prior to the three-year anniversary date (for preschool, by June 30th of the year the child turns 5. NJAC 6A:14- 3.8(g))
- Notify parents of reevaluation meeting (PRISE)
- Attend reevaluation meeting (case manager, regular and special education teachers are required to attend)
- Provide written notice to parent of determination of meeting
- Parent has 15 days to consider the Reevaluation Plan
- Notify evaluation team and therapists as appropriate
- Submit any requests for additional evaluations to special services
- Schedule eligibility meeting and if appropriate, IEP meeting date(best practice: by Day 45)
 - Notify regular and special education teachers, IEP team, and therapists, as appropriate
 - Request for interpreter, if appropriate (X))
 - Send notice of meeting to parent with copies of evaluations enclosed (at least 10 days prior to scheduled meeting)(PRISE)
 - Notify student if appropriate
- Attend eligibility meeting and if appropriate, IEP meeting
- Develop Eligibility/Ineligibility Statement
- Copy of Eligibility/Ineligibility Statement, IEP, If appropriate and mail to parent (Parent must receive IEP within 15 days)
- Provide access to IEP to relevant staff

State Departments, Agencies, and Resources

1. New Jersey Department of Education:

NJDOE Office of Special Education Programs
P.O. Box 500; Trenton, NJ 08625-0500
www.nj.gov/education

2. Early Intervention, Project Child Find:

1-800-322-8174

3. National Info Center for Children and Youth with Disabilities

<http://www.nichy.org>

4. Division of Developmental disabilities:

<http://state.nj.us/humanservices/ddd/>

5. NJ Commission for the Blind and Visually Impaired

www.state.nj.us/humanservices/cbvi/

6. New Jersey Department of Children and Families, Division of Child Behavioral Health Services:

www.nj.gov/dcf/behavioral

7. United States Department of Education, Office of Civil Rights:

www.ed.gov/about/offices/list/ocr/index.html

8. Statewide Parent Advocacy

Network: www.spanadvocacy.org

9. New Jersey Department of Human Services Division of Deaf and Hard of Hearing

<http://www.nj.gov/humanservices/ddhh/home/>

10. NJ Division of Vocational Rehabilitation

www.nj.gov/labor/dvrs

11. Division of Child Protection and Permanency (DCP&P)

NJ Child Abuse Reporting Hotline: 1-877-NJ-ABUSE / 1-877-652-2873

12. Psychiatric Emergency Screening Services

(PESS)Office: 908-526-4100

