

## **2460 SPECIAL EDUCATION**

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

1. All pupils with disabilities, regardless of the severity of their disabilities, who are in need of special education and related services, including pupils with disabilities attending nonpublic schools, are located, identified, and evaluated according to N.J.A.C. 6A:14-3.3;
2. Homeless pupils are located, identified, and evaluated according to N.J.A.C. 6A:14-3.3, and are provided special education and related services in accordance with the I.D.E.A, including the appointment of a surrogate parent for unaccompanied homeless youths as defined in 42 U.S.C. §§11431 et seq.;
3. Pupils with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4;
4. An Individualized Education Program (IEP) is developed, reviewed and, as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7;
5. To the maximum extent appropriate, pupils with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2;
6. All pupils with disabilities are included in all State-wide and district-wide assessment programs with appropriate accommodations according to N.J.A.C. 6A:14-4.10. The IEP team will make the determination whether pupils with significant disabilities will participate in the applicable Alternative Proficiency Assessment. Pupils with disabilities are assessed in accordance with their assigned grade level.
7. Pupils with disabilities are afforded procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq., including appointment of a surrogate parent as set for in N.J.A.C. 6A:14-2.2 and Policy 2467, when appropriate.

8. The rules set for in N.J.A.C. 6A:14 ensure a free appropriate public education is available to all pupils with disabilities between the ages of three and twenty-one, including pupils with disabilities who have been suspended or expelled from school.
  - a. The obligation to make a free, appropriate public education available to each eligible pupil begins no later than the pupil's third birthday and that an individualized education program (IEP) is in effect for the pupil by that date;
  - b. If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP will begin;
  - c. A free appropriate public education is available to any pupil with a disability who needs special education and related services, even though the pupil is advancing from grade to grade;
  - d. The services and placement needed by each pupil with a disability to receive a free, appropriate public education are based on the pupil's unique individual needs and not on the pupil's disability; and
  - e. The services and placement needed by each pupil with a disability to receive a free, appropriate public education are provided in an appropriate educational setting(s) as close to the student's home as possible and, when the IEP does not describe specific restrictions, the student is educated in the school he or she would attend if not a student with a disability.
9. Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under N.J.A.C. 6A:14 will experience a smooth transition to district pre-school programs and have an IEP developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.
10. Full educational opportunity to all pupils with disabilities is provided;
11. The compilation, maintenance, access to, and confidentiality of pupil records are in accordance with N.J.A.C. 6A:32-7;
12. Provision is made for the participation of pupils with disabilities who are placed by their parent(s) in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2;
13. Pupils with disabilities who are placed in private schools by the district Board are provided special education and related services at no cost to their parent(s) according to N.J.A.C. 6A:14-1.1 and N.J.A.C. 6A:14-7.5(b)3;

14. All personnel serving pupils with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law, pursuant to N.J.A.C. 6A:14-1.2(b)13;
15. Pursuant to N.J.A.C. 6A:14-1.2(b)4, the in-service training needs for professional and paraprofessional staff who provide special education, general education or related services are identified, and that appropriate in-service training is provided. The district Board shall maintain information to demonstrate its efforts to:
  - a. Prepare general and special education personnel with content knowledge and collaborative skills needed to meet the needs of children with disabilities;
  - b. Enhance the ability of teachers and others to use strategies, such as positive behavioral interventions, to address the conduct of pupils that impedes learning of students with disabilities and others;
  - c. Acquire and disseminate to teachers, administrators, school Board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;
  - d. Ensure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
  - e. Provide for joint training activities of parent(s) and special education, related services and general education personnel.
16. Instructional material will be provided to eligible pupils including those with vision loss or print disability in a timely manner, consistent with a plan developed by the district.
17. For pupils with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services the district will provide, pursuant to the Developmentally Disabled Uniform Application Act, N.J.S.A. 30:4-25.10 et seq., and N.J.A.C. 6A:14-1.2(b)17, the necessary materials to the parent(s) to apply for such services.
18. The school district will not accept the use of electronic mail from the parent(s) to submit requests to a school official regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education.

19. The school district will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each pupil's IEP, pursuant to N.J.A.C. 6A:14-4.5(d)
20. The school district takes into consideration the consistency of the location, curriculum, and staffing in the provision of special education services as required by N.J.A.C. 6A:14-3.7(c)4.
21. The school district screens students who have exhibited one or more potential indicators of dyslexia or other reading disabilities in accordance with N.J.S.A. 18A:40-5.1 et seq. and Policy 5339.

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

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

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## **R 2460 SPECIAL EDUCATION**

School district officials and staff shall adhere to all regulations included in N.J.A.C. 6A:14-1.1 et seq. and the following special education regulations:

- R 2460.1 Special Education – Location, Identification, and Referral (M)
- R 2460.8 Special Education - Free and Appropriate Public Education (M)
- R 2460.9 Special Education - Transition From Early Intervention Programs to Preschool Programs (M)
- R2460.15 Special Education – In-Service Training Needs for Professional and Paraprofessional Staff (M)
- R 2460.16 Special Education - Instructional Material to Pupils with Vision Loss or Print-Disability (M)

### Definitions:

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

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