

North Hunterdon-Voorhees Regional High School District
Annandale, NJ
September 19, 2017

The following are presented for the first and only reading of board policies and regulations to be abolished – (P) denotes policy (R) denotes regulation:

P 1522	School Level Planning
P 2320	Independent Study
P 2414	Programs for Pupils at Risk
P 2425	Physical Education
P 2460.01	Special Education-Free appropriate public education
P 2460.02	Special Education-Full educational opportunity
P 2460.03	Special Education-Location, identification, and referral
P 2460.04	Special Education-Individualized education program, reevaluation and related services
P 2460.05	Special Education-Placement in least restrictive environment
P 2460.06	Special Education-Procedural safeguards
P 2460.07	Special Education-Evaluation procedures
R 2460.07	Special Education-Free and Appropriate Public Education
P 2460.08	Special Education-Pupil records
P 2460.09	Refer to policy 2460
P 2460.10	Special Education-Requirements for services for nonpublic school pupils
R 2460.10	Special Education-Maintenance, Access to and Confidentiality of Student Records
P 2460.11	Special Education-Private school pupils-special education and related services
R 2460.11	Special Education-Location, identification, and referral
P 2460.12	Special Education-Personnel
P 2460.13	Special Education-In-service training
P 2460.14	Special Education-Participation in state-wide and district-wide assessment
R 2460.14	Special Education-In-service training
R 2460.62	Special Education-Procedural safeguards
P 3361	Affirmative Action Program for School and Classroom Practices
P 4211	Attendance (renumbered to 4212)
P 5465	Early Graduation
R 5516	Use of Electronic Communications and Recording Devices

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT
1000 ADMINISTRATION
1522 SCHOOL-LEVEL PLANNING

1522 SCHOOL-LEVEL PLANNING

The Board of Education recognizes the school level planning process involves parents or legal guardians and staff members in identifying school needs, establishing performance objectives, and monitoring progress toward those objectives.

School Report Card

The school district shall annually disseminate a report card for each school in the district which shall contain statistical information specified by the New Jersey Department of Education to all staff and parents. The school district shall also make the report card available to the media. The procedure the district will follow to disseminate the report card shall be in accordance with the requirements of the New Jersey Department of Education.

School-level Plan

By September 30, each school in the district shall develop and implement a two-year plan based on school report card data. This plan shall include pupil performance objectives, a review of progress by teaching and administrative staff, and the involvement of parents.

At least once per semester, each school shall conduct meetings by grade level, department, team, or similarly appropriate group to review the school-level plan. The review shall include: school report card data; progress toward achieving pupil performance objectives; and progress toward achieving Core Curriculum Content Standards. The results of each such meeting shall be considered by the school planning team in the development of the succeeding school-level plan.

Pupil Performance Objectives

Each school in the district shall develop two or more objectives based on pupil performance or behavior standards as defined in N.J.A.C. 6A:32-13.1 and 13.2. The objectives shall cover a period of not more than two years.

If pupil performance is below minimum State standards, the objectives to meet those standards shall be established. Benchmarks shall be set forth to measure the school's progress toward the achievement of minimum State standards.

If pupil performance is at or above minimum State standards, challenge objectives shall be established.

The Superintendent shall, no later than August 1 of each year, submit each school's objectives to the Executive County Superintendent for review and approval.

Each school shall achieve its pupil performance objectives by meeting established benchmarks for minimum State standards and/or achieving challenge objectives or demonstrating progress toward meeting such objectives.

Each school that does not meet established benchmarks for pupil performance objectives or demonstrate progress toward meeting challenge objectives for two or more successive years shall be assigned a technical assistance team by the Executive County Superintendent to facilitate accomplishment of these objectives.

N.J.A.C. 6A:32-12.2

Adopted: June 24, 2011

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

<p>NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT 2000 PROGRAM 2320 INDEPENDENT STUDY</p>
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2320 INDEPENDENT STUDY

The Board of Education authorizes an independent study program aimed at achieving the Core Curriculum Content Standards for promotion and graduation purposes in accordance with the requirements of N.J.A.C. 6A:8-5.1 (a) ii.

An independent study program and appropriate assessments shall be planned for individuals and/or group based on specific instructional objectives aimed at meeting or exceeding the Core Curriculum Content Standards. The Principal shall certify completion of the independent study program based on specific instructional objectives.

The Principal may utilize a performance or competency assessment to approve pupil completion of an independent study program, including those occurring all or in part prior to the pupil's high school enrollment.

A group independent study program shall be approved in the same manner as other approved courses. Independent study programs shall be on file in the school district and subject to review by the Commissioner of Education or designee.

N.J.A.C. 6A:8-5.1 et seq.

Adopted: 16 December 2008

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT
2000 PROGRAM
2414 PROGRAMS FOR PUPILS AT RISK

2414 PROGRAMS FOR PUPILS AT RISK

The Board of Education recognizes that certain conditions place children at risk of not acquiring the knowledge, skills, behaviors, and attitudes necessary for school success, school completion, and successful functioning as an adult in society.

A "pupil at risk" means a pupil who is in danger of failure or dropping out of school because of specific cognitive, affective, economic, social, and/or health needs. The conditions that may place a pupil at risk include the pupil's failure to acquire the essential skills needed to stay on grade level or the pupil's performance below minimum levels of proficiency; history of adjustment or behavioral problems; placement on long-term suspension for violation of school rules; history of poor school attendance; being limited in English language proficiency; being disruptive or disaffected; pregnancy or parenthood; failure to qualify for promotion or graduation; condition of poverty as defined by his or her eligibility for free meals or free milk and/or exhibiting other characteristics identified by the Board.

The Board shall annually approve a plan for utilizing state aid and federal funds as may be available for pupils at risk. The plan shall include the identification of conditions that place pupils at risk, an assessment of pupil needs resulting from those conditions, and the programs and services the district will offer to address those conditions and meet those needs, including assistance to parents or legal guardians in promoting school success. Programs and services shall meet the goals of:

1. Enhancing the health, self-esteem, and acquisition of the life skills necessary for age-appropriate development and productive functioning in the school setting and society;
2. Identifying and assisting pupils who are not meeting standards for behavior and achievement in areas such as attendance, conduct, and mastery of the curriculum, as well as performing below state minimum levels of proficiency; and
3. Improving the school climate so that pupils experience school as a safe, supportive, and disciplined place where academic and interpersonal growth and learning can take place.

An Individual Student Improvement Plan (ISIP) shall be developed, implemented, and monitored for each pupil who performs below state minimum levels of proficiency after the completion of three academic years of instruction beyond kindergarten. The pupil and his or her parent or legal guardian will be informed, in a language understood by both of them, of the need for and the content of the ISIP. The pupil's classroom teacher and the staff members responsible for providing services described in the ISIP will regularly communicate with each other and with the pupil's parent or legal guardian on matters regarding implementation of the ISIP and the pupil's progress.

Programs and services for pupils at risk may be offered during the regular school day, beyond the regular school day, or during the summer. Any such programs and services that do not require the services of a teaching staff member or cannot be reasonably accommodated in the school setting may be delivered by qualified persons who are not necessarily certified but are supervised by appropriately certified teaching staff members.

The Board shall provide staff training necessary to implement the programs and services for pupils at risk specified in the annual plan.

N.J.A.C. 6:8-1.1 et seq.; 6:8-6.1; 6:39-1.2 et seq.

Adopted: 1 May 2001

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT 2000 PROGRAM 2425 PHYSICAL EDUCATION
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2425 PHYSICAL EDUCATION

The Board of Education recognizes the value of physical activity in the development and maintenance of sound physical and mental health. Accordingly, the Board directs the establishment, in accordance with law, of courses of physical education and the enrollment therein of every pupil in attendance in the schools of this district, insofar as each is physically capable of participation. Each course will provide pupils with a regimen of physical exercise and activity, assist pupils in the development of physical skills and achievements, encourage pupils in a spirit of sharing and cooperation, and instill in pupils a life-long appreciation for physical activity. The successive courses of physical education will be so designed as to provide pupils with exposure to a variety of athletic, lifelong physical fitness and wellness activities.

A pupil excused from physical education classes will be granted credit for physical education provided he or she earns a passing grade in the alternate activity. A pupil whose physical education credit is earned in an alternate program of physical activity will be graded by the physical education department chairman in consultation with the person who has supervised the alternate program. Grades earned will be entered in the pupil's permanent record with a notation of the alternate program for which physical education credit is given.

N.J.S.A. 18A:35-5

N.J.A.C. 6:28-4.1; 6:29-3.2

Adopted: 1 May 2001

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT
2000 PROGRAM
2460.01 SPECIAL EDUCATION - FREE APPROPRIATE PUBLIC EDUCATION

2460.01 SPECIAL EDUCATION - FREE APPROPRIATE PUBLIC EDUCATION

The Board of Education shall provide all pupils with disabilities, including pupils with disabilities who have been suspended or expelled from school, a free appropriate public education in accordance with the standards set under the Individuals with Disabilities Education Act (IDEA), (20 U.S.C. §1400 et seq.). Programs and services shall be provided to pupils age three through twenty-one. The Board shall provide information regarding services available through other State, county and local agencies to parent(s), legal guardian(s) of children with disabilities below the age of three and adult pupils. A free appropriate special education and related services to pupils with disabilities age three through twenty-one shall be provided at public expense, under public supervision and with no charge to the parent(s), legal guardian(s) and/or the adult pupil. Special education and related services to pupils with disabilities age three through twenty-one shall be administered, supervised and provided by appropriately certified professional staff members and be located in facilities that are accessible to the disabled. All special education programs and services provided under this chapter shall be subject to review and approval by the New Jersey Department of Education. The special education staff of the school district shall maintain documentation demonstrating compliance with the IDEA, N.J.A.C. 6A:14.1 et seq., and with all Board policies and school district regulations pertaining to special education.

Pupils with disabilities educated by the school district shall be placed in facilities or programs which have been approved by the New Jersey Department of Education in accordance with N.J.S.A. 18A:46-14 and 15. The school district special education staff shall ensure hearing aids worn by children who are deaf and/or hard of hearing are functioning properly.

The school district is eligible for assistance, under the IDEA Part B, for a fiscal year by having a special education plan in effect that is approved by the New Jersey Department of Education through its County Office of Education. The plan shall consist of policies, procedures, assurances; a comprehensive system of personnel development; data collection and an application that describes the use of the Part B funds. Such components of the plan shall be consistent with the approved State Plan for Special Education and N.J.A.C. 6A:14.1 et seq.

The Superintendent shall provide written assurance of the school district's compliance with the policies, procedures and program requirements of N.J.A.C. 6A:14-1.2. Annually, the Superintendent shall describe how the school district will use the funds under Part B of the IDEA during the next school year and the school district shall submit a report of the numbers of pupils with disabilities according to their federal disability category, age, racial-ethnic background, and placement, a report of the staff, including contracted personnel, providing services to identify, evaluate, determine eligibility, develop Individualized Education Programs (IEP), provide related services and/or instruction to pupils with disabilities and the full-time equivalence of their assignments and relevant information on current and anticipated personnel vacancies and shortages; and any additional reports as required by the IDEA (20 U.S.C. §1400 et seq.) including, but not limited to, the number of pupils with disabilities who are exiting education, subject to suspensions and expulsions; removed to interim alternative education settings, and participating in Statewide assessments. Upon request, reports in addition to those included in this policy shall be submitted to the New Jersey Department of Education including, but not limited to, the number of pupils with disabilities by racial-ethnic group identified as potentially disabled, evaluated and newly classified.

The approved special education plan submitted by the school district of residence shall remain in effect until the County Office of Education approves such amendments as the school district of residence deems necessary unless the provisions of the IDEA Amendments of 1997, or its regulations are amended, or if there is a new legally binding interpretation of the IDEA by federal or State courts, or if there is an official finding of noncompliance with federal or State law or regulations. Under these circumstances the New Jersey Department of Education through the County Offices of Education shall require the school district to modify its special education plan only to the extent necessary to ensure compliance with federal and/or State requirements.

The Superintendent directs the implementation of statutes, rules of the State Board of Education, and related policies and regulations regarding programs and services for children with disabilities.

N.J.S.A. 18A:46-1 et seq.; 1:6A-1.1 et seq.; N.J.A.C. 6A:14-1 et seq.

20 U.S.C. §1400 et seq.

Adopted: 1 May 2001

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT
2000 PROGRAM
2460.02 SPECIAL EDUCATION - FULL EDUCATIONAL OPPORTUNITY

2460.02 SPECIAL EDUCATION - FULL EDUCATIONAL OPPORTUNITY

General Requirements - Programs and Instruction - N.J.A.C. 6A:14-4.1

The Board of Education shall provide educational programs and related services for pupils with disabilities required by the Individualized Education Program (IEP) of those pupils for whom the Board is responsible. Any proposal to establish, change or eliminate special education programs or services shall be approved by the New Jersey Department of Education through its County Office of Education. The length of the school day and academic year for pupils with disabilities shall be not less than the day and year established for non-disabled pupils. When the IEP does not describe any restrictions, the pupil shall be included in the regular school program.

When a pupil with a disability transfers from another New Jersey school district or from an out-of-state school district, the Child Study Team (CST) shall conduct an immediate review of the evaluation information and the IEP.

The Board, through appropriate personnel, shall establish and implement a plan to evaluate special education programs and services in accordance with N.J.S.A. 18A:7A-10, 11, 14, and 14.1 and N.J.A.C. 6A:14 et seq.

Program Options - N.J.A.C. 6A:14-4.3

A full continuum of alternative placements shall be available to meet the needs of pupils with disabilities age three through twenty-one for special education and related services. The IEP team shall consider all relevant factors in determining the need for an extended school year program.

A preschool age pupil with a disability may be placed in an early childhood program operated by an agency other than another Board program. Such an early education program must be licensed or approved by a governmental agency, the program must be nonsectarian, and there must be assurances the pupil's IEP can be implemented in the early childhood program with supplementary aids and services that are specified in the IEP. The special education and related services that are specified in the pupil's IEP shall be provided by appropriately certified and/or licensed personnel or by paraprofessionals in accordance with N.J.A.C. 6A:14-3.9(a)4 or 4.1(e).

Program Criteria - Speech-Language Services - N.J.A.C. 6A:14-4.4

Speech-language services provided to a pupil with a disability shall be in addition to the regular instructional program and shall be given individually or in groups. The size and the composition of the group shall be determined by the IEP team in accordance with the speech-language needs of the pupil and shall not exceed five pupils. These services shall be provided by certified speech-language specialists as defined in N.J.A.C. 6A:14-1.3.

Program Criteria - Supplementary Instruction - N.J.A.C. 6A:14-4.5

Supplementary instruction shall be provided to the pupil with a disability in addition to the primary instruction for the subject being taught. The program of supplementary instruction shall be specified in the pupil's IEP, and shall be provided individually or in groups in accordance with the numbers for support resource programs.

Program Criteria - Resource Programs - N.J.A.C. 6A:14-4.6

The Resource Programs shall offer individual and small group instruction to pupils with disabilities. Resource programs shall be offered in a regular class and/or a pullout resource program.

Program Criteria - Special Class Programs, Secondary and Vocational Rehabilitation - N. J.A.C. 6A:14-4.7

A special class program shall serve pupils who have similar educational needs in accordance with their IEP and

shall offer instruction in the core curriculum content standards unless the IEP specifies an alternative curriculum due to the nature or severity of the pupil's disability. The regular education curriculum and the instructional strategies may be modified based on the pupil's IEP. The teacher, depending upon the disability of the pupil, must hold certification as a teacher of the handicapped, teacher of the blind or partially sighted and/or teacher of the deaf or hard of hearing. The age span in special class programs shall not exceed four years and a special class program shall not be approved as a kindergarten.

Program Criteria - Home Instruction - N.J.A.C. 6A:14-4.8

The IEP of a pupil with a disability may be implemented by one to one instruction, at home or in another appropriate setting, when it can be documented that all other less restrictive program options have been considered and have been determined inappropriate. Prior written approval to provide home instruction must be obtained from the New Jersey Department of Education through the County Office of Education for a maximum of sixty calendar days. Requests may be made for renewals of the period of home instruction, each not to exceed sixty calendar days. Instruction shall be provided for no fewer than ten hours per week in no fewer than three visits by a certified teacher on at least three separate days and N.J.A.C. 6A:14-4.9(a)2, 3, and 4 shall apply.

Home Instruction Due to Temporary Illness or Injury for Pupils With or Without Disabilities - N.J.A.C. 6A:14-4.9

Instruction shall be provided for no fewer than five hours per week in no fewer than three visits by a certified teacher on at least three separate days. Instruction shall be provided at the pupil's place of confinement. If the pupil is confined to a hospital, convalescent home, or other medical institution, instruction shall be provided by the school district, an Educational Services Commission, a State-operated facility, a Jointure Commission or an approved clinic or agency at the pupil's place of confinement.

Instruction may be provided by direct communication to a classroom program by distance learning devices. If so provided, such instruction shall be provided in addition to the one to one or small group instruction. Pupils shall receive a program that meets the requirements of the school district for promotions and graduation. For pupils with disabilities, the school district shall provide a program that is consistent with the pupil's IEP to the extent appropriate. When the provision of home instruction shall exceed thirty consecutive school days in a school year, the IEP team shall convene a meeting to review and if appropriate, revise the pupil's IEP and when a nondisabled pupil is confined at home or in the hospital by a physician for more than sixty calendar days, the school physician shall refer the pupil to the CST in accordance with N.J.A.C. 6A:14-3.3(e).

Exceptions - N.J.A.C. 6A:14-4.10

Exceptions for the age range and group sizes specified in N.J.A.C. 6A:14-4.4 through 4.7 shall be granted on an individual basis with prior written approval of the New Jersey Department of Education through the County Office of Education and for a period not to exceed one year. The County Office of Education shall either approve or deny the request. If a request for an exception is denied, the school district shall implement the IEP.

The parent(s), legal guardian(s) of a pupil and/or the adult pupil with a disability, for whom the exception is requested, and the parent(s), legal guardian(s) of the pupils and/or the adult pupil who are affected by the request for an exception shall be informed by the school district that such a request is being submitted to the County Office of Education. Upon approval of the exception by the County Office of Education, the school district or the appropriate education agency shall inform the parent(s), legal guardian(s) of the pupils with disabilities and/or the adult pupil who is/are affected by the exception.

N.J.S.A. 18A:46-1 et seq.

N.J.S.A 1:6A-1.1 et seq.

N.J.A.C. 6A:14-1 et seq.

20 U.S.C. §1400 et seq.

Adopted: 1 May 2001

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT

2000 PROGRAM

2460.03 SPECIAL EDUCATION - LOCATION, IDENTIFICATION AND REFERRAL

2460.03 SPECIAL EDUCATION - LOCATION, IDENTIFICATION AND REFERRALLocation, Referral and Identification - N.J.A.C. 6A:14-3.3

This policy shall apply to pupils age three through twenty-one, including pupils that attend nonpublic schools, who reside within the school district. This policy and its accompanying regulation includes procedures to locate pupils who may be disabled and to refer pupils who may be experiencing physical, sensory, communication, cognitive or social difficulties. Teaching staff members, administrative staff and other professional staff of the school district, parent(s), legal guardian(s) and/or the adult pupil, and other agencies working in and with the school district shall be informed of the referral process that may identify pupils who are experiencing physical, sensory, emotional, communication, cognitive, or social difficulties.

Determination of Eligibility for Special Education and Related Services - N.J.A.C. 6A:14-3.5

When an initial evaluation is completed for a pupil age three through twenty-one, a meeting in accordance with N.J.A.C. 6A:14-2.3(i)1 shall be convened to determine whether the pupil is eligible for special education and related services. A copy of the evaluation report(s) and documentation of eligibility shall be given to the parent(s), legal guardian(s) and/or the adult pupil. If eligible, the pupil shall be assigned the classification "eligible for special education and related services." Eligibility shall be determined collaboratively by the participants described by N.J.A.C. 6A:14-2.3(i)1. Classification shall be based on all assessments conducted including assessment by the Child Study Team (CST) members and assessment by other specialists as specified in N.J.A.C. 6A:14-3.5c1 -13.

Determination of Eligibility for Speech-Language Services - N.J.A.C. 6A:14-3.6

Eligible for speech-language services means a speech and/or language disorder in one or more of the following areas: articulation/phonology, fluency, voice, or any combination unrelated to dialect, cultural differences or the influence of a foreign language which adversely affects a pupil's educational performance and/or a language disorder which meets the criteria of N.J.A.C. 6A:14-3.5(c)4 and the pupil requires speech language services only. The evaluation of a speech disorder shall be conducted in accordance with N.J.A.C. 6A:14-3.4(e).

When the initial speech-language evaluation is completed, classification shall be determined collaboratively by the participants at a meeting in accordance with N.J.A.C. 6A:14-2.3(i)1. A copy of the evaluation report(s) and documentation of eligibility shall be given to the parent(s), legal guardian(s) and/or the adult pupil. The Individualized Education Program (IEP) shall be developed in a meeting in accordance with N.J.A.C. 6A:14-2(i)2. When a pupil has been determined eligible for speech-language services and other disabilities are suspected or other services are being considered, the pupil shall be referred to the CST.

N.J.S.A. 18A:46-1 et seq.

N.J.S.A. 1:6A-1.1 et seq.

N.J.A.C. 6A:14-1 et seq.

20 U.S.C. §1400 et seq.

Adopted: 1 May 2001

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT

2000 PROGRAM

2460.04 SPECIAL EDUCATION - INDIVIDUALIZED EDUCATION PROGRAM (IEP), REEVALUATION AND RELATED SERVICES

2460.04 SPECIAL EDUCATION - INDIVIDUALIZED EDUCATION PROGRAM (IEP), REEVALUATION AND RELATED SERVICESIndividual Education Program - N.J.A.C. 6A:14-3.7

A meeting to develop the Individual Education Program (IEP) shall be held within thirty calendar days of a determination that a pupil is eligible for special education and related services or for speech-language services. An IEP shall be in effect before special education and related services are provided to a pupil with a disability and such IEP shall be implemented as soon as possible following the IEP meeting. At the beginning of each school year, the school district shall have in effect an IEP for every pupil who is receiving special education and related services from the school district. The IEP shall be developed by the IEP Team in accordance with N.J.A.C. 6A:14-2.3(i)2 for pupils classified eligible for special education and related services or in accordance with N.J.A.C. 6A:14-3.6(d) for pupils classified eligible for speech language services.

Reevaluation - N.J.A.C. 6A:14-3.8

Within three years of the previous classification, a multi-disciplinary reevaluation shall be completed to determine whether a pupil continues to be a pupil with a disability. Reevaluation shall be conducted sooner, without undue delay, if conditions warrant or if the pupil's parent(s), legal guardian(s) and/or the adult pupil, or teacher requests the reevaluation. The IEP Team shall determine the nature and scope of the reevaluation. The IEP Team shall review existing data in accordance with N.J.A.C. 6A:14-3.4(a)2 and administer such tests and procedures needed to determine whether the pupil continues to have a disability in accordance with N.J.A.C. 6A:14-3.5(c) or 3.6(a). If the IEP Team determines no additional data are needed to determine whether the pupil continues to have a disability, the school district shall provide notice in accordance with N.J.A.C. 6A:14-2.3(e) and (f) to the parent(s), legal guardian(s), and/or the adult pupil. The parent(s), legal guardian(s) and/or the adult pupil has a right to have an assessment to determine whether the pupil continues to be a pupil with a disability. Prior to conducting any reevaluation of a pupil with a disability, consent from the parent(s), legal guardian(s) and/or the adult pupil shall be obtained.

If the reevaluation is warranted, the IEP Team shall determine which Child Study Team (CST) members and/or specialists shall conduct the reevaluation. A reevaluation shall be conducted when a change in eligibility is being considered. When a reevaluation is completed, a meeting of the pupil's IEP Team in accordance with N.J.A.C. 6A:14-2.3(i)2 or 3.6(c) shall be conducted to determine whether the pupil continues to be a pupil with a disability. A copy of the evaluation reports and documentation of eligibility shall be provided to the parent(s), legal guardian(s) and/or the adult pupil. If the pupil remains eligible, an IEP Team meeting in accordance with N.J.A.C. 6A:14-2.3(i)2 or 3.6(d) shall be conducted to review and revise the IEP.

Related Services - N.J.A.C. 6A:14-3.9

Related services shall be provided to a pupil with a disability when required for the pupil to benefit from the educational program. Related services shall be provided by appropriately certified and/or licensed professionals in accordance with the pupil's IEP. School personnel may give advice to parent(s), legal guardian(s) and/or the adult pupil regarding additional services that are not required by law. This advice places no obligation on the Board of Education to provide or fund such services.

N.J.S.A. 18A:46-1 et seq.

N.J.S.A 1:6A-1.1 et seq.

N.J.A.C. 6A:14-1 et seq.

20 U.S.C. §1400 et seq.

Adopted: 1 May 2001

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT

2000 PROGRAM

2460.05 SPECIAL EDUCATION - PLACEMENT IN LEAST RESTRICTIVE ENVIRONMENT

2460.05 SPECIAL EDUCATION - PLACEMENT IN LEAST RESTRICTIVE ENVIRONMENTPlacement in Least Restrictive Environment - N.J.A.C. 6A:14-4.2

Pupils with disabilities shall be educated in the least restrictive environment. The Board of Education shall ensure that to the maximum extent appropriate, a pupil with a disability is educated with children who are not disabled. The Board shall ensure that special classes, separate schooling or other removal of a pupil with a disability from the pupil's regular class occurs only when the nature or the severity of the disability is such that education of the pupil in a regular class with the use of appropriate supplemental aids and services cannot be achieved satisfactorily. The Board shall further ensure a full continuum of alternative placements in accordance with N.J.A.C. 6A:14-4.3 is available to meet the needs of pupils with disabilities for special education and related services and placement of a pupil with a disability is determined at least annually. Consideration shall be given whether the pupil can be educated satisfactorily in a regular classroom with supplementary aids and services. A comparison of the benefits provided in a regular class and the benefits provided in a special education class shall be considered. The potentially beneficial or harmful effects which a placement may have on the pupil with a disability or the other pupils in the class shall also be considered.

N.J.S.A. 18A:46-1 et seq.

N.J.S.A 1:6A-1.1 et seq.

N.J.A.C. 6A:14-1 et seq.

20 U.S.C. §1400 et seq.

Adopted: 1 May 2001

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT
2000 PROGRAM
2460.06 SPECIAL EDUCATION - PROCEDURAL SAFEGUARDS

2460.06 SPECIAL EDUCATION - PROCEDURAL SAFEGUARDS

Parental Consent, Notice, Participation and Meeting - N.J.A.C. 6A:14-2.3

The consent of parent(s), legal guardian(s) and/or the adult pupil shall be obtained prior to an initial evaluation to determine if a pupil has a disability and prior to the implementation of the initial Individualized Education Program (IEP) and reevaluation. Prior to the release of pupil records in accordance with N.J.A.C. 6:3-6 the consent of the parent(s), legal guardian(s) and/or the adult pupil shall be obtained. Consent is not required prior to reevaluation if the school district administration can demonstrate that it has taken reasonable measures to obtain such consent and the parent(s), legal guardian(s) and/or the adult pupil failed to respond. In the event that a pupil's parent(s), legal guardian(s) and/or the adult pupil cannot be identified in accordance with N.J.A.C. 6A:14-3.3, located after reasonable efforts, or the pupil is a ward of the State of New Jersey, the Superintendent of Schools shall appoint an individual to act as surrogate for the parent(s), legal guardian(s) and/or the adult pupil in accordance with N.J.A.C. 6A:14-2.2.

Written notice shall be provided to the parent(s), legal guardian(s) and/or the adult pupil when the school district administration proposes or declines to initiate or change the identification, classification, evaluation, or educational placement of the pupil or the provision of a Free Appropriate Public Education to the pupil. Written notice to the parent (s), legal guardian(s) and/or the adult pupil and parent conferences required by N.J.A.C. 6A:14 shall be conducted in the language used for communication by the parent(s), legal guardian(s) and/or the adult pupil unless it is clearly not feasible to do so. Upon receipt of any written parental, legal guardian and/or adult pupil request to initiate or change the identification, classification, evaluation, and/or educational placement of a pupil, or the provision of a Free Appropriate Public Education for the pupil, a response that meets the requirement of written notice shall be provided to the parent(s), legal guardian(s) and/or the adult pupil within twenty calendar days, excluding school holidays, but not summer vacation. The Board of Education shall take steps to ensure the parent(s), legal guardian (s) and/or the adult pupil is given the opportunity to participate in the identification and evaluation of the pupil and the development and review of the IEP.

An initial eligibility meeting shall be conducted for pupils classified, in accordance with N.J.A.C. 6A:14-3.5c.

Protection in Evaluation Procedures - N.J.A.C. 6A:14-2.5

In conducting the evaluation, staff shall use a variety of assessment tools and strategies to gather relevant functional and developmental information. The Superintendent shall ensure that evaluation procedures are in accordance with N.J.A.C. 6A:14-3.4. A parent(s), legal guardian(s) and/or the adult pupil may request an independent evaluation if there is a disagreement with the evaluation provided by the school staff. Such evaluation shall be provided at no cost to the parent(s), legal guardian(s) and/or the adult pupil unless the school district initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing. Any independent evaluation purchased at public expense shall be conducted in accordance with N.J.A.C. 6A:14-3.4 and must be obtained from another public school district, an Educational

Services Commission, a Jointure Commission or a clinic or agency approved under N.J.A.C. 6A:14-5, or private practitioner, who is certified and/or licensed. Upon receipt of parental, legal guardian and/or the adult pupil request, the Board shall provide information about where an independent evaluation may be obtained. An independent medical evaluation may be obtained in accordance with N.J.A.C. 6A:14-5.1(e).

Mediation - N.J.A.C. 6A:14-2.6

Mediation is a voluntary process available to resolve disputes that arise from the implementation of statutes and rules of the New Jersey State Board of Education. Mediation is available for pupils age three through twenty-one when there is a disagreement regarding identification, evaluation, classification, educational placement or the

provision of a free appropriate education. A request for mediation shall not be used to deny or delay the right to request a due process hearing. If either party is unwilling to participate in mediation, a request for a formal due process hearing under N.J.A.C. 6A:14-2.7 may be made directly to the New Jersey Department of Education through the Office of Special Education Programs.

The parent(s), legal guardian(s) and/or the adult pupil who chooses not to use the mediation process must meet with a State mediator to discuss the benefits of mediation. The meeting may take place by telephone or through the use of electronic conference equipment.

If mediation results in agreement, the conclusions shall be incorporated into a written agreement signed by each party. If the mediation does not result in agreement, the mediator shall document the date and the participants at the meeting.

No other record of the mediation shall be made. Discussions that occur during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearings or civil proceedings. Pending the outcome of mediation, no change shall be made to the pupil's classification, program, or placement, unless both parties agree, or emergency relief as part of a request for due process hearing is granted by the Office of Administrative Law (OAL) in accordance with N.J.A.C. 6A:14-2.7(g), or as provided in 20 U.S.C. section 1415(k)(7).

Due Process Hearings - N.J.A.C. 6A:14-2.7

A due process hearing is an administrative hearing conducted by an Administrative Law Judge (ALJ). For a pupil age three through twenty-one, a due process hearing may be requested when there is a disagreement regarding identification, classification, evaluation or educational placement and/or the provision of a free, appropriate public education to that pupil. For pupils above the age of twenty-one, any disputes regarding the provision of program and services to these pupils shall be handled as a contested case before the Commissioner of Education pursuant to N.J.A.C. 6:24. The Board or public agency responsible for the development of the pupil's IEP may request a due process hearing when it is unable to obtain required consent to conduct an initial evaluation, implement an initial IEP, and/or release pupil records. The school district shall request a due process hearing when it denies a written parental, legal guardian, and/or adult pupil request for an independent evaluation in accordance with N.J.A.C. 6A:14-2.5c.

Subject to adjournments granted by the ALJ, a final decision shall be rendered not later than forty-five days after receipt of the request for a hearing. The decision of the ALJ is final, binding on both parties and to be implemented without delay, unless stayed in accordance with N.J.A.C. 1:6A-18.4.

Either party may apply in writing for emergency relief as part of a request for a hearing, or at any time after such request in accordance with N.J.A.C. 1:6A-12.1. Pending the outcome of a due process hearing or any administrative or judicial proceeding, no change shall be made to the pupil's classification, program, or placement unless both parties agree or emergency relief as part of a request for a due process hearing is granted by the OAL pursuant to State statutes, regulations, or as provided in 20 U.S.C. section 1415(k)(7). Any party may appeal the decision of the OAL in accordance with N.J.A.C. 1:6A-18.3.

Discipline/Suspension/Expulsions - N.J.A.C. 6A:14-2.8

For disciplinary reasons, school officials may order the removal of a pupil with a disability from his or her current educational placement to an interim alternative educational setting, another setting, or a suspension without the provision of educational services for up to ten consecutive or cumulative school days in a school year. Such suspensions are subject to the same school district procedures as nondisabled pupils. However, at the time of removal, the building principal shall forward written notification and a description of the reasons for such action to the case manager. Disciplinary action initiated by the school district which involves removal to an interim alternative educational setting, suspension of more than ten consecutive or cumulative school days in a school year or expulsion of a pupil with a disability must be in accordance with 20 U.S.C. section 1415(k), as amended and supplemented.

Reimbursement for Unilateral Placement by Parents - N.J.A.C. 6A:14-2.10

Except as provided in N.J.A.C. 6A:14-6.1(a), the Board is not required to pay for the cost of education, including special education and related services, of a pupil with a disability if the school district made available a free appropriate public education and the parent(s), legal guardian(s) and/or the adult pupil elect to enroll the pupil in a nonpublic school or approved private school for the disabled. If the parent(s), legal guardian(s) of a pupil and/or the adult pupil with a disability, who previously received special education and related services from the school district of residence, enroll the pupil in a nonpublic or approved private elementary or secondary school without the consent of or referral by the school district, an ALJ may require the school district to reimburse the parent(s), legal guardian(s) and/or the adult pupil for the cost of that enrollment if the ALJ finds that the school district had not made available a free, appropriate public education available to that pupil in a timely manner prior to that enrollment. The cost of reimbursement requested by the parent(s), legal guardian(s) and/or the adult pupil may be reduced or denied consistent with N.J.A.C. 6A:14-2.10(c).

N.J.S.A. 18A:46-1 et seq.

N.J.S.A 1:6A-1.1 et seq.

N.J.A.C. 6A:14-1 et seq.

20 U.S.C. §1400 et seq.

Adopted: 1 May 2001

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT
2000 PROGRAM
2460.07 SPECIAL EDUCATION - EVALUATION PROCEDURES

2460.07 SPECIAL EDUCATION - EVALUATION PROCEDURES

Evaluation - N.J.A.C. 6A:14-3.4

The Child Study Team (CST), the parent(s), legal guardian(s) and/or the adult pupil, and the regular education teacher who has knowledge of the pupil's educational performance or the district's programs shall review existing data on the pupil including evaluations and information provided by the parent(s), legal guardian(s) and/or the adult pupil, current classroom-based assessments and observations, and the observations of teachers and related services providers. The need for any health appraisals or specialized medical evaluations shall also be considered. After the parent(s), legal guardian(s) and/or the adult pupil consent for initial evaluation of a preschool age or school age pupil has been received, the evaluation, determination of eligibility for services under N.J.A.C. 6A:14 et seq., and, if eligible, development and implementation of the Individualized Education Program (IEP) for the pupil shall be completed within ninety calendar days.

When the suspected disability is a disorder of articulation, voice or fluency in accordance with N.J.A.C. 6A:14-3.6(e), the speech-language specialist shall meet with the parent(s), legal guardian(s) and/or the adult pupil and the regular education teacher who is knowledgeable about the pupil's educational performance, or the district's programs to review existing data on the pupil including evaluations and information provided by the parent(s), legal guardian(s) and/or the adult pupil, current classroom-based assessments and observations, and observations of teachers and related services providers. Parental, legal guardian(s) and/or the adult pupil consent to conduct the evaluation in accordance with N.J.A.C. 6A:14-3.3(e) and to conduct an assessment shall be obtained.

N.J.S.A. 18A:46-1 et seq.

N.J.S.A 1:6A-1.1 et seq.

N.J.A.C. 6A:14-1 et seq.

20 U.S.C. §1400 et seq.

Adopted: 1 May 2001

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT
 2000 PROGRAM
 2460.07 SPECIAL EDUCATION - EVALUATION PROCEDURES
 Regulation 2460.07 Special Education-Free and Appropriate Public Education

Regulation 2460.07 Special Education-Free and Appropriate Public Education

A free and appropriate public education is available to all pupils with disabilities between the ages of fourteen and twenty-one including pupils with disabilities who have been suspended or expelled from school.

Procedures regarding the provision of a free and appropriate public education to pupils with disabilities who are suspended or expelled are as follows:

1. School officials responsible for implementing suspensions/expulsions in the district are the following:

a. Principal/Vice Principal or designee.

2. Each time a pupil with a disability is removed from his/her current placement for disciplinary reasons, notification of the removal is provided to the case manager by the Principal or designee.

(Notification must be in written format for documentation)

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

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

a. Pupil's name;

b. The infraction;

c. Time suspended; and

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

4. When a pupil is suspended from transportation:

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

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

If transportation is included in the pupil's IEP as a required related service, the school district shall provide alternate transportation during the period of suspension from the typical means of transportation.

d. Suspension from transportation may be counted as a day of absence rather than a day of removal if the district made available an alternate means of transportation and the pupil does not attend school.

5. When a pupil with a disability participates in an in-school suspension program, the Principal or designee shall ensure that participation in the program is not considered removal when determining whether a manifestation determination must be conducted if the program provides the following:

a. Opportunity for the pupil to participate and progress in the general curriculum,

b. Services and modifications specified in the pupil's IEP,

c. Interaction with non-disabled peers to the extent they would have in the current placement, and

d. The pupil is counted as present for the time spent in the in-school suspension program.

6. When a series of short-term removals will accumulate to more than ten school days in the year:

a. The Principal/Vice Principal or designee and the case manager will consult to determine whether the

removals create a change of placement according to N.J.A.C. 6A:14-2.8(c) 2. Written documentation of the consultation between the school administration and the case manager shall be maintained by the case manager.

b. If it is determined that there is no change in placement, the Principal/Vice Principal or designee the case manager, and special education teacher will consult to determine the extent to which services are necessary to:

- (1) Enable the pupil to participate and progress appropriately in the general education curriculum; and
- (2) Advance appropriately toward achieving the goals set out in the pupil's IEP.

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

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

- a. Review the behavioral intervention plan and its implementation;
- b. Determine if modifications are necessary; and
- c. Modify the behavioral intervention plan and its implementation as appropriate. The plan will be modified to the extent necessary if at least one member of the team determines that modifications are necessary.

The case manager will document the date and the outcome of the meeting (Attach any relevant forms).

The documentation shall be placed in the pupil's file.

Procedures Regarding the Provision of a Free, Appropriate Public Education to Pupils with Disabilities Who Are Advancing From Grade to Grade.

The Principal through in-service training shall ensure pupils with disabilities who are advancing from grade to grade with the support of specially designed services, continue to be eligible when as part of a reevaluation, the IEP Team determines the pupil continues to require specially designed services to progress in the general education curriculum and the use of functional assessment information supports the IEP Team's determination.

Procedures Involving Procedural Safeguards to Pupils Not Yet Eligible For Special Education.

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

Adopted: April 21, 2009

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT 2000 PROGRAM 2460.08 SPECIAL EDUCATION - PUPIL RECORDS
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2460.08 SPECIAL EDUCATION - PUPIL RECORDSPupil Records - N.J.A.C. 6A:14-2.9

All pupil records shall be maintained in accordance with N.J.A.C. 6:3-6, and Regulation No. 8330. The parent(s), legal guardian(s) and/or the adult pupil, or their designated representative shall be permitted to inspect and review the contents of the pupil's records maintained by the school district under N.J.A.C. 6:3-6, and Policy and Regulation No. 8330 without unnecessary delay and before any meeting regarding the Individualized Education Program (IEP).

N.J.S.A. 18A:46-1 et seq.

N.J.S.A 1:6A-1.1 et seq.

N.J.A.C. 6A:14-1 et seq.

20 U.S.C. §1400 et seq.

Adopted: 1 May 2001

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT
2000 PROGRAM
2460.09 - Refer to Policy 2460

2460.09 - Refer to Policy 2460

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT

2000 PROGRAM

2460.10 SPECIAL EDUCATION - REQUIREMENTS FOR SERVICES FOR NONPUBLIC SCHOOL PUPILS

2460.10 SPECIAL EDUCATION - REQUIREMENTS FOR SERVICES FOR NONPUBLIC SCHOOL PUPILSParticipation of Pupils with Disabilities Enrolled in Nonpublic Schools by Their Parents - N.J.A.C. 6A:14-6.1

The school district shall provide a genuine opportunity for the equitable participation of pupils with disabilities who reside in the school district, who are enrolled in nonpublic schools. The school district shall spend an amount of money equal to a proportionate amount of federal funds available under Part B of the Individuals with Disabilities Education Act (IDEA) for the provision of services to pupils with disabilities who are attending nonpublic schools. Those procedural safeguards available to nonpublic school pupils with disabilities, and their parent(s), legal guardian(s) and/or adult pupil as specified by federal law and rules under Part B of the IDEA shall apply.

Provision of Programs and Services Provided Under the N.J.S.A. 18A:46A-1 et seq. and 18A:46-19.1 et seq. - N.J.A.C. 6A:14-6.2

If the nonpublic school is located within the school district, the school district shall provide to nonpublic school pupils the programs and services required by federal and State law by itself, or through joint agreements with other Boards of Education, or through contracts with Educational Services Commissions, or with clinics and agencies approved under N.J.A.C. 6A:14-5. Specifications for contracts to provide programs and services covered by this policy shall be approved by the County Superintendent of Schools.

Identification, evaluation, determination of eligibility, development of Individualized Education Programs (IEP), and provisions of speech and language services, home instruction and supplementary instruction shall be provided in accordance with federal and State law. English as a second language shall be provided in accordance with N.J.S.A. 18A:46A-2c, and Compensatory Education shall be provided in accordance with N.J.S.A. 18A:46A-2e. Any special education programs and services provided in accordance with federal and State law, shall be provided with parental, legal guardian(s), and/or the adult pupil's consent in accordance with N.J.A.C. 6A:14-2.3. Procedural safeguards available to nonpublic school pupils with disabilities and their parent(s), legal guardian(s) and/or the adult pupil as specified by federal law and rules under Part B of the IDEA shall apply.

Personnel providing a program or service shall have appropriate certification, and if required, meet all licensing requirements. Personnel shall not be employed by the nonpublic school in which the pupil is enrolled with the exception of personnel providing the types of instruction specified in N.J.A.C. 6A:14-5.1 (c)2ii and iii.

Programs and services for nonpublic school pupils shall be provided in facilities approved by the New Jersey Department of Education through its County Office of Education in accordance with N.J.S.A. 18A:46-5 and 18A:46-19.5.

Public and nonpublic school pupils may be grouped for speech correction and the other instructional programs provided, when appropriate. When the provision of programs and/or services requires transportation or the maintenance of vehicular classrooms, the school district in which the nonpublic school is located shall provide the transportation and maintenance, and the cost shall be paid from State aid received for this purpose. The school district in which the nonpublic school is located shall maintain all records of nonpublic school pupils receiving programs and/or services in accordance with N.J.A.C. 6:3-6.

Fiscal Management Provided Under N.J.S.A. 18A:46A-1 et seq. and 18A:46-19.1 et seq. - 6A:14-6.3

The school district in which the nonpublic school is located, shall provide programs and services at a cost not to exceed the amount of State aid funds. The school district is responsible to maintain an accounting system for nonpublic programs and services in accordance with N.J.A.C. 6:20-2A. At the close of each school year, the

school district shall report to the New Jersey Department of Education the total district cost for programs and services provided.

The school district in which the nonpublic school is located, shall receive State aid for programs and services for the succeeding school year as available from appropriated funds for nonpublic school programs and services.

End of the Year Report Provided Under N.J.S.A. 18A:46A-1 et seq. and 18A:46-19.1 et seq. - 6A:14-6.4

Annually, the Superintendent of Schools shall submit to the New Jersey Department of Education, a report describing the programs and services provided under N.J.A.C. 6A:14 et seq. The end of the year report shall include the numbers of nonpublic school pupils provided each program or service, and such other information as may be required by the New Jersey Department of Education.

N.J.S.A. 18A:46-1 et seq.

N.J.S.A 1:6A-1.1 et seq.

N.J.A.C. 6A:14-1 et seq.

20 U.S.C. §1400 et seq.

Adopted: 1 May 2001

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT

2000 PROGRAM

2460.10 SPECIAL EDUCATION - REQUIREMENTS FOR SERVICES FOR NONPUBLIC SCHOOL PUPILS

Regulation 2460.10 Special Education - Maintenance, Access To and Confidentiality of Student Records

Regulation 2460.10 Special Education - Maintenance, Access To and Confidentiality of Student Records

The compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C. 6:3-6.1 et seq.

Procedures to Assure Confidentiality and Access to the Individual Education Program (IEP)

1. The Superintendent shall assure that regular education teachers, special education teachers, and related services personnel with assigned educational responsibility have access to the pupil's IEP.
 - a. Personnel with assigned educational responsibility will have the right to view, to make notes, and/or have a reproduction of the IEP.
 - b. The Superintendent will assure that the IEP is kept confidential and is maintained according to N.J.A.C. 6:3-6.4(b) which states that pupil records for each individual pupil shall be maintained in a central file at the school attended by the pupil and when records are maintained in different locations, a notation in the central file as to where such other records may be found is required.
2. All procedures regarding access to pupil records and confidentiality indicated in Policy and Regulation No. 8330 Pupil Records will be followed.

Adopted: 17 September 2002

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT

2000 PROGRAM

2460.11 SPECIAL EDUCATION - PRIVATE SCHOOL PUPILS - SPECIAL EDUCATION AND RELATED SERVICES

2460.11 SPECIAL EDUCATION - PRIVATE SCHOOL PUPILS - SPECIAL EDUCATION AND RELATED SERVICESPlacement in Accredited Nonpublic Schools Which are Not Specifically Approved for the Education of Disabled Pupils - N.J.A.C. 6A:14-6.5

In accordance with N.J.S.A. 18A:46-14, pupils with disabilities may be placed in accredited nonpublic schools which are not specifically approved for the education of disabled pupils with the consent of the Commissioner of Education or by an order of a court of competent jurisdiction, except preschool age pupils with disabilities may be placed by the school district in early childhood programs operated by agencies other than a school district in accordance with N.J.A.C. 6A:14-4.3(c).

A. The Commissioner's consent shall be based upon certification by the school district that the following requirements have been met:

1. The nonpublic school is accredited. Accreditation means the on-going, on-site evaluation of a nonpublic school by a governmental or independent educational accreditation agency which is based upon written evaluation criteria that address educational programs and services, school facilities and school staff;
2. A suitable special education program pursuant to N.J.S.A. 18A:46-14 a. through h., cannot be provided to this pupil;
3. The most appropriate placement for this pupil is this nonpublic school;
4. The program to be provided shall meet the requirements of the pupil's Individualized Education Program (IEP);
5. The pupil shall receive a program that meets all the legal requirements of a thorough and efficient education. These requirements shall be met except as the content of the program is modified by the IEP based on the educational needs of the pupil. Statewide assessment and graduation requirements shall apply. Participation in Statewide assessment and/or exemptions from graduation requirements shall be recorded in the pupil's IEP in accordance with N.J.A.C. 6A:14-4.11 and 4.12.
 - a. All personnel providing either special education programs, or related services shall hold the appropriate educational certificate and a license, if one is required, for the position in which they function;
 - b. All personnel providing regular education programs shall either hold the appropriate certificate for the position in which they function or shall meet the personnel qualification standards of a recognized accrediting authority;
 - c. All substitute teachers and aides providing special education and related services shall be employed in accordance with N.J.A.C. 6:11-4.5, County substitute certificate, and 4.6, Paraprofessional approval.
6. The pupil shall receive a comparable program to that required to be provided by the school district. These requirements shall be met except as the content of the program is modified by the IEP based on the educational needs of the pupil. Exemptions shall be recorded in the pupil's IEP;
7. The nonpublic school provides services which are nonsectarian;
8. The nonpublic school complies with all relevant State and federal anti-discrimination statutes;
9. Written notice has been provided to the pupil's parent(s), legal guardian(s) and/or the adult pupil regarding this placement which has included a statement that:
 - a. The nonpublic school is not an approved private school for the disabled and that the school district

assumes the ongoing monitoring responsibilities for the pupil's program;

b. No suitable special education program could be provided to this pupil pursuant to N.J.S.A. 18A:46-14; and

c. This is the most appropriate placement available to the pupil.

10. The placement is not contested by the parent(s), legal guardian(s) and/or the adult pupil; and

11. The nonpublic school has been provided copies of N.J.A.C. 6A:14, 1:6A and 6:3-6.

B. In a due process hearing, the authority of the Commissioner to consent to a placement in an accredited nonpublic school shall be delegated to the Administrative Law Judge (ALJ) assigned to the case when:

1. The ALJ makes a factual determination that the certifications in one through eleven above are met; or
2. If the school district and the parent(s), legal guardian(s) and/or the adult pupil agree to a settlement of the matter which would include placement under N.J.S.A. 18A:46-14 and the ALJ approves the settlement. Approval may be granted if the school district makes the certifications in one through eleven above. A copy of the signed consent application shall be attached to the settlement agreement and forwarded by the district Board of Education to the New Jersey Department of Education through the County Office of Education.

The school district shall be responsible to monitor the pupil's placement at least annually to ensure the program's compliance with the certifications.

N.J.S.A. 18A:46-1 et seq.

N.J.S.A 1:6A-1.1 et seq.

N.J.A.C. 6A:14-1 et seq.

20 U.S.C. §1400 et seq.

Adopted: 1 May 2001

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT**2000 PROGRAM****2460.11 SPECIAL EDUCATION - PRIVATE SCHOOL PUPILS - SPECIAL EDUCATION AND RELATED SERVICES****Regulation 2460.11 Special Education - Location, Identification and Referral****Regulation 2460.11 Special Education - Location, Identification and Referral****Procedures for Referral**

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

1. Parental or Legal Guardian Notification of Procedures

Referral procedures shall be included in the Student/Parent Handbook, newsletter, special education brochure or pamphlet or other school district publication, which shall be distributed to any parent(s) or legal guardian(s). These procedures and publications shall be updated annually and be distributed to parent(s) and legal guardian(s) not later than October 1 of each year.

2. Parent Initiated Referral

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

- a. The written request shall be dated by the district recipient;
- b. Immediately forwarded to the office of special services;
- c. A file will be initiated (Attach any forms used to open a case);
- d. Upon receipt of the referral a request for a summary and review of health and medical information regarding the pupil shall be forwarded to the school nurse who will transmit the summary to the Child Study Team (CST);
- e. The Director of Special Services (though not required, a case manager may be assigned) will convene a planning meeting (identification meeting) within twenty calendar days (excluding school holidays, but not summer vacation) of the date the request was received by the district;
- f. A "Notice of a Planning Meeting" will be sent to the parent(s); (Attach form)
- g. The notice will contain "Parental Rights in Special Education" (PRISE) Booklet; and
- h. The planning meeting (Identification Meeting) will be attended by the parent, CST and regular education teacher.

3. School Initiated Referral

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

- a. It is determined (optional: through the I&RS/PAC Committee) that interventions in the general education program have not adequately addressed the educational difficulties and it is believed that the pupil may be disabled; or
- b. It can be documented that the nature of the pupil's educational problem(s) is such that an evaluation to determine the eligibility for services is warranted without delay.
- c. The Principal, through in-service training, shall ensure that pupils who may be potentially disabled are referred even though they are advancing from grade to grade.

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

- a. A Referral to the CST (attach form) will be completed by the referring staff member;

- b. I&RS/PAC documentation (including, but not limited to: teacher reports, grades and other relevant data)(optional: the intervention record) shall be forwarded with the Referral to the CST along with any other relevant data;
 - c. I&RS/PAC documentation does not need to be forwarded for direct referral when the nature of the pupil's problem is such that the evaluation is warranted without delay;
 - d. The referral should be dated upon receipt by the CST (Attach any forms used to open a case);
 - e. A file will be initiated;
 - f. Upon receipt of the referral, a request for a summary and review of health and medical information regarding the pupil shall be forwarded to the school nurse who will transmit the summary to the CST;
 - g. The Director of Special Services (though not required, a case manager may be assigned) will convene a planning meeting within twenty calendar days (Excluding school holidays, but not summer vacation) of the date recorded on the referral;
 - h. A Notice of a Planning Meeting (Identification Meeting) will be sent to the parents;
 - i. The notice shall contain "Parental Rights in Special Education" (PRISE); and
 - j. The planning meeting (Identification Meeting) will be attended by the parent, CST and regular education teacher.
4. The district may use community rehabilitation programs approved by the New Jersey Department of Labor, Division of Vocational Rehabilitation Services or any other State agency empowered to accept secondary level pupil placement according to N.J.A.C. 6A:14-4.7(f)1.
5. Each evaluation of the pupil requires an assessment to determine appropriate post-secondary outcomes as part of transition services planning.
6. Each IEP team member is required to certify in writing whether the IEP team report reflects his or her conclusions. In the event the IEP team report does not reflect the IEP team members conclusion, the IEP team member must submit a dissenting opinion in order to ensure the parents are aware of dissenting opinions regarding the determination of eligibility for a specific learning disability.
7. Parent(s) or legal guardian(s) must receive a copy of their child's evaluation report and any documentation leading to a determination of eligibility not less than ten calendar days prior to the eligibility conference in order to ensure parent(s) or legal guardian(s) have a reasonable amount of time to review documentation prior to an eligibility conference.

Adopted: 17 September 2002

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT
2000 PROGRAM
2460.12 SPECIAL EDUCATION - PERSONNEL

2460.12 SPECIAL EDUCATION - PERSONNEL

General Requirements - Services - N.J.A.C. 6A:14-3.1

A Child Study Team (CST) shall include a school psychologist, a learning disabilities teacher-consultant and a school social worker. All members of the CST shall be Board of Education employees, have an identifiable, apportioned time commitment to the school district and shall be available during the hours pupils are in attendance.

Specialists in the area of disability may include, but not be limited to, CST members, as well as speech-language specialists, occupational therapists, physical therapists, audiologists, school nurses, advance practice nurses and physicians who are appropriately certified and/or licensed to carry out activities under N.J.A.C. 6A:14 et seq. Where an educational certificate and a license are required to carry out activities under N.J.A.C. 6A:14 et seq., the professional must be certified and/or licensed.

CST members and to the extent appropriate, specialists in the area of disability, shall participate in the evaluation of pupils who may need special education programs and services in accordance with N.J.A.C. 6A:14-3.3 and 3.4, participate in the determination of eligibility of pupils for special education programs and services in accordance with N.J.A.C. 6A:14-3.5; may deliver appropriate related services to pupils with disabilities; may provide preventive and support services to nondisabled pupils; and may provide services to the general education staff regarding techniques, materials and programs for pupils experiencing difficulties in learning. Services include, but are not limited to, consultation with staff and parent(s), the legal guardian(s) and/or the adult pupil and the design, implementation and evaluation of techniques to prevent and/or remediate educational difficulties.

Case Manager - N.J.A.C. 6A:14-3.2

A case manager shall be assigned to a pupil when it is determined that an initial evaluation shall be conducted. CST members or speech-language specialists, when they act as members of the CST, shall be designated to serve as the case manager for each pupil with a disability.

The case manager shall coordinate the development, monitoring and evaluation of the effectiveness of the Individualized Education Program (IEP); facilitate communication between home and school and coordinate the annual review and reevaluation process; be knowledgeable about the pupil's educational needs and program; be knowledgeable about special education procedures and procedural safeguards; have an apportioned time for case management responsibilities; and be responsible for transition planning.

Providing Educational and Related Services - N.J.A.C. 6A:14-5 et seq.

The school district, independently or through joint agreements, shall employ CST(s), speech correctionist(s) or speech-language specialist(s) and other school personnel in numbers sufficient to ensure provision of required programs and services pursuant to federal and State laws. Joint agreements for CST services may be entered into with other school districts, Educational Services Commissions, Jointure Commissions and Special Services School Districts.

If the school district provides its educational program through another New Jersey school district, responsibility for the requirements of N.J.A.C. 6A:14-1 et seq. shall be according to the following:

When individual pupils are placed in a school operated by another school district, a contractual agreement shall be made between Boards of Education which specifies responsibility for providing instruction, related services and CST services to pupils with disabilities.

The school district may contract with private clinics and agencies approved by the New Jersey Department of

Education, private professional practitioners who are certified and licensed according to State statutes and rules, agencies or programs that are certified, approved or licensed by the New Jersey Department of Human Services or by the New Jersey Department of Health and Senior Services for the following services:

1. For public school pupils Independent CST evaluations according to N.J.A.C. 6A:14 -2.5(b); CST diagnostic services to supplement existing school district services; the related services of occupational therapy, physical therapy and counseling, and home instruction.
2. For pupils attending nonpublic schools, the school district in which the facility is located may contract for evaluation, determination of eligibility, classification and the development of an IEP, supplementary instruction, speech-language services and home instruction for pupils determined eligible for such services, and English as a Second Language and Compensatory Education.

The school district may purchase services listed under 1. and 2. above, from New Jersey Department of Education approved clinics and agencies with the prior written approval of the New Jersey Department of Education through its County Office of Education. The request for approval to purchase services shall include the proposed terms of the contract, the school district shall be notified of approval or disapproval, and the approval shall be for one year. The school district is not required to obtain prior written approval of the New Jersey Department of Education when contracting for an independent CST evaluation.

The school district may contract for medical diagnostic services with medical clinics and agencies approved by another New Jersey State agency or appropriate state agencies outside of New Jersey. These agencies do not have to obtain New Jersey Department of Education approval nor does the school district have to receive prior approval of the New Jersey Department of Education to purchase diagnostic medical services. Any clinic or agency used by the school district shall be in conformance with the requirement of N.J.A.C. 6A:14-5.2.

N.J.S.A. 18A:46-1 et seq.

N.J.S.A 1:6A-1.1 et seq.

N.J.A.C. 6A:14-1 et seq.

20 U.S.C. §1400 et seq.

Adopted: 1 May 2001

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT
2000 PROGRAM
2460.13 SPECIAL EDUCATION - IN-SERVICE TRAINING

2460.13 SPECIAL EDUCATION - IN-SERVICE TRAINING

The Superintendent of Schools will ensure in-service training in educating special education pupils is provided to all members of the teaching and support staff who provide services to pupils with disabilities consistent with the school district's special education plan approved by the Board of Education as submitted to the New Jersey Department of Education.

N.J.S.A. 18A:46-1 et seq.

N.J.S.A 1:6A-1.1 et seq.

N.J.A.C. 6A:14-1 et seq.

20 U.S.C. §1400 et seq.

Adopted: 1 May 2001

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT

2000 PROGRAM

2460.14 SPECIAL EDUCATION - PARTICIPATION IN STATE-WIDE AND DISTRICT-WIDE ASSESSMENT

2460.14 SPECIAL EDUCATION - PARTICIPATION IN STATE-WIDE AND DISTRICT-WIDE ASSESSMENTStatewide Assessment - N.J.A.C. 6A:14-4.11

Pupils with disabilities shall participate in Statewide assessments in accordance with the following:

1. Accommodations and/or modifications approved by the New Jersey Department of Education for the administration of the Statewide assessment will be provided in accordance with the pupil's Individualized Education Plan (IEP).
2. If the nature of the pupil's disability is so severe that the pupil is not receiving instruction in any of the knowledge and skills measured by the Statewide assessment and the pupil cannot complete any of the questions on the assessment in a subject area with or without accommodations, the pupil will participate in a locally determined assessment of pupil progress.
3. A pupil with a disability may participate in the Special Review Assessment for the High School Proficiency Test after one administration of the High School Proficiency Test or the current State assessment instrument for such purposes when the pupil fails one or more sections of the test, and when the IEP Team determines that the pupil requires an alternative format to demonstrate the knowledge and skills measured by the High School Proficiency Test or the current State assessment instrument for such purposes.

Graduation - N.J.A.C. 6A:14-4.12

The IEP Team of a pupil with a disability who enters a high school program must specifically address the graduation requirements. The pupil must meet the graduation requirements of N.J.A.C. 6:4A.1, except as specified in the pupil's IEP. The IEP must specify which requirements would qualify the pupil with a disability for the State endorsed diploma issued by the school district for his or her graduation.

If a pupil attends a school outside the school district which is empowered to grant a diploma, the pupil will have the choice of receiving the diploma of the school attended or the diploma of the school district school. If the school district grants an elementary school diploma, a pupil with a disability who fulfills the requirements of his or her IEP will qualify for a school district diploma.

Pupils with disabilities who meet the standards for graduation according to this section will have the opportunity to participate in graduation exercises and related activities on a non discriminatory basis.

N.J.S.A. 18A:46-1 et seq.

N.J.S.A 1:6A-1.1 et seq.

N.J.A.C. 6A:14-1 et seq.

20 U.S.C. §1400 et seq.

Adopted: 1 May 2001

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT**2000 PROGRAM****2460.14 SPECIAL EDUCATION - PARTICIPATION IN STATE-WIDE AND DISTRICT-WIDE ASSESSMENT****Regulation 2460.14 Special Education - In-Service Training****Regulation 2460.14 Special Education - In-Service Training**

The in-service training needs for professional and paraprofessional staff who provide special education, regular education or related services are identified and that appropriate in-service training is provided. The Principal shall maintain information to demonstrate the school efforts to:

1. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;
2. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;
3. 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.
4. Ensure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
5. Provide for joint training activities of parents and special education, related services and general education personnel. (34 C.F.R. 300.380)

Procedures for Identifying and Meeting the Training Needs of Paraprofessionals, Professionals and Parents of Students with Disabilities

1. The Principal will conduct a needs assessment annually to identify the in-service training needs as part of district wide development activities.
2. Target populations will be identified by the needs assessment and will include at a minimum special education and regular education professionals, related services personnel, paraprofessionals and parents.
3. Trainings will be conducted annually.
4. When appropriate, the district will identify, adopt and disseminate promising practices, materials and technology based upon:
 - a. Individual needs of pupils in accordance with their respective IEP.
 - b. Significant knowledge derived from educational research and other reliable sources.
 - c. Collaborative work with institutions of higher learning or other entities that (on a per-service and an in-service basis) prepare personnel who work with children with disabilities to support quality professional development programs that meet identified state and local needs.
 - d. Technical assistance and professional development programs provided through NJDOE sources.
5. The effectiveness of the training will be evaluated/assessed through district and/or commercially developed surveys/forms.
6. Documentation of the needs assessment, training activities and evaluation procedures will be maintained for three years after the activities are completed.

Adopted: 17 September 2002

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT
 2000 PROGRAM
 Regulation 2460.62 Special Education-Procedural Safeguards

Regulation 2460.62 Special Education-Procedural Safeguards

8. Emergency relief may be requested in accordance with N.J.A.C. 1:6A-12.1. Emergency relief may be requested if school personnel maintains that it is dangerous for the pupil with a disability to be in a current placement. Emergency relief may be requested by the parent(s), legal guardian(s) and/or the adult pupil if he/she disagrees with a decision related to disciplinary action, or with a decision related to placement in an interim alternative educational setting by school officials for behavior involving drugs or weapons in accordance with 20 U.S.C. 1415(k)(6)(A).

9. If the school district or public agency responsible for implementing the IEP fails to implement a hearing decision of the OAL, a request for enforcement may be made by the parent(s), legal guardian(s) and/or the adult pupil. The request must be made in writing to the State Director of the Office of Special Education Programs, New Jersey Department of Education. Upon receipt of this request, implementation of the decision shall be assured.

10. Pending the outcome of a due process hearing, or any administrative or judicial proceeding, no change shall be made to the pupil's classification, program, or placement unless both parties agree or emergency relief as part of a request for a due process hearing is granted by the OAL pursuant to this regulation or as provided in 20 U.S.C. 1415(k)(7).

11. Any party may appeal the decision of an ALJ in accordance with N.J.A.C. 1:6A-18.3.

H. Discipline of Students with Disabilities Change of Placement for Disciplinary Removals for the Purposes of Removal of a Pupil with a Disability from the Pupil's Current Educational Placement

1. A change of placement occurs if the removal is for more than ten consecutive school days; or
2. The pupil is subjected to a series of removals that constitute a pattern because they cumulate to more than ten school days in a school year, and because of factors such as the length of each removal, the total amount of time the pupil is removed, and the proximity of the removals to one another.

The Director of Guidance and CST or designee shall make the determination whether a series of short-term removals constitutes a change of placement.

Authority of School Personnel

a. School personnel may order:

- (1) To the extent removal would be applied to pupils without disabilities, the removal of a pupil with a disability from the pupil's current placement for not more than ten consecutive school days for any violation of school rules, and additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement as described in H.2 above). After a pupil with a disability has been removed from his/her current placement for more than ten school days in the same school year, during any subsequent days of removal the school district must provide services to the extent required under C.F.R. 300.121(d); and
- (2) A change in placement of a student with a disability to an appropriate interim alternative educational setting for the same amount of time that a pupil without a disability would be subject to discipline, but for not more than forty-five days if:
 - (a) The pupil carries a weapon to school, or to a school function under the jurisdiction of a State or a local educational agency; or
 - (b) The pupil knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled

substance while at school, or a school function under the jurisdiction of a State or local educational agency.

Behavioral Assessment

b. Either before or not later than ten business days after either first removing the pupil for more than ten school days in a school year or commencing a removal that constitutes a change of placement: under paragraphs H.(1) and H.(2) including action described in paragraph a.(2)

(1) If the school district did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the pupil before the behavior that resulted in the removal described in paragraph (a) above, the case manager shall convene an IEP Team meeting to develop an assessment plan.

(2) If the pupil already has a behavioral intervention plan, the IEP Team shall review the plan and its implementation, and modify the plan and its implementation as necessary, to address the behavior.

(3) As soon as practicable after developing the plan as described in b.(1) and completing the assessments required by the plan, the school district shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.

(4) If subsequently, a pupil with a disability who has a behavioral intervention plan and who has been removed from the pupil's current educational placement for more than ten school days in a school year is subjected to a removal that does not constitute a change of placement, the IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementations, to the extent the team determines necessary.

Authority of the Hearing Officer

c. A hearing officer may order a change in the placement of a pupil with a disability to an appropriate interim alternative educational setting for not more than forty-five days if the hearing officer in an expedited due process hearing:

(1) Determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of such pupil is substantially likely to result in injury to the pupil or to others;

(2) Considers the appropriateness of the pupil's current placement;

(3) Considers whether the school district has made reasonable efforts to minimize the risk of harm in the pupil's current placement, including the use of supplementary aids and services; and

(4) Determines that the interim alternative educational setting meets the requirements of paragraph d.(1) and d.(2) below.

Determination of Setting

d. The interim alternative educational setting described in subparagraph a.(2) above shall be determined by the IEP Team;

Any interim alternative educational setting in which a pupil is placed under paragraph a. or b. above shall:

(1) Be selected so as to enable the pupil to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the pupil's current IEP, that shall enable the pupil to meet the goals set out in that IEP; and

(2) Include services and modifications to address the behavior described in paragraph a.(2) or paragraph c. above that are designed to prevent the behavior from recurring.

Manifestation Determination

e. If an action is contemplated regarding behavior as described in paragraph a.(2) and c. above, or involving a removal that constitutes a change of placement for a child with a disability pursuant to a.(2) and C. above

who has engaged in other behavior that violated any rule or code of conduct of the school district that applies to all pupils, then:

- (1) Not later than the date on which the decision to take that action is made, the parent(s), legal guardian(s) and/or the adult pupil shall be notified of that decision, and provided the procedural safeguards notice accorded under the laws and this regulation and policy; and
- (2) Immediately, if possible, but in no case later than ten school days after the date on which the decision to take that action is made, a review shall be conducted of the relationship between the pupil's disability and the behavior subject to the disciplinary action.

f. A review described in subparagraph e. above shall be conducted by the IEP Team and other qualified personnel in a meeting. In carrying out a review described in paragraph e. above, the IEP Team and other qualified personnel may determine that the behavior of the pupil was not a manifestation of the pupil's disability only if the IEP Team and other qualified personnel:

- (1) First consider, in terms of the behavior subject to disciplinary action, all relevant information including evaluation and diagnostic results, including such results or other relevant information supplied by the parent(s), the legal guardian(s) of the pupil and/or the adult pupil; observations of the pupil; and the pupil's IEP and placement; and
- (2) Then determines that:
 - (a) In relationship to the behavior subject to disciplinary action, the pupil's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the pupil's IEP and placement;
 - (b) The pupil's disability did not impair the ability of the pupil to understand the impact and consequences of the behavior subject to disciplinary action; and
 - (c) The pupil's disability did not impair the ability of the pupil to control the behavior subject to disciplinary action.
- (3) If the IEP team and other qualified personnel determine that any of the standards in (2) above were not met, the behavior must be considered a manifestation of the pupil's disability.
- (4) The review described in e. above may be conducted at the same IEP meeting that is convened under b. above.
- (5) If, in the review in f. above, the school district identifies deficiencies in the pupil's IEP or placement or in their implementation, it must take immediate steps to remedy those deficiencies.

Determination That the Behavior Was Not a Manifestation of Disability

g. If the result of the review described in subparagraph e. above is a determination that the behavior of the pupil with a disability was not a manifestation of the pupil's disability, the relevant disciplinary procedures applicable to pupils without disabilities may be applied to the pupil in the same manner which they would be applied to a pupil without disabilities, except the district need not provide services during periods of removal described under a.(1) above to a pupil with a disability who has been removed from his/her current placement for ten school days or less in that school year, if services are not provided to a pupil without disabilities who has been similarly removed (C.F.R. 300.121 (d)).

h. If the school district initiates disciplinary procedures applicable to all pupils, the school district shall ensure that the special education and disciplinary records of the pupil with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

Except as provided in j. below, 20 U.S.C. 1415(j) applies if a parent requests a hearing to challenge a determination, made through the review described in e., that the behavior of the pupil was not a manifestation of the pupil's disability.

Parent Appeal

i. If the pupil's parent(s), legal guardian(s) and/or the adult pupil disagrees with a determination that the pupil's behavior was not a manifestation of the pupil's disability, or with any decision regarding placement, the parent(s), legal guardian(s) and/or the adult pupil may request a hearing. The Superintendent or designee shall arrange for an expedited hearing in any case described in this regulation when requested by a parent(s), legal guardian(s) and/or the adult pupil.

(1) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the school district has demonstrated that the pupil's behavior was not a manifestation of such pupil's disability consistent with the requirements of paragraph f.(1) and f.(2) above.

(2) In reviewing a decision under paragraph a.(2) to place the pupil in an interim alternative educational setting, the hearing officer shall apply the standards set out in paragraph c. above.

Placement During Appeals

j. When a parent(s), legal guardian(s) and/or the adult pupil requests a hearing or an appeal regarding a disciplinary action described in paragraph a.(2) above or paragraph c. above to challenge the interim alternative educational setting or the manifestation determination, the pupil shall remain in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the time period provided for in paragraph a.(2) or c. whichever occurs first, unless the parent(s), legal guardian(s) and/or the adult pupil and the school district agree otherwise;

(1) If a pupil is placed in an interim alternative educational setting pursuant to paragraph a.(2) above or paragraph c. above and school personnel propose to change the pupil's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement, the pupil shall remain in the current placement (the pupil's placement prior to the interim alternative educational setting), except as provided in paragraph (2) below;

(2) If school personnel maintains that it is dangerous for the pupil to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the school district may request an expedited due process hearing;

(3) In determining whether the pupil may be placed in the alternative educational setting, or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards set out in paragraph c. above;

(4) A placement ordered pursuant to j.(3) above may not be longer than forty-five days;

(5) The school district may request an expedited due process hearing pursuant to j.2 above whenever school personnel maintain that it is dangerous for the pupil to be in the current placement.

Protections for Children Not Yet Eligible for Special Education and Related Services

k. A pupil who has not been determined to be eligible for special education and related services, and who has engaged in behavior that violated any rule or code of conduct of the school district, including any behavior described in paragraph a. above, may assert any of the protections provided for in the law, this regulation or any related policy or regulation, if the school district had knowledge (as determined in accordance with this paragraph) that the pupil was a pupil with a disability before the behavior that precipitated the disciplinary action occurred.

(1) The school district is deemed to have knowledge that a pupil is a pupil with a disability if the parent(s), legal guardian(s) of the pupil and/or the adult pupil have expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement) to school personnel that the pupil is in need of special education and related services, if the behavior or performance of the pupil demonstrates the need for such services, if the parent(s), legal guardian(s) of the pupil and/or the adult pupil has requested an evaluation of the pupil pursuant to federal or State laws, regulation and/or policy, or if the teacher of the pupil, or other personnel of the school district, has expressed concern about the behavior or performance of the pupil to the Director of Special Education or to other personnel in accordance with the district's child find or special education referral system;

(2) The school district would not be deemed to have knowledge under (1) above if as a result of receiving the information specified in (1) above, the district either conducted an evaluation in accordance with federal or State laws, regulation and/or policy and determined that the pupil was not a pupil with a disability or determined that an evaluation was not necessary and provided notice to the pupil's parent(s), legal guardian(s), and/or the adult pupil of its determination consistent with federal or State laws and/or policy and regulation;

(3) If the school district does not have knowledge that a pupil is a pupil with a disability (in accordance with paragraph k.(1)) and k.(2)) prior to taking disciplinary measures against the pupil, the pupil may be subjected to the same disciplinary measures as measures applied to pupils without disabilities who engaged in comparable behaviors consistent with paragraph (4) below;

(4) If a request is made for an evaluation of a pupil during the time period in which the pupil is subjected to disciplinary measures under paragraph a. or c. above, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the pupil remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the pupil is determined to be a pupil with a disability, taking into consideration information from the evaluation conducted by the school district, and information provided by the parent(s), legal guardian(s) and/or the adult pupil, the school district shall provide special education and related services in accordance with the provision of the federal and State law, regulation and policy.

l. Nothing in this regulation shall be construed to prohibit the school district from reporting a crime committed by a pupil with a disability to appropriate authorities, or to prevent State or other law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and State law to crimes committed by a pupil with a disability;

When the school district reports a crime committed by a pupil with a disability, the school district shall ensure that copies of the special education and disciplinary records of the pupil are transmitted for consideration by the appropriate authorities to whom it reports the crime. The school district when reporting a crime may transmit copies of the pupil's special education and disciplinary records only to the extent that the transmission is permitted by the Family Rights and Privacy Act.

m. For purposes of this regulation and the related policy, the following definitions apply:

(1) **CONTROLLED SUBSTANCE**--The term controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(2) **ILLEGAL DRUG**--The term illegal drug--

(a) Means a controlled substance; but

(b) Does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional, or that is legally possessed or used under any other authority under that Act or under any other provision of federal law.

(3) **SUBSTANTIAL EVIDENCE**--The term substantial evidence means beyond a preponderance of the evidence.

(4) **WEAPON**--The term weapon has the meaning given the term dangerous weapon under paragraph (2) of the first subsection (g) of 930 of Title 18, U.S.C.

I. Reimbursement for Unilateral Placement by Parents

1. Except as provided in N.J.A.C. 6A:14-6.1(a), the Board is not required to pay for the cost of education, including special education and related services, of a pupil with a disability if the school district made available a free, appropriate public education, and the parent(s) and/or legal guardian(s) elected to enroll the pupil in a nonpublic school or approved private school for the disabled.

2. If the parent(s), legal guardian(s) of a pupil with a disability, and/or the adult pupil who previously received special education and related services from the school district of residence, enroll the pupil in a nonpublic or approved private elementary or secondary school without the consent of or referral by the school district, an

ALJ may require the school district to reimburse the parent(s), legal guardian(s) and/or the adult pupil for the cost of that enrollment, if the ALJ finds that the school district had not made available a free appropriate public education available to that pupil in a timely manner prior to that enrollment.

3. The parent(s), legal guardian(s) and/or the adult pupil must provide notice to the school district of their concerns and their intent to enroll the pupil in a nonpublic school at public expense. The cost of reimbursement requested by the parent(s), legal guardian(s) and/or the adult pupil to be paid by the school district may be reduced or denied:

- a. If at the most recent IEP Team meeting that the parent(s), legal guardian(s) and/or the adult pupil attended prior to the removal of the pupil from the school district, the parent(s), legal guardian(s) and/or the adult pupil did not inform the IEP Team that they were rejecting the IEP proposed by the school district;
- b. At least ten business days (including any holidays that occur on a business day) prior to the removal of the pupil from the public school, the parent(s), legal guardian(s) and/or the adult pupil did not give written notice to the Board of their concerns or intent to enroll their child in a nonpublic school;
- c. If prior to the parent(s), legal guardian(s) removal of the pupil and/or the adult pupil's removal of him/herself from the public school, the school district proposed a reevaluation of the pupil and provided notice according to N.J.A.C. 6A:14-2.3(e) and (f), but the parent(s), legal guardian(s) and/or the adult pupil did not make the pupil available for such evaluation; or
- d. Upon a judicial finding of unreasonableness with respect to actions taken by the parent(s), legal guardian(s) and/or the adult pupil.

4. The cost of reimbursement for enrollment in a nonpublic school may not be reduced or denied if the parent(s), legal guardian(s) and/or the adult pupil failed to provide the required notice described in 3.a. and b. above if:

- a. The parent(s), legal guardian(s) and/or the adult pupil is illiterate and cannot write in English;
- b. Compliance with the notice requirements in 3.a. and b. above would likely result in physical or serious emotional harm to the pupil;
- c. The school district prevented the parent(s), legal guardian(s) and/or the adult pupil from providing such notice; or
- d. The parent(s), legal guardian(s) and/or the adult pupil had not received written notice in accordance with N.J.A.C. 6A:14-2.3(e) and (f) of the notice requirements that is specified in 3.a. and b. above.

Issued: 1 May 2001

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT

3000 PERSONNEL

3361 AFFIRMATIVE ACTION PROGRAM FOR SCHOOL AND CLASSROOM PRACTICES

3361 AFFIRMATIVE ACTION PROGRAM FOR SCHOOL AND CLASSROOM PRACTICES

It is the policy of the North Hunterdon-Voorhees Regional High School District Board of Education ("Board") not to discriminate against any employee or applicant for employment on any basis protected by federal, state or local law including race, color, creed, religion, national origin, nationality, ancestry, age, marital status, sex, sexual orientation, pregnancy, handicap, disability, obligation for service in the Armed Forces of the United States or on the basis of an atypical hereditary cellular or blood trait. This policy extends to all personnel actions including recruiting, employment interviews, hiring, promotion, administration of working conditions and the termination of employment.

The Board shall comply with all state and federal laws related to equal employment, including but not limited to, the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1, et seq.), Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972, Executive Order 11246 as amended, the Equal Pay Act of 1963 as amended, and Title IX of the Educational Amendments of 1972 ("Higher Education Act").

The Board shall not enter into any contract or cooperative agreement with a person, agency or organization if it has knowledge that such person, agency or organization discriminates on the basis of any of the protected characteristics identified above, either in employment practices or in the provision of benefits or services to students or employees.

The Board is also committed to providing a work environment free of unlawful harassment. The Board prohibits sexual harassment and harassment based on any of the protected characteristics identified above, as all such harassment is unlawful.

Prohibited unlawful harassment may include, but is not limited to, the following behavior:

- Verbal conduct such as derogatory epithets, jokes, comments or nicknames, and slurs;
- Visual conduct such as derogatory posters, graffiti, slogans, photography, cartoons, drawings or gestures;
- Physical conduct such as assault, damaging property, blocking normal movement or interfering with work because of race or any other protected basis;
- Any conduct which is hostile, offensive and interferes with someone's ability to work and which is based upon the person's gender or other protected status;
- Intimidation or threats based upon race or national origin or other protected status;
- Retaliation for having reported or threatened to report harassment

Such harassment is prohibited on school grounds, on school buses, and during school-sponsored activities off the grounds.

If you believe that you have been unlawfully harassed or discriminated against, immediately complain to your supervisor, the Affirmative Action Officer, the Superintendent, the Assistant Board Secretary, the School Business Administrator/Board Secretary, or any other District administrator as soon as possible after the incident so that the complaint can be quickly and fairly resolved. Your complaint should include details of the incident, names of the individual(s) involved and of any witness(es). The District will immediately undertake an effective, thorough and objective investigation of the harassment allegations. All employees should be aware that the District will make all reasonable efforts to maintain the confidentiality and privacy of the complainant and the person accused of harassment or discrimination. If it is determined that unlawful harassment or discrimination has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined to be responsible for unlawful harassment or discrimination will be subject to appropriate

disciplinary action, up to and including termination. The District will not retaliate against you for filing a complaint and will not tolerate or permit retaliation by the administration, employees or co-workers.

The Board shall, in accordance with law, strive to overcome the effects of any previous patterns of discrimination in school and classroom practices and shall systematically monitor District procedures to insure continuing compliance with anti-discrimination laws and regulations.

The Board shall, in accordance with law, adopt and approve courses of study, instructional materials, and programs designed to eliminate discrimination and promote understanding and mutual respect between individuals of different races, colors, creeds, religions, sexes, ancestries, national origins or social or economic status.

The Affirmative Action Officer shall coordinate all activities designed to implement this policy. The Affirmative Action Officer shall identify and recommend the correction or removal of impermissible bias based on race, color, creed, religion, national origin, nationality ancestry, age, marital status, sex, sexual orientation, pregnancy, handicap, disability, obligation for service in the Armed Forces of the United States or on the basis of an atypical hereditary cellular or blood trait. The Affirmative Action Officer shall:

1. Review current and proposed curriculum guides, textbooks, and supplemental materials for bias and determine whether such materials fairly depict the contribution of both men and women and various racial and ethnic groups in the development of human society;
2. Develop an on-going program of in-service training for school personnel designed to identify and solve problems of bias in all aspects of the school program;
3. Review current and proposed programs, activities, and practices to insure that all students have equal access to them and are not impermissibly segregated in any duty, work, play, classroom, or school practice except as may be permitted under rules of the State Board of Education;
4. Insure that similar aspects of the school program receive commensurate support as to staff size and compensation, purchase and maintenance of facilities and equipment, and access to such facilities and equipment;
5. Insure that tests, procedures, and guidance and counseling materials that are designed to evaluate student progress or rate aptitudes, or analyze personality or in any manner establish or tend to establish a category by which a student may be judged are not impermissibly differentiated or stereotyped.

Parents or legal guardians, students, staff members, and members of the public shall be informed annually about the District's affirmative action plan for school and classroom practices, the designation of the Affirmative Action Officer, and the procedure by which an affirmative action complaint may be filed and processed.

The Affirmative Action Officer shall report as required to the Board on progress made in the affirmative action program for school and classroom practices. The Board will annually review District progress toward the objectives of any state-approved affirmative action plan.

Adopted: 1 May 2001

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT
4000 SUPPORT STAFF MEMBERS
4211 ATTENDANCE

4211 ATTENDANCE

Employee attendance is an important factor in the successful operation of any school district and in the maintenance of the continuity of the educational program. The Board of Education is vitally and continually interested in the attendance of each employee and considers satisfactory attendance an important criterion of satisfactory job performance.

The privilege of district employment imposes on each employee the responsibility to be on the job on time every scheduled working day.

The Board is required by the high costs of absences and disrupted work schedules to give continuing attention to the maintenance of regular attendance by employees. Chronic absenteeism and tardiness are subject to discipline and may be cause for dismissal.

The Superintendent shall develop regulations to implement this policy.

Adopted: 1 May 2001

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT
5000 PUPILS
5465 EARLY GRADUATION

5465 EARLY GRADUATION

The Board of Education will award a State-endorsed diploma to a student that has met all State and local requirements for high school graduation. In addition, the Board shall award a State-endorsed high school diploma to any currently enrolled student in accordance with the provisions of N.J.A.C. 6A:8-5.2(e).

In accordance with the provisions of N.J.A.C. 6A:8-5.2(e), the Board of Education shall award a State-endorsed high school diploma early to any currently enrolled student who:

1. Has demonstrated proficiencies in the Statewide assessments as required by the New Jersey Department of Education for high school graduation;
2. Has presented official transcripts showing at least thirty general education credits leading to a degree at an accredited institution of higher education; and
3. Has formally requested an early award of a State-endorsed high school diploma.

The diploma will bear the date of its issuance. The student may be permitted to participate in graduation ceremonies with his/her classmates without formal readmission to the school district on application to and approval of the high school Principal.

N.J.S.A. 18A:7C-1 et seq.

N.J.A.C. 6A:8-5.1 et seq.; 6A:8-5.2 et seq.

Adopted: October 29, 2009

Revised: May 12, 2015

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT

NORTH HUNTERDON-VOORHEES REGIONAL SCHOOL DISTRICT

5000 PUPILS

5516 USE OF ELECTRONIC COMMUNICATION AND RECORDING DEVICES (ECRD) (M)

Regulation 5516 Use of Electronic Communications and Recording Devices (M)

Regulation 5516 Use of Electronic Communications and Recording Devices (M)

The Board of Education believes pupils and/or school staff members should not be subject to having a video or audio recording taken of any pupil(s) or school staff member(s) for any purpose without the consent of the pupil, the pupil's parent or guardian, and/or the school staff member. In addition to protecting the privacy rights of pupils and school staff members, the Board recognizes such recordings can be disruptive to the educational program. In addition, inappropriate recordings of educational material, pupil assessment instruments, and/or pupil assessment reviews can be used to compromise the integrity of the district's educational program or lead to academic dishonesty in the event such recordings are stored and/or transmitted to other pupils. Therefore, the Board of Education adopts this Policy regarding pupil use of electronic communication and recording devices.

"Electronic communication and recording device (ECRD)" includes any device with the capability to audio or video record or is capable of receiving or transmitting any type of communication between persons. An ECRD includes, but is not limited to, cameras, cellular and wireless telephones, pagers/beepers, laptop computers, electronic readers, personal digital assistants (PDAs), two-way radios, portable fax machines, video broadcasting devices, and any other device that allows a person to record and/or transmit, on either a real time or delayed basis, sound, video or still images, text, or other information.

A pupil is not permitted to have turned on or use an ECRD on school grounds during the school day or when the pupil is participating in a curricular or school-sponsored co-curricular activity. A pupil's personal ECRD may only be used on school grounds in an emergency situation or with the permission of a school staff member supervising the pupil in a curricular or school-sponsored co-curricular activity. Any audio and/or video recording by a pupil using their personal ECRD with permission of a school staff member while participating in a curricular or school-sponsored activity where other pupils or staff members are present shall require the permission for such recording from any other pupil and their parents or guardians and/or staff members whose voice or image is to be recorded. This Policy is not intended to prohibit appropriate use of electronic devices for authorized or approved official curricular or school-sponsored co-curricular activities such as yearbook photographs, staff member/teacher-directed and approved activities, classroom presentations, and athletic events and drama production filming. A pupil authorized or approved to use an ECRD may not use an ECRD to access internet sites or view information or internet-based material that is inappropriate or would be blocked from pupil access by the school district's acceptable use of computers and networks policy. Nothing in this Policy is intended to prevent a pupil from using their personal ECRD and recording school-sponsored co-curricular activities as a non-participant when the activity is open to the general public.

For the purposes of this policy, "school grounds" means and includes land, portions of land, structures, buildings, and structures that support these buildings, including, but not limited to, administrative buildings, kitchens, maintenance shops, and garages. "School grounds" also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and other recreational places owned by the local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land.

An ECRD used in violation of this Policy will be confiscated by a school staff member or Principal or designee and the pupil will be subject to appropriate disciplinary action.

A pupil shall not bring or possess any remotely activated paging device on any school grounds, including on a school bus or at a school-sponsored function, at any time and regardless of whether school is in session or other persons are present without the express written permission of the Superintendent. The pupil must submit a written request and establish to the satisfaction of the Superintendent a reasonable basis for the possession of the device. The written request must include the purpose for the pupil possessing and/or bringing the device on school property and the date or dates in which the pupil requests to possess and/or bring the device on school

property. The written request must also include the date in which the pupil will no longer need to bring and/or possess the device on school property.

The Superintendent upon reviewing the request from the pupil will make a determination. The determination will be in writing and if approved, written permission for the pupil to bring and/or possess a remotely activating paging device will be provided to the pupil. Permission will only be provided for the school year.

The pupil must submit a new request if the time in which permission is given to bring and/or possess a device expires. The pupil that is granted permission to possess and/or bring the device must be in the possession of the device at all times. The Principal or designee shall immediately notify the Superintendent of Schools and the appropriate criminal justice or juvenile justice agency if a pupil brings or possesses a remotely activated paging device in violation of N.J.A.C. 6A:16-5.8 and this Policy.

A pupil who is an active member in good standing of a volunteer fire company, first aid, ambulance or rescue squad may bring or possess a remotely activated paging device on school property only if the pupil is required to respond to an emergency and the pupil provides a statement to the Superintendent from the chief executive officer of the volunteer fire company, first aid, ambulance or rescue squad authorizing the possession of the device by the pupil at all times and that the pupil is required to respond to an emergency.

The Principal or designee will confiscate the remotely activated paging device, take appropriate disciplinary action and shall immediately notify the Superintendent of Schools and the appropriate criminal justice or juvenile justice agency if a pupil brings or possesses a remotely activated paging device in violation of N.J.A.C. 6A:16-5.8 and this Policy.

N.J.S.A. 2C:33-19

N.J.A.C. 6A:16-5.8

Adopted: November 16, 2010

NORTH HUNTERDON VOORHEES SCHOOL DISTRICT
