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CCSD COMPLAINT INVESTIGATION

CORRECTIVE ACTION PLAN:
FINDING OF NONCOMPLIANCE REGARDING
DISCIPLINE AND CHANGE OF PLACEMENT

DISCIPLINARY PROCEDURES - NJAC

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DISCIPLINARY PROCEDURES - NJAC 6A:14-2.8

- 6A:14-2.8 Discipline/suspension/expulsions
- (a) For disciplinary reasons, school officials may order the removal of a student with a disability from his or her current educational placement to an interim alternative educational setting, another setting, or a suspension for up to 10 consecutive or cumulative school days in a school year. Such suspensions are subject to the same district board of education procedures as nondisabled students. However, at the time of removal, the principal shall forward written notification and a description of the reasons for such action to the case manager and the student's parent(s).
 - Preschool students with disabilities shall not be suspended, long-term or short-term, and shall not be expelled.
 - The BOE is not required to provide services during removal of 10 days or less, unless general education students receive services.

DISCIPLINARY PROCEDURES - NJAC 6A:14-2.8

- 6A:14-2.8 Discipline/suspension/expulsions
- (b) School district personnel may, on a case-by-case basis, consider any unique circumstances when determining whether or not to impose a disciplinary sanction or order a change of placement for a student with a disability who violates a school code of conduct.

DISCIPLINARY PROCEDURES - NJAC 6A:14-2.8

- 6A:14-2.8 Discipline/suspension/expulsions
- (c) Removals of a student with a disability from the student's current educational placement for disciplinary reasons constitutes a change of placement if:
 - The removal is for more than 10 consecutive school days; or
 - The student is subjected to a series of short-term removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of factors such as the length of each removal, the total amount of time the student is removed and the proximity of the removals to one another.
 - School officials in consultation with the student's case manager shall determine whether a series of short-term removals constitutes a pattern that creates a change of placement.

DISCIPLINARY PROCEDURES - NJAC 6A:14-2.8

- 6A:14-2.8 Discipline/suspension/expulsions
- (d) Disciplinary action initiated by a district board of education which involves removal to an interim alternative educational setting, suspension for more than 10 school days in a school year or expulsion of a student with a disability shall be in accordance with 20 U.S.C. § 1415(k), as amended and supplemented. (See chapter Appendix A.) However, the period of removal to an interim alternative educational setting of a student with a disability in accordance with 20 U.S.C. § 1415(k) shall be for a period of no more than 45 calendar days

DISCIPLINARY PROCEDURES - NJAC 6A:14-2.8

- 6A:14-2.8 Discipline/suspension/expulsions
- (e) In the case of a student with a disability who has been removed from his or her current placement for more than 10 cumulative or consecutive school days in the school year, the district board of education shall provide services to the extent necessary to enable the student to progress appropriately in the general education curriculum and advance appropriately toward achieving the goals set out in the student's IEP.
 - When it is determined that a series of short-term removals is not a change of placement, school officials, in consultation with the student's special education teacher and case manager shall determine the extent to which services are necessary to enable the student to progress appropriately in the general curriculum and advance appropriately toward achieving the goals set out in the student's IEP.
 - When a removal constitutes a change of placement, and it is determined that the behavior is not a manifestation of the student's disability, the student's IEP team shall determine the extent to which services are necessary to enable the student to progress appropriately in the general curriculum and advance appropriately toward achieving the goals set out in the student's IEP.

DISCIPLINARY PROCEDURES - NJAC 6A:14-2.8

- 6A:14-2.8 Discipline/suspension/expulsions
- (f) In the case of a removal for drug or weapons offenses, or because the student caused a serious bodily injury under 20 U.S.C. § 1415(k) and its implementing regulations, at 34 CFR §§ 300.1 et seq., or a removal by an administrative law judge for dangerousness consistent with 20 U.S.C. § 1415(k) and its implementing regulations, at 34 CFR §§ 300.1 et seq., the district board of education shall provide services to the student with a disability consistent with 20 U.S.C. § 1415(k) and its implementing regulations, at 34 CFR §§ 300.1 et seq., incorporated herein by reference. However, the period of removal to an interim alternative educational setting of a student with a disability in accordance with 20 U.S.C. §1415(k) shall be for a period of no more than 45 calendar days.

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (1) Authority of school personnel
 - (A) Case-by-case determination
 - School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

DISCIPLINARY PROCEDURES - IDEA

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DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (1) Authority of school personnel
 - (B) Authority
 - School personnel under this subsection may remove a child with a disability who violates a code of student conduct from their current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives are applied to children without disabilities).

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (1) Authority of school personnel
 - (C) Additional authority
 - If school personnel seek to order a change in placement that would exceed 10 school days and the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to subparagraph (E), the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner and for the same duration in which the procedures would be applied to children without disabilities, except as provided in section 1412(a)(1) of this title although it may be provided in an interim alternative educational setting.

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (1) Authority of school personnel
 - (D) ServicesA child with a disability who is removed from the child’s current placement under subparagraph (G) (irrespective of whether the behavior is determined to be a manifestation of the child’s disability) or subparagraph (C) shall—
 - (i) continue to receive educational services, as provided in section 1412(a)(1) of this title, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child’s IEP; and
 - (ii) receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (1) Authority of school personnel
 - (E) Manifestation determination
 - (i) In general Except as provided in subparagraph (B), within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the local educational agency, the parent, and relevant members of the IEP Team (as determined by the parent and the local educational agency) shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine—
 - (I) if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
 - (II) if the conduct in question was the direct result of the local educational agency's failure to implement the IEP.
 - (ii) Manifestation
 - If the local educational agency, the parent, and relevant members of the IEP Team determine that either subclause (I) or (II) of clause (i) is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (1) Authority of school personnel
 - (F) Determination that behavior was a manifestation. If the local educational agency, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team shall—
 - (i) conduct a functional behavioral assessment, and implement a behavioral intervention plan for such child, provided that the local educational agency had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement described in subparagraph (C) or (G);
 - (ii) in the situation where a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
 - (iii) except as provided in subparagraph (G), return the child to the placement from which the child was removed, unless the parent and the local educational agency agree to a change of placement as part of the modification of the behavioral intervention plan.

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (1) Authority of school personnel
 - (G) Special circumstances. School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, in cases where a child—
 - (i) carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency;
 - (ii) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency; or
 - (iii) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (1) Authority of school personnel
 - (H) Notification
 - Not later than the date on which the decision to take disciplinary action is made, the local educational agency shall notify the parents of that decision, and of all procedural safeguards accorded under this section.

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (2) Determination of setting
- The interim alternative educational setting in subparagraphs (C) and (G) of paragraph (1) shall be determined by the IEP Team.

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (3) Appeal
 - (A) In general
 - The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination under this subsection, or a local educational agency that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request a hearing.

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (3) Appeal
 - (B) Authority of hearing officer
 - (i) In general
 - A hearing officer shall hear, and make a determination regarding, an appeal requested under subparagraph (A).
 - (ii) Change of placement orderIn making the determination under clause (i), the hearing officer may order a change in placement of a child with a disability. In such situations, the hearing officer may—
 - (I) return a child with a disability to the placement from which the child was removed; or
 - (II) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (4) Placement during appeals When an appeal under paragraph (3) has been requested by either the parent or the local educational agency—
 - (A) the child 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 (1)(C), whichever occurs first, unless the parent and the State or local educational agency agree otherwise; and

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (4) Placement during appeals When an appeal under paragraph (3) has been requested by either the parent or the local educational agency—
 - (B) the State or local educational agency shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing.

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (5) Protections for children not yet eligible for special education and related services
 - (A) In general
 - A child who has not been determined to be eligible for special education and related services under this subchapter and who has engaged in behavior that violates a code of student conduct, may assert any of the protections provided for in this subchapter if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (5) Protections for children not yet eligible for special education and related services
 - (B) Basis of knowledgeA local educational agency shall be deemed to have knowledge that a child is a child with a disability if, before the behavior that precipitated the disciplinary action occurred—
 - (i) the parent of the child has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;
 - (ii) the parent of the child has requested an evaluation of the child pursuant to section 1414(a)(1)(B) of this title; or
 - (iii) the teacher of the child, or other personnel of the local educational agency, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education of such agency or to other supervisory personnel of the agency.

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (5) Protections for children not yet eligible for special education and related services
 - (C) Exception
 - A local educational agency shall not be deemed to have knowledge that the child is a child with a disability if the parent of the child has not allowed an evaluation of the child pursuant to section 1414 of this title or has refused services under this subchapter or the child has been evaluated and it was determined that the child was not a child with a disability under this subchapter.

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (5) Protections for children not yet eligible for special education and related services
 - (D) Conditions that apply if no basis of knowledge
 - (i) In general
 - If a local educational agency does not have knowledge that a child is a child with a disability (in accordance with subparagraph (B) or (C)) prior to taking disciplinary measures against the child, the child may be subjected to disciplinary measures applied to children without disabilities who engaged in comparable behaviors consistent with clause (ii).
 - (ii) Limitations
 - If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under this subsection, the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with this subchapter, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (6) Referral to and action by law enforcement and judicial authorities
 - (A) Rule of construction
 - Nothing in this subchapter shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (6) Referral to and action by law enforcement and judicial authorities
 - (B) Transmittal of records
 - An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (7) DefinitionsIn this subsection:
 - (A) Controlled substance
 - The term “controlled substance” means a drug or other substance identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (7) DefinitionsIn this subsection:
 - (B) Illegal drug
 - The term “illegal drug” means a controlled substance but does not include a controlled 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 [21 U.S.C. 801 et seq.] or under any other provision of Federal law.

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (7) DefinitionsIn this subsection:
 - (C) Weapon
 - The term “weapon” has the meaning given the term “dangerous weapon” under section 930(g)(2) of title 18.

DISCIPLINARY PROCEDURES – INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- 20 U.S.C. 1415(k)
- (7) DefinitionsIn this subsection:
 - (D) Serious bodily injury
 - The term “serious bodily injury” has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1365 of title 18.

CHANGE OF PLACEMENT 6A:14-3.7(E)

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INDIVIDUALIZED EDUCATION PROGRAM – NJAC 6A:14-3.7

- (e) With the exception of an IEP for a student classified as eligible for speech-language services, the IEP shall include, but not be limited to:
 - 1. A statement of the student's present levels of academic achievement and functional performance, including, but not limited to:
 - i. How the student's disability affects the student's involvement and progress in the general curriculum; or
 - ii. For preschool students, as appropriate, how the disability affects the student's participation in appropriate activities;

INDIVIDUALIZED EDUCATION PROGRAM – NJAC 6A:14-3.7

- (e) With the exception of an IEP for a student classified as eligible for speech-language services, the IEP shall include, but not be limited to:
 - 2. Where appropriate, a statement of detailed measurable annual academic and functional goals that shall, as appropriate, be related to the New Jersey Student Learning Standards through the general education curriculum unless otherwise required according to the student's educational needs, or appropriate, student specific, functional needs. For all students, the annual academic and functional goals shall be measurable and apprise parents and educational personnel providing special education and related services to the student of the expected level of achievement attendant to each goal.

INDIVIDUALIZED EDUCATION PROGRAM – NJAC 6A:14-3.7

- (e) With the exception of an IEP for a student classified as eligible for speech-language services, the IEP shall include, but not be limited to:
 - 3. Such measurable annual goals shall include benchmarks or short-term objectives related to:
 - i. Meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and
 - ii. Meeting each of the student's other educational needs that result from the student's disability;

INDIVIDUALIZED EDUCATION PROGRAM – NJAC 6A:14-3.7

- (e) With the exception of an IEP for a student classified as eligible for speech-language services, the IEP shall include, but not be limited to:
 - 4. A statement of the special education and related services and supplementary aids and services that shall be provided for the student, or on behalf of the student. Such special education and related services and supplementary aids and services shall be based, to the extent practicable, on peer reviewed research. A statement of the program modifications or supports for school personnel that shall be provided for the student:
 - i. To advance appropriately toward attaining the measurable annual academic and functional goals;
 - ii. To be involved and progress in the general education curriculum according to (e)1 above and to participate in extracurricular and other nonacademic activities; and
 - iii. To be educated and participate with other students with disabilities and nondisabled students;

INDIVIDUALIZED EDUCATION PROGRAM – NJAC 6A:14-3.7

- (e) With the exception of an IEP for a student classified as eligible for speech-language services, the IEP shall include, but not be limited to:
 - 5. A statement, as appropriate, of any integrated therapy services to be provided addressing the student's individualized needs in his or her educational setting;

INDIVIDUALIZED EDUCATION PROGRAM – NJAC 6A:14-3.7

- (e) With the exception of an IEP for a student classified as eligible for speech-language services, the IEP shall include, but not be limited to:
 - 6. An explanation of the extent, if any, to which the student shall not participate with nondisabled students in the general education class and in extracurricular and nonacademic activities;

INDIVIDUALIZED EDUCATION PROGRAM – NJAC 6A:14-3.7

- (e) With the exception of an IEP for a student classified as eligible for speech-language services, the IEP shall include, but not be limited to:
 - 7. A statement of any individual modifications in the administration of Statewide or districtwide assessments of student achievement needed for the student to participate in such assessment.
 - i. If the IEP team determines that the student shall not participate in a particular general Statewide or districtwide assessment of student achievement (or part of such an assessment), a statement of why that assessment is not appropriate for the student according to N.J.A.C. 6A:14- 4.10 and a statement of how that student shall be assessed and which assessment methodology is appropriate for the student;

INDIVIDUALIZED EDUCATION PROGRAM – NJAC 6A:14-3.7

- (e) With the exception of an IEP for a student classified as eligible for speech-language services, the IEP shall include, but not be limited to:
 - 8. A statement which specifies the projected date for the beginning of the services and modifications described in (e)4 above, and the anticipated frequency, location, and duration of those services and modifications;

INDIVIDUALIZED EDUCATION PROGRAM – NJAC 6A:14-3.7

- (e) With the exception of an IEP for a student classified as eligible for speech-language services, the IEP shall include, but not be limited to:
 - 9. Beginning at age 14, a statement of the State and local graduation requirements that the student shall be expected to meet. The statement shall be reviewed annually. If a student with a disability is exempted from, or there is a modification to, local or State high school graduation requirements, the statement shall include:
 - i. A rationale for the exemption or modification based on the student's educational needs which shall be consistent with N.J.A.C. 6A:14-4.11; and
 - ii. A description of the alternate proficiencies to be achieved by the student to qualify for a State endorsed diploma.

INDIVIDUALIZED EDUCATION PROGRAM – NJAC 6A:14-3.7

- (e) With the exception of an IEP for a student classified as eligible for speech-language services, the IEP shall include, but not be limited to:
 - 10. A statement of student's transition from an elementary program to the secondary program which shall be determined by factors including number of years in school; social, academic and vocational development; and chronological age;

INDIVIDUALIZED EDUCATION PROGRAM – NJAC 6A:14-3.7

- (e) With the exception of an IEP for a student classified as eligible for speech-language services, the IEP shall include, but not be limited to:
 - 11. Beginning with the IEP in place for the school year when the student will turn age 14, or younger if determined appropriate by the IEP team, and updated annually: 83
 - i. A statement of the student’s strengths, interests and preferences;
 - ii. Identification of a course of study and related strategies and/or activities that:
 - (1) Are consistent with the student’s strengths, interests, and preferences; and
 - (2) Are intended to assist the student in developing or attaining postsecondary goals related to training, education, employment and, if appropriate, independent living;
 - iii. As appropriate, a description of the need for consultation from other agencies that provide services for individuals with disabilities including, but not limited to, the Division of Vocational Rehabilitation Services in the Department of Labor and Workforce Development; and
 - iv. As appropriate, a statement of any needed interagency linkages and responsibilities;

INDIVIDUALIZED EDUCATION PROGRAM – NJAC 6A:14-3.7

- (e) With the exception of an IEP for a student classified as eligible for speech-language services, the IEP shall include, but not be limited to:
 - 12. Beginning with the IEP in place for the school year when the student will turn age 16, or younger if deemed appropriate by the IEP team, a statement consisting of those elements set forth in (e)11 above and appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, if appropriate, independent living and the transition services including a course of study needed to assist the child in reaching those goals.

INDIVIDUALIZED EDUCATION PROGRAM – NJAC 6A:14-3.7

- (e) With the exception of an IEP for a student classified as eligible for speech-language services, the IEP shall include, but not be limited to:
- 12 (i). The transition services as defined in IDEA shall consist of a coordinated set of activities for a student with a disability that is designed within a results-oriented process, that is focused on improving the academic and 84 functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation, and be based on the individual student's needs, taking into account the student's strengths, preferences and interests. In addition to the above, transition services shall include:
 - (1) Instruction;
 - (2) Related services;
 - (3) Community experiences;
 - (4) The development of employment and other post-school adult living objectives; and
 - (5) If appropriate, acquisition of daily living skills and functional vocational evaluation;

INDIVIDUALIZED EDUCATION PROGRAM – NJAC 6A:14-3.7

- (e) With the exception of an IEP for a student classified as eligible for speech-language services, the IEP shall include, but not be limited to:
 - 13. The person(s) responsible to serve as a liaison to postsecondary resources and make referrals to the resources as appropriate. If the student with disabilities does not attend the IEP meeting where transition services are discussed, the district board of education or public agency shall take other steps to ensure that the student's preferences and interests are considered;

INDIVIDUALIZED EDUCATION PROGRAM – NJAC 6A:14-3.7

- (e) With the exception of an IEP for a student classified as eligible for speech-language services, the IEP shall include, but not be limited to:
 - 14. Beginning at least three years before the student reaches age 18, a statement that the student and the parent have been informed of the rights under this chapter that will transfer to the student on reaching the age of majority;

INDIVIDUALIZED EDUCATION PROGRAM – NJAC 6A:14-3.7

- (e) With the exception of an IEP for a student classified as eligible for speech-language services, the IEP shall include, but not be limited to:
 - 15. A statement of how the student's progress toward the annual goals described in (e)2 above will be measured;

INDIVIDUALIZED EDUCATION PROGRAM – NJAC 6A:14-3.7

- (e) With the exception of an IEP for a student classified as eligible for speech-language services, the IEP shall include, but not be limited to:
 - 16. A statement of how the student's parents will be regularly informed of their student's progress toward the annual goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year. The parents of a student with a disability shall be informed of the progress of their child at least as often as parents of a nondisabled student are informed of their child's progress; and

INDIVIDUALIZED EDUCATION PROGRAM – NJAC 6A:14-3.7

- (e) With the exception of an IEP for a student classified as eligible for speech-language services, the IEP shall include, but not be limited to:
 - 17. For students in an out-of-district placement, the IEP shall set forth how the student will participate with nondisabled peers in extracurricular and nonacademic activities, and delineate the means to achieve such participation, including, if necessary, returning the student to the district in order to effectuate such participation.

CHANGE OF PLACEMENT 6A:14-4(A)

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PROGRAM CRITERIA: HOME INSTRUCTION- NJAC 6A:14-4.8(A)

- (a) A student with a disability shall have his or her IEP implemented through one to one instruction at home or in another appropriate setting when it can be documented that all other less restrictive program options have been considered and have been determined inappropriate.
 - 1. Prior written notification that a district intends to provide home instruction shall be provided to the Department of Education through its county office

PROGRAM CRITERIA: HOME INSTRUCTION- NJAC 6A:14-4.8(A)

- (a) A student with a disability shall have his or her IEP implemented through one to one instruction at home or in another appropriate setting when it can be documented that all other less restrictive program options have been considered and have been determined inappropriate.
 - 2. Notification shall be effective for a maximum of 60 calendar days at which time renewal of the notification may be made. Each renewal shall be for a maximum of 60 calendar days.

PROGRAM CRITERIA: HOME INSTRUCTION- NJAC 6A:14-4.8(A)

- (a) A student with a disability shall have his or her IEP implemented through one to one instruction at home or in another appropriate setting when it can be documented that all other less restrictive program options have been considered and have been determined inappropriate.
 - 3. A written record of the student's home instruction, including dates and times during which home instruction is provided, shall be maintained, and the teacher providing instruction shall be appropriately certified as teacher of students with disabilities or for the subject or level in which the instruction is given.

PROGRAM CRITERIA: HOME INSTRUCTION- NJAC 6A:14-4.8(A)

- (a) A student with a disability shall have his or her IEP implemented through one to one instruction at home or in another appropriate setting when it can be documented that all other less restrictive program options have been considered and have been determined inappropriate.
 - 4. Instruction shall be provided for no fewer than 10 hours per week. The 10 hours of instruction per week shall be accomplished in no fewer than three visits by a certified teacher or teachers on at least three separate days.

PROGRAM CRITERIA: HOME INSTRUCTION- NJAC 6A:14-4.8(A)

- (a) A student with a disability shall have his or her IEP implemented through one to one instruction at home or in another appropriate setting when it can be documented that all other less restrictive program options have been considered and have been determined inappropriate.
 - 5. Instruction shall be provided at a location conducive to providing educational services, taking into consideration the student's disability and any unique circumstances. The parent shall be consulted in determining the appropriate location for the provision of home instruction.

PROGRAM CRITERIA: HOME INSTRUCTION- NJAC 6A:14-4.8(A)

- (a) A student with a disability shall have his or her IEP implemented through one to one instruction at home or in another appropriate setting when it can be documented that all other less restrictive program options have been considered and have been determined inappropriate.
 - 6. If a parent repeatedly fails to make a student available for scheduled home instruction, the district board of education shall consider whether the student is truant in accordance with N.J.S.A. 18A:38-27 and proceed accordingly

SUMMARY – DISCIPLINARY PROCEDURES

- All case managers will hold a Manifestation Determination meeting before the 10th day that a student with disabilities is removed from his educational setting; and will hold an additional Manifestation Determination meeting for every removal after the 10th day.
- Student suspensions are tracked in Genesis and will be updated in the case manager's cohort spreadsheet weekly.
- At the Manifestation Determination meeting, the IEP Team will determine if the behavior resulting in a removal from education is caused by the student's disability. If the behavior is caused by the student's disability, additional supports and modifications will be added to the student's IEP. The case manager will communicate these IEP to the School Leader so that no further disciplinary action will occur.
- If school leaders continue to remove a student with disabilities from the education setting due to behaviors that are a result of the student's disability the SPED LE will provide support to the school leader.

SUMMARY – HOME INSTRUCTION

- If a student with disabilities is placed on home instruction, the case manager will update the student's IEP to reflect home instruction immediately.
- Documentation of the need for home instruction as the LRE will be provided in the student's IEP and/or the student's document repository.
- A change of placement may be considered when the student is placed on home instruction.
- The case manager will review the need for continued home instruction every 60 days.
- When placed on home instruction, the IEP will contain a statement about the extent, if any, that the student will interact with nondisabled students AND delineate the means to achieve such participation.

SOURCES OF INFORMATION:

- <https://www.state.nj.us/education/code/current/title6a/chap14.pdf>
- <https://sites.ed.gov/idea/statute-chapter-33/subchapter-II/1415/k>