



SPECIAL EDUCATION REFERENCE MANUAL

**Rutherford Special Education Department
109 Fairview Avenue
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MISSION STATEMENT

The purpose of the Special Services Department is to provide an appropriate education for students with disabilities, in the least restrictive environment, that will enable them to reach their potential, both academically and personally, and to become functioning members of society. To the maximum extent possible, students with disabilities will be provided the opportunity to be educated with age-appropriate non-disabled peers and will receive all necessary supports and services to benefit from their educational program.

The Special Services Department includes special education teachers, child study team members, speech/language specialists, related services providers, and teacher assistants. Together we plan and provide educational programs for students with disabilities in partnership with regular education staff, administration and parents. We believe that each child has value and the ability to learn. It is our responsibility, along with the regular education staff, to foster within each child the belief in that value through discovering their talents, developing their skills, and encouraging self-confidence and independence. We believe that parents are a valuable and an essential part of the education process and that their aspirations for and insights about their children are important for us to understand as we plan together for their educational program.

INTRODUCTION

As the parent of a special education student, you are a key part of the process that provides an appropriate and caring educational experience for your child. You are the advocate who remains a constant in your child's life as he or she progresses through the school system. This manual is an effort to provide parents with clear and accurate information that will help you work effectively with district personnel. It does not replace state laws and guidelines, which are detailed in separate handbooks that you will receive throughout your child's education.

ABOUT SPECIAL EDUCATION SERVICES

Evaluation and intervention services are provided to students by the Child Study Team, special education instructional staff, and related services specialists. A referral to the Child Study Team may be initiated by a parent/guardian, teacher, school nurse, school administrator, special services staff, medical specialist and other professionals or agencies concerned with the welfare of students when an educational disability may be suspected. Public schools are required by law to develop a process for identifying potentially educationally disabled students. An educationally disabled student is one who may be experiencing difficulties of a physical, emotional, academic, intellectual, or social nature to the extent that the student is not able to function effectively in a regular education program. A Child Study Team evaluation is necessary to determine the basis of the difficulties and whether the student is eligible for classification as educationally disabled. If the student is determined to be educationally disabled, an Individualized Education Plan (IEP) is developed to provide an appropriate special education program based upon the nature and severity of the educational disability.

With federal passage of the Individuals with Disabilities Education Improvement Act (IDEIA) in December 2004, parents/guardians are an integral part of the IEP Team that plans an appropriate school program and an IEP for the educationally disabled child. Parents and school personnel work together throughout this process in developing an appropriate program to meet the unique student needs. The district provides the full continuum of programs options as outlined in the New Jersey Administrative code (NJAC 6A: 14). The complete rules and regulations pertaining to Child Study Team procedures and students with disabilities are contained in the New Jersey Administrative Code, Title 6A, Chapter 14, Special Education.

Parents and guardians may obtain this document by contacting the Child Study Team Office at (201) 438- 7675 ext. 7272, or by accessing the New Jersey Department of Education website, <http://www.state.nj.us/education/specialed/>

ABOUT THE CHILD STUDY TEAM

The Child Study Team is a multidisciplinary educational team that is responsible to identify, evaluate, determine eligibility, and develop an Individualized Education Program (IEP) for students suspected of having educational disabilities. The team consists of a school psychologist, learning disabilities teacher/consultant, and school social worker, and in some cases, a speech language specialist. The Child Study Team is expected to follow Federal and State laws and regulations in order to fulfill its responsibility to determine whether a student exhibits an educational disability and if so, to recommend an appropriate special education program and/or service. This group of specialists is employed by the Rutherford School District to provide consultative, evaluative and prescriptive services to teachers and parents. The team provides diagnostic services to children from age 3 to 21 that have been identified as having a possible educational disability. Counseling and consultative services are available for any school-aged student experiencing an educational disability. The Child Study Team (CST) together with district's teachers, administrators, and the building level Response To Intervention committees make recommendations for programs and placements which will appropriately address the needs of students who are experiencing school related problems.

WHO IS ON THE CHILD STUDY TEAM?

School Social Worker

The social worker's primary responsibility is as a member of the Child Study Team. As such, the social worker contributes to the CST evaluation process by conducting a "social history evaluation." The social history evaluation is an assessment of the developmental and psychosocial factors (social, emotional, physical, behavioral and cultural) that may impact a child's adjustment to and performance in school. The school social worker also provides counseling, crisis intervention and consultation services, as well as helping families' access community services.

Learning Disabilities Teacher/Consultant (LDT/C)

The Learning Disabilities Teacher-Consultant is a master teacher who functions in the school environment as an educational diagnostician, instructional programmer, Child Study Team member, educational consultant and instructional leader. The LDT/C must have the professional preparation to make assessments, analyses, and classifications of students' learning differences; understand and implement special education law; plan and facilitate delivery of programs for children with learning differences; transfer specific and successful instructional techniques to classroom teachers through consultation, collaboration, and in-service education; and effectively communicate and consult with parents, counselors, teachers, and administrators.

Performing an educational assessment shall be the responsibility of a learning disabilities teacher/consultant employed by the district board of education. It shall include review of the

student's educational history, input from the student's teacher(s), and an evaluation and analysis of the student's academic performance and learning characteristics.

School Psychologist

The school psychologist consults with the student's teachers and assesses the student's current cognitive (thinking and learning), social, adaptive, and emotional status. The activities involved in the evaluation vary at times from student to student but, in general, most children are given an intelligence test to determine a child's expected levels of academic achievement and the degree of success within the academic program. For certain students based upon the nature and severity of their educational disabilities, the school psychologist provides counseling, crisis intervention or consultation services.

Case Manager

In addition to their respective roles, the social worker, school psychologist, and learning consultant also serve as case managers for students receiving special education services. The case manager coordinates the evaluation process and IEP development, as well as the monitoring and evaluation of the effectiveness of the IEP. The case manager facilitates communication between home and school, and coordinates the annual review and reevaluation process. The case manager is knowledgeable about the student's educational needs and program, as well as special education procedures and procedural safeguards, and is responsible for transition planning. A speech/ language specialist may also serve as a case manager.

ADDITIONAL MEMBERS OF THE TEAM BASED ON NEED:

Behaviorist (BCBA)

The Behaviorist's primary responsibility is to provide our teachers, instructional staff and parents with expert training and support to better meet the behavior and education needs of our students. The Behaviorist completes functional behavioral assessments, develops and implements Behavioral Intervention Plans, collaborates with classroom teachers and related service providers, and assists staff with application of behavioral based interventions.

Speech and Language Specialists

The development of age-appropriate speech and language skills is essential to the learning process and to a student's social and emotional growth. Children must be able to comprehend

the language, express their thoughts, request explanations from the teacher and produce speech that others can easily understand. Speech-language therapy involves having a speech-language specialist work with a child on a one-to-one basis, in a small group or directly in a classroom, to overcome difficulties involved with a specific disorder. Speech-language therapy uses a variety of therapeutic strategies, including but not limited to language intervention activities and articulation therapy.

Special Education Parent Advisory Council (SEPAG)

The Special Education Parent Advisory Group is a district wide organization created by parents to support the emotional, social and academic well-being of children with special needs. SEPAG provides information and support to families and professionals striving to achieve the maximum benefit for all children in our community. For more information please see the SEPAG link on the Special Services page of the Rutherford School District website.

THE FIRST STEP IN THE REFERRAL PROCESS - RESPONSE TO INTERVENTION

The following link provides parents, families and others with information regarding Response to Intervention (RTI). RTI is a process used to provide well-designed instruction, monitor students' progress and provide additional instructional support to students who are struggling. This additional help is to assist students to keep up with the learning in their classroom, particularly in the areas of reading and math.

https://www.rutherfordschools.org/media/BOE/otherinformation/RBOE_Response_to_Intervention.pdf

THE IDENTIFICATION AND EVALUATION PROCESS

The identification and evaluation process is comprised of the following steps:

- Referral
- Identification
- Evaluation
- Eligibility
- Individualized Education Plan (IEP)

Referral

A student is generally referred for evaluation by school personnel through the Response To Intervention team or by the child's parent/guardian. Parent referrals must be made in writing with an original signature and should explain the reasons for a suspicion that the child may exhibit an educational disability; an e-mail correspondence is sufficient to initiate a CST referral. CST referrals should address the specific presenting concerns and the child's current strengths and needs. The referral is presented to the Supervisor of Student Services who assigns the referral to a designated case manager. The assigned case manager has responsibility for managing the referral process. Within 20 days of receipt of a referral an initial identification and planning meeting of the CST will be convened. If an evaluation is agreed upon, once it is completed, parents, teachers, and specialists will reconvene another meeting with 90 days to discuss assessment results and, if necessary, subsequently develop an IEP.

Referral for Speech Services

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

needs. There are two ways in which our district identifies which children may be eligible for speech and language services:

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

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

Identification

An identification meeting shall be scheduled at a mutually agreed upon time and place. If a mutually agreeable time and place cannot be determined, the parent(s) shall be provided the opportunity to participate in the meeting through alternative means, such as video conferencing and conference calls.

Evaluation

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

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

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

- a) A psychological evaluation, which includes a standardized aptitude test that measures cognitive functioning, a clinical interview, observation, and as needed social-emotional and adaptive behavior rating scales;
- b) A social history, which includes developmental, medical, and educational histories, and

- parent and teacher interviews;
- c) An educational evaluation, which includes achievement testing and a classroom observation;
- d) A medical evaluation/health appraisal, which includes a physical examination and visual and auditory acuity testing.

At this step of the process, parents should receive Parental Rights in Special Education (PRISE). After parent consent for initial evaluation of a preschool age or school age student has been received, the evaluation, determination of eligibility for services under this chapter, and, if eligible, development and implementation of the IEP for the student shall be completed within 90 calendar days. Parents can provide the school with information about your child that would be helpful in deciding if your child has a disability that requires special education and related services. In the event that a parent does not give permission for the school to evaluate the child and the school personnel believe that the child is in need of special education, the school system may, but is not required to, pursue the initial evaluation of the child by utilizing due process procedures.

Eligibility

After the required evaluations are completed and summary reports are written and shared with parents, the Individualized Education Program team (IEP Team) conference is held to determine if a child has a disability and needs special education and/or related services. The IEP Team includes the child's parents and professionals who are knowledgeable about the child's learning and behavior in the school environment. The team should discuss every area of physical, behavioral and academic functioning that affects the child's educational performance. The team must decide if the student (a) meets the eligibility criteria for a disability area as outlined in the New Jersey Special Education Administrative Code, Chapter 14, Title 6A; (b) if the disability adversely affects educational performance; and (c) is in need of specially-designed instruction and related services. All three criteria must be met in order for the student to be found eligible for special education.

Disabilities Covered Under the Act

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

Auditorily Impaired means an inability to hear within normal limits due to physical impairment or dysfunction of auditory mechanisms. An audiological evaluation by a specialist qualified in the field of audiology and a speech and language evaluation by a certified speech-language specialist are required.

Autistic means a pervasive developmental disability, which significantly impacts verbal and nonverbal communication and social interaction that adversely affects a student's educational performance. Onset is generally evident before age three.

Cognitively Impaired means a disability that is characterized by significantly below average general cognitive functioning existing concurrently with deficits in adaptive behavior.

Communication Impaired means a language disorder in the areas of morphology, syntax, semantics and/or pragmatics/discourse, which adversely affects a student's educational performance and is not due primarily to an auditory impairment.

Emotionally Disturbed means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student's educational performance due to:

- i. An inability to learn that cannot be explained by intellectual, sensory or health Factors;
- ii. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- iii. Inappropriate types of behaviors or feelings under normal circumstances;
- iv. A general pervasive mood of unhappiness or depression; or
- v. A tendency to develop physical symptoms or fears associated with personal or school problems.

Multiply Disabled means the presence of two or more disabling conditions, the combination of which causes such severe educational needs that they cannot be accommodated in a program designed solely to address one of the impairments.

Deaf/blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.

Orthopedically Impaired means a disability characterized by a severe orthopedic impairment that adversely affects a student's educational performance.

Other Health Impaired means a disability characterized by having limited strength, vitality or alertness, including a heightened alertness with respect to the educational environment, due to chronic or acute health problems.

Preschool Child With a Disability means a child between the ages of three and five experiencing developmental delay, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas:

- i. Physical, including gross motor, fine motor and sensory (vision and hearing)

- ii. Cognitive
- iii. Communication
- iv. Social and emotional
- v. Adaptive

Social Maladjustment means a consistent inability to conform to the standards for behavior established by the school. Such behavior is seriously disruptive to the education of the student or other students and is not due to emotional disturbance as defined above.

Specific Learning Disability means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. A specific learning disability is determined when a severe discrepancy is found between the student's current achievement and intellectual ability in one or more of the following areas, and that discrepancy is not primarily the result of visual, hearing, or motor disabilities, general cognitive deficits, emotional disturbance or environmental, cultural or economic disadvantage:

- (1) Basic reading skills;
- (2) Reading comprehension;
- (3) Oral expression;
- (4) Listening comprehension;
- (5) Mathematical calculation;
- (6) Mathematical problem solving;
- (7) Written expression; and
- (8) Reading fluency.

Traumatic Brain Injury means an acquired injury to the brain caused by an external physical force or insult to the brain, resulting in total or partial functional disability or psychosocial impairment, or both.

Visually Impaired means an impairment in vision that, even with correction, adversely affects a student's educational performance.

The Individualized Education Plan (IEP)

Upon completion of the evaluations, an eligibility conference will be held to discuss whether the student meets the code criteria making the student eligible for special education and/or related services. A copy of the collaborative Child Study Team finding report will be given to the parents. Subsequently, but usually immediately following this conference, an Individualized Education Plan (IEP) conference will be held. At this meeting, the student's educational strengths and needs will be considered. Goals and objectives will be developed to address

identified needs. The team will then determine the appropriate program for each individual student with consideration of the least restrictive environment as a priority. The evaluations, determination of eligibility for services, and (if eligible), the development and implementation of the IEP shall be completed within 90 calendar days of the district's receipt of parental permission to evaluate.

The implementation of a child's individual education program should occur 15 days after the IEP Team's completion of the plan, unless parents and school personnel mutually agree to an earlier implementation date. Times may vary, for example, if a child is assigned to another school for services and transportation must be arranged; if supplemental aids must be acquired and/or staff must receive specialized training in order to fully implement the IEP. The IEP document should identify the student's primary educational placement, the projected date for the beginning of the services and modifications described in the plan, and the frequency, location and duration for each service.

ACCOMMODATIONS AND MODIFICATIONS FOR THE CLASSROOM AND FOR TESTING

The IEP team determines whether accommodations, modifications of curriculum or testing or alternative testing are needed. When the decision is made it must be documented in the student's IEP. The decision regarding the need for special consideration is based on the student's evaluation results, current level of functioning and unique learning characteristics. Essentially, accommodations and modifications are determined based upon the nature and severity of the student's educational disability. The purpose of the accommodations is to level the playing field and to allow the student to exhibit their knowledge without a hindrance from their educational disability. The appropriate application of their accommodations and modification may result in improved school grades; however, accommodations and modifications are not recommended for the sole purpose of maximizing school grades.

The IEP Team will meet once a year, or more if necessary, to review and revise the IEP. The Team will discuss strengths, weaknesses, and progress of the student and plan for the following year accordingly. In addition to annual reviews, the Child Study Team must complete a reevaluation of the student once every three years. The IEP Team determines the scope of the reevaluation by reviewing existing data. Further assessments are not conducted if the IEP Team finds that continued eligibility can be determined from existing data. However, if a reevaluation is warranted, the IEP Team will determine the assessments needed and obtain parental consent.

PROCEDURAL SAFEGUARDS AND HANDBOOK ON PARENTS' RIGHTS

IDEIA requires school districts to provide parents of a child with a suspected disability, a notice containing a full explanation of the procedural safeguards (legal rights) available under IDEIA and other state and federal regulations. This hand-book is called, "Parental Rights in Special Education" (PRISE). Parents can obtain a copy of PRISE in any of the district's schools or in the Special Services office or by visiting <http://www.nj.gov/education/specialed/form/prise/prise.pdf>

The procedural safeguards must be given to you one time :

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

RESOLVING DISAGREEMENTS

Most disagreements can be resolved by communication with your child's teacher, case manager, the school principal, or other school district personnel. There are also procedures established under state and federal law to address your concerns, such as complaint resolution, mediation or a due process hearing.

CHILD STUDY TEAM MEMBERS AND CONTACT INFORMATION (201) 438-7675

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EXPLANATION OF SPECIAL EDUCATION ACRONYMS

ADA Americans with Disabilities Act
AI Auditory Impairment
AT Assistive Technology
AU Autism
BD Behavioral Disabilities
BIP Behavior Intervention Plan
CI Communication Impaired
CST Child Study Team
DB Deaf-Blindness
DOE Department of Education
CP&P Children Protection and Permanency
ED Emotionally Disturbed
ESERS Eligible for Special Education and Related Services
ESY Extended School Year
FAPE Free Appropriate Public Education
FBA Functional Behavior Assessment
HI Hearing Impaired
ICR In-Class Resource
IDEA Individuals with Disabilities Education Act
IEP Individual Education Program
LLD Learning and/or Language Disabilities
LDTC Learning Disabilities Teacher / Consultant
LEA Local Education Agency (School District)
LRE Least Restrictive Environment
MCI Moderately Cognitively Impaired
MD Multiple Disabilities
OCR Office of Civil Rights
OHI Other Health Impaired
OI Orthopedically Impaired
OT Occupational Therapy
POS Pull-Out Support
PSD Preschool Disabled
PT Physical Therapy
RTI Response to Intervention
SCI Severely Cognitively Impaired
SI Supplemental Instruction
SLD Specific Learning Disabilities
SM Socially Maladjusted
TBI Traumatic Brain Injured
VI Visual Impairment