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R 2460 SPECIAL EDUCATION

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

- R 2460.1 Special Education – Location, Identification and Referral
- R 2460.8 Special Education - Free and Appropriate Public Education
- R 2460.8 Special Education-Transition From Early Intervention Programs to Preschool Programs
- R2460.16 Special Education – Instructional Material to Blind or Print-Disabled Pupils

The following definitions shall apply to all special education regulations:

Definitions

Words and terms, unless otherwise defined below, when used in this chapter, shall be defined in the same manner as those words and terms used in the Individuals with Disabilities Education Act (IDEA).

“Adaptive behavior” means the ability to demonstrate personal independence and social responsibility according to age and socio-cultural group expectations.

“Adult student” means an emancipated minor or a person age eighteen through twenty-one, who is or was enrolled in the public school and who is not under legal guardianship.

“Approved private school for the disabled” corresponds to “approved private school for the handicapped” and means an incorporated entity approved by the New Jersey Department of Education according to N.J.A.C. 6A:14-7.2 or 7.3 to provide special education and related services to students with disabilities placed by the district Board of Education responsible for providing their education.

“Assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of children with disabilities.

“Assistive technology service” means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:



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1. The evaluation of the needs of a student with a disability, including a functional evaluation of the student in his/her customary environment;
2. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities;
3. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing assistive devices;
4. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
5. Training or technical assistance for a student with a disability or, if appropriate, that student's family; and
6. Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers or other individuals who may provide services to, employ, or are otherwise substantially involved in the major life functions of students with disabilities.

“Board of Education” means the school district of residence, the Board of Trustees of a charter school, the State agency or other public education agency which acts as the school district of residence for the location, identification, evaluation, determination of eligibility, development of an Individualized Education Program (IEP) and the provision of a free appropriate, public education to students with disabilities except as defined otherwise.

“Consent” means agreement in writing which is required by this chapter. Consent shall be obtained from the parent(s), legal guardian(s) and/or the adult student having legal responsibility for educational decision making. The district Board of Education shall ensure that the parent(s), legal guardian(s) and/or adult student:

1. Has been fully informed of all information relevant to the activity for which consent is being sought, in his/her native language or other mode of communication;
2. Understands and agrees in writing to the implementation of the activity; and
3. Understands that the granting of consent is voluntary and may be revoked at any time.



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“Department of Education” means the New Jersey State Board of Education, the Commissioner of Education or his/her designee.

“Individualized Education Program” (IEP) means a written plan developed at a meeting according to N.J.A.C. 6A:14—2.3(h)3, 2.3(i)2 which sets forth present levels of performance, measurable annual goals and short-term objectives or benchmarks and describes an integrated, sequential program of individually designed instructional activities and related services necessary to achieve the stated goals and objectives. This plan shall establish the rationale for the student’s educational placement, serve as the basis for program implementation and comply with the mandates set forth in this chapter.

“IEP Team” means the group of individuals who are responsible for the development, review and revision of the student’s Individualized Education Program (IEP) . The members of IEP Team are listed at N.J.A.C. 6A:14-2.3(h).

“Native language” means the language or mode of communication normally used by a person with a limited ability to speak or understand the English language.

“Nonpublic school” means an elementary or secondary school, other than a public school, within the State, providing education in grades kindergarten through twelve, or any combination of grades in which a student age five through twenty may fulfill compulsory school attendance and which complies with Title VI of the Civil Rights Act of 1964 (P.L. 88-352).

“Nonpublic school student” means any student who is enrolled full time in a nonpublic school. A student who boards at a nonpublic school shall be considered a resident of the New Jersey school district in which the parent(s), legal guardian(s) and/or the adult student resides.

“Parent” means the natural parent, the legal guardian, foster parent, surrogate parent, person acting in the place of a parent such as the person with whom the student legally resides and/or a person legally responsible for the student’s welfare. Unless parental rights have been terminated by a court of appropriate jurisdiction, the natural parent retains all rights under this chapter.

“Student” means a person age three through twenty-one who is entitled to receive educational programs and services in accordance with federal or State law or regulation.

“Student age” means the school age of a student defined by the following:



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1. “Age three” means the attainment of the third birthday. Children attaining age three shall have a free appropriate public education available to them provided by the district Board of Education.
2. “Age five” means the attainment of age five by the month and day established as the kindergarten entrance cutoff date by the district Board of Education. Students with disabilities attaining age five after the kindergarten entrance cutoff date shall continue to be provided preschool services for the balance of that school year.
3. “Age 21” means the attainment of the twenty-first birthday by June 30 of that school year. Students with disabilities attaining age twenty-one during the school year shall continue to be provided services for the balance of that school year.

“Student with a disability” means a student who has been determined to be eligible for special education and related services according to N.J.A.C. 6A:14-3.5 or 3.6.

“Recreation” for students with disabilities means instruction to enable the student to participate in appropriate leisure activities, including involvement in recreation programs offered by the district Board of Education and the facilitation of a student’s involvement in appropriate community recreation programs.

“Referral” means the written request for an initial evaluation to determine whether a student is eligible for services under this chapter.

“Related services” means transportation and such developmental, corrective, and other supportive services as are required to assist a student with a disability to benefit from special education as specified in the student’s IEP, and includes speech-language pathology and audiology services psychological services, physical and occupational therapy recreation, early identification and assessment of disabilities in children, counseling services including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. The term also includes school nursing services, social work services in schools and parent and/or legal guardian counseling and training that is related to the education of the student.

“Special education” means specially designed instruction to meet the educational needs of students with disabilities including, but not limited to, subject matter instruction physical education and vocational training.

“Speech-language specialist” means a speech correctionist or speech-language specialist.

“Transition services” means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post-school activities,



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including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.

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Refer to N.J.A.C. 6A:14-1.3 for definitions of terms used in Regulations 2460.1 through 2460.14.

