



**Office of Educational Services  
Level I/III  
Internal Management Procedures**

**Internal Management  
Procedure #  
SUP.003.SPED.01**

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**Internal Management Procedure Title:**

**Special Education Procedural Safeguards**

<b>Effective Date:</b> March 8, 2021	<b>Revised:</b> N/A	<b>Authority :</b> N.J.A.C. 6A:14-2.3, 2.4, 3.8; SUP.003.014
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<b>Promulgating Office:</b> Division of Programs and Community Services Office of Educational Services	<b>Professional Association Standard cited:</b> N/A
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**Applicability:** This Policy Statement applies to all New Jersey Department of Corrections' Organizational Unit Education Departments

**Supersedes:** N/A

**Review Schedule:**  
This document is scheduled for review on or about April 1, 2023.

**Reviewed and Approved By: Jecrois Jean-Baptiste, Director, Office of Educational Services**

Jecrois Jean-Baptiste  
(Signature)

April 8, 2021  
(Date)

**Reviewed and approved by: Darcella Patterson Sessomes, Assistant Commissioner  
Division of Programs and Community Services**

Darcella Patterson Sessomes  
(Signature)

April 08, 2021  
(Date)

Documentation of the reviews/approvals are maintained by the APPM Unit.

**I. PURPOSE**

To establish procedures for providing a free appropriate public education and related services to age-eligible student- inmates identified as having educationally disabling conditions as defined by the Individuals with Disabilities Education Act (IDEA) and New Jersey Administrative Code 6A:14.

**II. DEFINITIONS**

The following terms, when used in this procedure, shall have the following meaning unless the context clearly indicates otherwise.

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**Active teaching staff** means the instructors employed by OES whose positions require possession of instructional or educational services licenses in accordance with NJAC 6A:9-5.1 et. seq.

**Assistant Supervisor of Education (ASOE)** means OES employee serving as the designated secondary supervisor to the Supervisor of Education, and acts as the primary supervisor in the absence of the SOE.

**Case Manager/Case Management** is the N.J.A.C. 6A:14 responsibility fulfilled by a member of the CST whose role is to oversee the implementation of the student-inmate's IEP. The case manager coordinates the development, monitoring and evaluation of the effectiveness of the IEP.

**Child Study Team (CST)** means a multi-disciplinary team made up of a school psychologist, learning disabilities teacher/consultant, School Social Worker and can include a speech therapist. The Child Study Team's responsibilities include, but are not limited to: evaluations, determination of eligibility, IEPs, case manager and support services.

**Disabled** means a student who has been determined to be eligible for special education and related services.

**Division of Programs and Community Services** means the division responsible for correctional facility and community-based program opportunities for offenders, which includes the offices of Community Programs, Educational Services, Transitional and Social Services, Chaplaincy, County Services, Victim Services, Volunteer Services, PACE Unit, and the Gender Responsive Programming Unit.

**Educational Staff** is all staff hired to provide services under the direction of OES within NJDOC.

**Individualized Education Plan (IEP)** means a written document that outlines the education plan for a student who is entitled to special education services (N.J.A.C. 6A:14).

**Individualized Education Program (IEP) Team** consists of the student, one general education teacher, one special education teacher, at least one CST member who can interpret the instructional implications of evaluation results, the case manager, and a representative of the district who is qualified to provide or supervise the provision of special education and who is knowledgeable about the general education curriculum. If appropriate, the related services personnel and other individuals with specialized expertise or knowledge of the student can also serve on the IEP Team as per N.J.A.C. 6A:14-2.3 (k).

**Language Line Services** is an over-the-phone telephone interpretation system that permits the oral transmission of a message from one language into another language for those inmates who are LEP. Language Line Service interpreters listen to the limited English proficient (LEP) customer, analyze the message and accurately convey its original meaning to the NJ DOC staff member.

**LEA** means a Local Education Agency limited to school districts.

**Learning Disabilities Teacher Consultant (LDTC)** means an employee of the Office of Educational Services (OES) under the CSC title of "Learning Disabilities Specialist" who serves as an expert in the Special Education procedures and regulations by virtue of credentials and experience mandated by the New Jersey Department of Education (NJDOE) LDTC certification requirements.

**Multi-Disciplinary IEP Team** means the team required by IDEA. IDEA requires that, at a minimum, multidisciplinary IEP teams include a parent when student is under 18 years of age (a minor), general education

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teacher, special education provider, a representative of the school district, and an educational professional who can interpret assessment results.

**NJ Department of Corrections (NJDOC)** means the agency of the Executive Branch of the New Jersey State Government which functions are to protect the public and provide for the custody, care, discipline, training, and treatment of persons committed to State correctional facilities.

**Office of Educational Services (OES)** means the office within the Department of Correction, Division of Programs and Community Services, that has been established to ensure inmates are provided with academic, vocational, and life skills programming that meet their demonstrated needs, within a framework that is consistent with the department's overall mission and in concert with all appropriate federal and State education statutes, codes, and regulations.

**Organizational Unit** means a division, correctional facility, or other work unit with the New Jersey Department of Corrections.

**School Psychologist** means a certified individual who serves as a member of the child study team. The School Psychologist supports students' ability to learn and teachers' ability to teach. They apply expertise in mental health, learning, and behavior to help students' success academically, socially, behaviorally, and emotionally.

**School Social Worker** means a certified individual who serves as a member of the child study team. The School Social Worker employs appropriate social work methods in situation affecting the student's educational process. The school social worker acts as a key member of the support team to develop and implement plans that provide specialized support for the student.

**SFEA student-inmate** means an inmate who is eligible to receive educational services as defined by the State Facilities Education Act (SFEA).

**Special Education SFEA Student-Inmate** means an inmate with an Individualized Educational Plan (IEP). Supervisor of Education (SOE) means under the direction of a supervisory official in a state department, institution, or agency, organizes, administers, and supervises the total educational program in institutions or agencies; does related work as required.

### III. POLICY

It is the policy of the OES to adopt the following procedures to ensure educational and related services are provided to student-inmates identified as having educationally disabling conditions as defined in federal and state law. To ensure a free appropriate public education is available to a student-inmate with a disability, student-inmates with disabilities are afforded procedural safeguards required by N.J.A.C. 6A:14 Subchapter 2 Procedural Safeguards.

### IV. PROCEDURES

#### Consent, Notice, Participation, and Meetings (N.J.A.C. 6A:14-2.3)

A. Consent shall be obtained from the student-inmate:

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- a. Prior to conducting any assessment as part of an initial evaluation;
  - b. Prior to implementation of the initial IEP;
  - c. Prior to conducting any assessment as part of a reevaluation;
  - d. Prior to the release of student-inmate records;
  - e. Whenever a member of the IEP team is excused from participating in a meeting;
  - f. Whenever an IEP is amended without a meeting;
  - g. Whenever the student-inmate and the OES agree to waive a reevaluation;
- B. Written notice shall be in language understandable to the general public and shall be provided in the native language of the student-inmate according to N.J.A.C. 6A:14-2.4. Written notice shall include:
- a. A description of action proposed or denied by the OES;
  - b. An explanation of why the action is being taken;
  - c. A description of any options that were considered and the reasons why those options were rejected;
  - d. A description of the procedures, tests, records or reports and factors used in determining whether to propose or deny any action;
  - e. A description of any other factors that are relevant to the proposal or refusal of the action;
  - f. A statement that the student-inmate with a disability has protection under the procedural safeguards, the means by which a copy of a description of the procedural safeguards can be obtained and sources for the student-inmate to contact to obtain assistance in understanding the provisions of the law; and
  - g. In addition, a copy of the procedural safeguards statement published by the New Jersey Department of Education which contains a full explanation of the procedural safeguards available to student-inmates shall be provided only one time per year, except that a copy shall also be provided:
    - i. Upon referral for an evaluation;
    - ii. Upon request by a student-inmate;
    - iii. When a request for a due process hearing is submitted to the Department of Education;
    - iv. When a request for a complaint investigation is submitted to the Department; and
    - v. When a student-inmate is removed for disciplinary reasons and the removal constitutes a change in placement.
  - h. Written notice shall be provided to the student-inmate as follows:
    - i. The OES shall provide written notice no later than 15 calendar days after making a determination;
    - ii. The OES shall provide written notice at least 15 calendar days prior to the implementation of a proposed action so that the student-inmate may consider the proposal;
    - iii. The OES shall implement the proposed action after the opportunity for consideration (in 2 above) unless the student-inmate disagrees with the proposed action, in which case the OES shall take action to attempt to resolve the disagreement; or mediation or a due process hearing is requested.
- C. The student-inmate shall be given the opportunity to participate in meetings regarding the identification, evaluation, classification, educational placement of, or the provision of a free, appropriate public education to the student-inmate.

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- D. Written consent may be revoked by the student-inmate, in writing, at any time. Upon receipt of consent, the OES ensure that the action for which consent was given shall be implemented without delay.

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 the student-inmate continues to be a student-inmate with a disability. Reevaluation shall be conducted sooner if conditions warrant or if the student-inmate or teacher requests the reevaluation. However, a reevaluation shall not be conducted prior to the expiration of one year from the date the student-inmate is provided written notice of the determination with respect to eligibility in the most recent evaluation or reevaluation, unless the student-inmate and OES both agree that a reevaluation prior to the expiration of one year as set forth above is warranted. When a reevaluation is conducted sooner than three years from the previous evaluation, the reevaluation shall be completed within 60 days of the date of the student-inmate consent for the assessments to be conducted as part of the reevaluation or by the expiration of the three year timeframe from completion of the prior evaluation or reevaluation, which occurs sooner.

If the student-inmate provides written consent and OES agrees that a reevaluation is unnecessary, the reevaluation may be waived. If a reevaluation is waived, the date of the student-inmate's consent shall constitute the date upon which the next three-year period for conducting a reevaluation shall commence.

Prior to conducting any assessment as part of a reevaluation of a student-inmate with a disability, the case manager shall obtain consent from the student-inmate.

Reevaluation shall be conducted when a change in eligibility is being considered, except that a reevaluation shall not be required before the termination of a student-inmate's eligibility under this chapter due to graduation or exceeding age 21.

The facility's SOE/ASOE must obtain permission from OES to waive a reevaluation. Upon receipt of the waiver request with proper justification, OES will provide a response with fourteen (14) business days.

Unless the student-inmate and OES agree to waive a reevaluation, all requirements shall be completed within 60 days of the date the student-inmate provides consent for the assessments to be conducted as part of the reevaluation or by the expiration of the three year timeframe from completion of the prior evaluation or reevaluation, whichever occurs sooner.

When a reevaluation is completed:

- A. A meeting of the student-inmate's IEP team shall be conducted to determine whether the student-inmate continues to be a student-inmate with a disability. A copy of the evaluation report(s) and documentation of the eligibility shall be given to the student-inmate at least 10 days prior to the meeting;
- B. If the student-inmate remains eligible, an IEP team meeting shall be conducted to review and revise the student-inmate's IEP;

Native Language

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Evaluation procedures shall be selected so that the student-inmate's cultural background and language abilities are taken into consideration unless it is clearly unfeasible to do so; and shall accurately reflect the student-inmate's ability rather than the impairment. All actions regarding student-inmate notification, consent and participation shall be provided in the native language of the student-inmate unless that is clearly impossible. In that case, care shall be taken that the facts and procedures are made intelligible to the student-inmate.

**V. CROSS REFERENCE DOCUMENTS and POLICIES**

Document/ Policy Number	Title	Effective/ Revision Date
SUP.003.014	Educational Services: Child Find	July 15, 2020
N.J.A.C.6A:142.3(g)7.	Parental Rights in Special Education	August 2016

**VI. APPLICABLE FORMS**

Form Number	Form Title	Effective/ Revision Date
CST-1	Invitation to an IEP Team Meeting	March 8, 2021
CST-2	Notification of an IEP Team Meeting	March 8, 2021
CST-3	Reevaluation Planning Meeting: No Assessment Required	March 8, 2021
CST-4	Reevaluation Planning Meeting: Additional Assessment Required	March 8, 2021
CST-5	NJDOC OES Internal Evaluation Request Form	March 8, 2021
CST-6	Request to Amend an IEP Without a Meeting	March 8, 2021
CST-7	Waiver of Written Notice to a Meeting	March 8, 2021