



NEW JERSEY DEPARTMENT  
OF CHILDREN AND FAMILIES

**New Jersey Department of Children and Families Policy Manual**

Manual:	OOE	Office of Education	Effective Date:
Volume:	I	Office of Education	
Chapter:	A	Office of Education	6-30-1990
Subchapter:	1	Office of Education	
Issuance:	24	<b>Full Educational Opportunity</b>	Revised:
			3-17-2009

**SUBJECT:** Provision of a Free, Appropriate Public Education and Full Educational Opportunity

**EFFECTIVE DATE:** June 30, 1990

**REVISED:** March 17, 2009

**A. OBJECTIVE**

To ensure the provision of a free, appropriate public education and full educational opportunity to all students in Department of Children and Families (DCF) and Department of Human Services (DHS) State facility education programs.

**B. STANDARD**

A free, appropriate public education and full educational opportunity shall be provided to students in accordance with N.J.A.C. 6A:14, N.J.A.C. 6A:17-3 and the Individuals with Disabilities Education Act (IDEA) of 2004 (20 USC §§1400 et seq.).

**C. PROCEDURES**

1. The Education Supervisor (ES) of each DCF and DHS State facility education program shall ensure that a thorough and efficient educational program and services which meet the identified needs of each student shall be provided to all general education students between the ages of five (5) and twenty (20) who do not possess a high school diploma.

2. The ES of each DCF and DHS State facility education program shall ensure that a free, appropriate public education shall be provided to all eligible students with disabilities ages three (3) through twenty-one (21), including students with disabilities who have been suspended from school, as that standard is set under the IDEA of 2004 (20 USC §§1400 et seq.).
  - a. The obligation to make a free, appropriate public education available to each eligible student with a disability shall begin no later than the student's third birthday at which time an Individualized Education Program (IEP) shall be in effect.
  - b. A free, appropriate public education shall be available to any student with a disability who needs special education and related services, even though the student is advancing from grade to grade.
  - c. The services and placement needed by each student with a disability to receive a free, appropriate public education shall be based on the student's unique needs and not on the student's disability.
  - d. Within the context of each education program, all students with disabilities shall have available to them the variety of educational services that are available to general education students.
  - e. To the extent possible, students with disabilities shall be provided the appropriate supports and services to enable them to be involved and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities.
  - f. Where appropriate, the measurable annual academic and functional goals in each student's IEP shall, as appropriate, be related to the core curriculum content standards through the general education curriculum unless otherwise required according to the student's educational needs or appropriate, student-specific, functional needs.
  - g. The ES or designee at each State facility education program shall ensure that hearing aids worn by students who are deaf or hard of hearing are functioning properly.
3. When a parent/guardian inquires about using electronic mail (e-mail) to submit requests to a State facility education program or to a child study team regarding the provision of a free, appropriate public education, the ES/designee or the CST case manager, as applicable, shall:
  - a. provide the parent with an authorized State e-mail address if the ES/designee or CST case manager generally utilizes e-mail as a mode of communication and regularly monitors the e-mail address being provided to the parent; or

- b. inform the parent that e-mail should not be utilized, if the ES/designee or CST case manager does not generally use e-mail and/or does not regularly monitor his/her e-mail.
- 4. Each DCF and DHS State facility education program shall provide appropriate special education programs and services to students with disabilities at public expense, under public supervision and with no charge to the parent.
  - a. Students with disabilities who are placed in private schools by a DCF or DHS State facility education program with the approval of the DCF Office of Education shall be provided special education and related services at no cost to the parent.
  - b. Instructional materials shall be provided to blind or print-disabled students in a timely manner, consistent with plans developed by sending districts for tuition students and by the Office of Education for State Facility Education Act students.
- 5. Except for students placed in nonpublic schools according to N.J.A.C. 6A:14-6.5, all students with disabilities shall be placed in facilities or programs which have been approved by the New Jersey Department of Education and are accessible to the disabled.
- 6. The DCF Office of Education shall annually develop and submit to the Department of Education a special education plan, according to N.J.A.C. 6A:14-8.1, for its State facility education programs.

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Director

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