

LEGAL MANDATES IN SPECIAL EDUCATION



OVERVIEW OF STATUTES

Special Education Law Timelines		
1871	Legislature passed an act - public schools in New Jersey entirely free for attending students	
1954	Brown v. Board of Education of Topeka	
1973	Section 504 of the Rehabilitation Act	
1975	Education of All Handicapped Children Act	
1986	Handicapped Children's Protection Act	
1990	American's With Disabilities Act/Individuals with Disabilities Education Act	
2001	No Child Left Behind	
2004	Reauthorization of Individuals with Disabilities Education Act	

- **1871-Compulsory Education Laws**-New Jersey; all students should be attending public schools.
- **1954-Brown vs. BOE**-Legal case that eliminated racial segregation in schools/prohibited segregation on the basis of disability.
- **1973-Section 504 of the Rehabilitation Act**-forbids organizations/employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services.
- **1975-EAHCA**-guaranteed a free, appropriate public education (FAPE) to each child with a disability across the country.
- **1986-HCPA**-authorizes the award of reasonable attorneys' fees, expenses, and costs to the parents or guardian of a child with a disability who is the prevailing party in a civil suit (protecting the child's right to a free appropriate public education).



OVERVIEW OF STATUTES CONTINUED

Special Education Law Timelines		
1871	Legislature passed an act - public schools in New Jersey entirely free for attending students	
1954	Brown v. Board of Education of Topeka	
1973	Section 504	
1975	Education of All Handicapped Children Act	
1986	Handicapped Children's Protection Act	
1990	American's With Disabilities Act/Individuals with Disabilities Education Act	
2001	No Child Left Behind	
2004	Reauthorization of Individuals with Disabilities Education Act	

- **1990-ADA**-civil rights law that prohibits discrimination against individuals with disabilities and ensures that individuals with disabilities have the same rights and opportunities as others.
- **1990-IDEA**-a law that makes available a free appropriate public education (FAPE) to eligible children with disabilities throughout the nation and ensures special education and related services can be provided to those children.
- **2001-NCLB**-requires students with disabilities are assessed and reaching proficient levels of achievement. Mandated so schools provide a "better" education for students with disabilities.
- **2004-Reauthorization of IDEA**-provision requiring:
 - the special education and related services, supplemental aids and services outlined on a student's IEP need to be based on “peer-reviewed research” to the “extent practicable.”
 - changed the requirement for progress monitoring-supplied to parents regarding their child’s progress toward attaining the annual goals in the IEP.
 - teacher and provider are informed of their specific responsibilities related to the implementation the child’s IEP;
 - Excusal of IEP team members with permission from parent.

WHAT QUESTIONS SHOULD BOE MEMBERS ASK ABOUT SPECIAL EDUCATION?



What does our special education programming look like?

What related services and specialists do we have working in our district?

Are staff members trained in any specialized or research-based techniques?

How are our students with special needs achieving compared to their same age peers?

What factors do the IEP team consider prior to recommending an out-of-district placement?

1

Special Education/IEP



2

Accommodations /504 Plans

- Individuals with Disabilities Education Act (IDEA)
- Allows for specialized instruction and programming
- Development of an Individualized Education Program (IEP) based on 14 disability categories
- IEP Team/Child Study Team
- prek-grade 12

- Section 504 of Rehabilitation Act
- Allows for accommodations
- Development of a 504 accommodation plan
- 504 Committee/Team
- prek-12 and beyond

RESOURCES THAT PERTAIN TO SPECIAL EDUCATION

New Jersey Administrative Code 6A:14

<https://www.state.nj.us/education/code/current/title6a/chap14.pdf>

Parental Rights in Special Education


[https://www.nj.gov/education/specialed/parents/docs/RevisedParentalRights\(PRISE\).pdf](https://www.nj.gov/education/specialed/parents/docs/RevisedParentalRights(PRISE).pdf)

NJ Public Schools Performance Report

<https://rc.doe.state.nj.us/>

Public Reporting of Local District Performance

<https://www.nj.gov/education/specialed/monitor/spp/index.shtml>



New Jersey Department of Education

**Parental Rights
in
Special
Education**

Revised August 2019

Dr. Lamont Repollet
Commissioner of Education

Carolyn J. Marano
Assistant Commissioner
Division of Student Services

Dominic Rota
Director
Office of Special Education
Policy and Dispute Resolution

New Jersey Department of Education
PO Box 500
Trenton, New Jersey 08625 0500

(609) 376-9060
www.nj.gov/education/specialed
PTM 1506.13

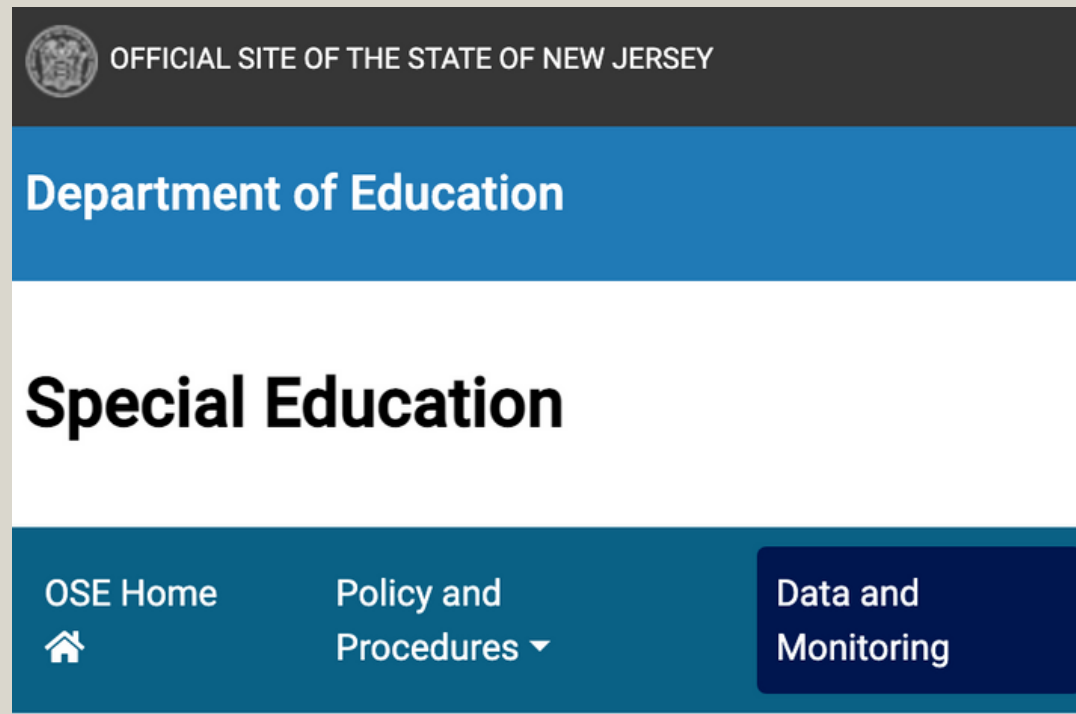


SAMPLE DATA REVIEW- NJ SCHOOL PERFORMANCE REPORT



- 1) Visit this website for school performance data: <https://rc.doe.state.nj.us/>
- 2) Select your school, district or state data from the landing page noted above.
- 3) Choose detailed or summary report.
- 4) Review overall population and students identified as having disabilities.
- 5) Additional information is also included in this report, although not is all applicable to this presentation.

SAMPLE DATA REVIEW- PUBLIC REPORTING OF LOCAL PERFORMANCE



- 1) Visit this website for local district performance data:
<https://www.nj.gov/education/specialed/monitor/spp/index.shtml>
- 2) Select your district under the local district special education data profiles.
- 3) Review the priority areas and indicators for compliance.
- 4) Local data, state targets and meeting state targets are described.

CHILD STUDY TEAM MEMBERS

Team members mandated by law

Must include

- school psychologist;
- social worker;
- learning disabilities teacher consultant (LDTC);
- and when an initial referral is made at the preschool level, a speech-language specialist



IEP TEAM MEMBERS

Team members mandated by law

Must include

- parent;
- student, whenever appropriate
- at least one general education teacher
- at least one special education teacher
- child study team member who can interpret test results
- case manager
- other members as deemed appropriate by the parent of team

504 TEAM MEMBERS

Team members not mandated by law

May include the 504 Building Coordinator, a general education teacher, a special education teacher, the parent/guardian, the student (as deemed appropriate), the nurse, the counselor, and any other person with relevant knowledge of the student and the disability at issue. Participants vary by district.

Members of the school-based team and roles

The administrator responsible for organizing/aligning materials and resources, evaluating instructional programming, managing personnel, coordinating department professional development, scheduling for students and staff, and managing the budget for the Department of Special Services.

Director/Supervisor
of
Special Services

A member of the child study team and/or case manager that supports a student's ability to learn by developing appropriate programming. They apply expertise in mental health, learning, and behavior, to help students succeed academically, socially, behaviorally, and emotionally. Responsible for evaluating intelligence and behavioral aspects of concern.

School Psychologist

A member of the child study team and/or case manager who is responsible for evaluating students, determining those students eligible for special education, developing Individual Education Programs (IEP) and recommending appropriate programs. Responsible for evaluating academic achievement and consulting with teachers.

LDTC

Members of the school-based team and roles

A member of the child study team and/or case manager responsible for promoting the child's social and emotional growth through increased understanding between the school and home. This staff member works with the family, makes an extensive effort to know and utilize community resources, and carefully compiles social history materials in order to tie home, community and school together.

A member of the child study team and/or case manager (for speech only students) who works to prevent, assess, diagnose, and treat speech, language, social communication and cognitive-communication, for students. Responsible for evaluating speech and language disorders.

A member of the IEP team who provides behavior analysis services and develops behavior management plans for both students who receive special education and other students in need. Responsible for assessing behavioral needs.

Members of the school-based team and roles

A member of the IEP team responsible for developing appropriate therapy programs, including routines for classroom and home adaptation; and providing therapy to students.

Responsible for evaluating gross motor/physical needs.

A member of the IEP team who helps students participate in the academic setting as it relates to motor and sensory needs.

Responsible for evaluating motor and sensory needs.

Other members may also become part of the IEP team depending on student need and can include

- school nurse
- teacher of the deaf
- school counselor
- other certified mental health professionals
- other evaluators/professionals

Program Options

In-Class Resource (push-in support): A special education teacher offers support to classified students in regular education classes while providing specialized instruction.

Replacement Resource (pull-out support): A special education teacher offers support to classified students outside of the regular education classes to provide specialized instruction. The curriculum, which typically includes multi-sensory programs delivered in small groups, is designed for the particular student's needs and is offered in place of one or more subject areas.

Self-Contained Programs: A special education teacher works with a small number of students on specified subjects, utilizing specially designed strategies to enhance learning. Students in this setting require more intensive instruction compared to instruction that can be delivered in either the general education classroom or the resource room.

Out of District Placement: If necessary, case managers and parents explore program options in neighboring public schools. If those programs are not available or appropriate, the IEP team may wish to pursue a private specialized school or program outside your local school district.

TIMELINE OF PARENT DISPUTES

IEP/504
meeting

Mediation
Request

Due
Process

Hearing

BOE member responsibilities

Cost

WHEN SETTLEMENTS COME TO THE BOARD

- What information are you entitled/not entitled to know?
- What questions should you ask?
- What factors are you legally permitted to consider?

HOW TO IMPROVE COMMUNICATION WITH PARENTS

Special Education Parent Advisory Group

"Each district board of education shall ensure that a special education parent advisory group is in place in the school district to provide input to the school district on issues concerning students with disabilities."

Parent Surveys

Indicator 8-Parent Involvement Surveys and in-district surveys to support students with special needs.

Presentations, Newsletters, and other forms of communication

Provide updated ongoing opportunities for parents to attend presentations by district staff on pertinent topics.

Consider other forms of communication to distribute pertinent information to parents and guardians

THANK YOU FOR LISTENING

Questions??????????