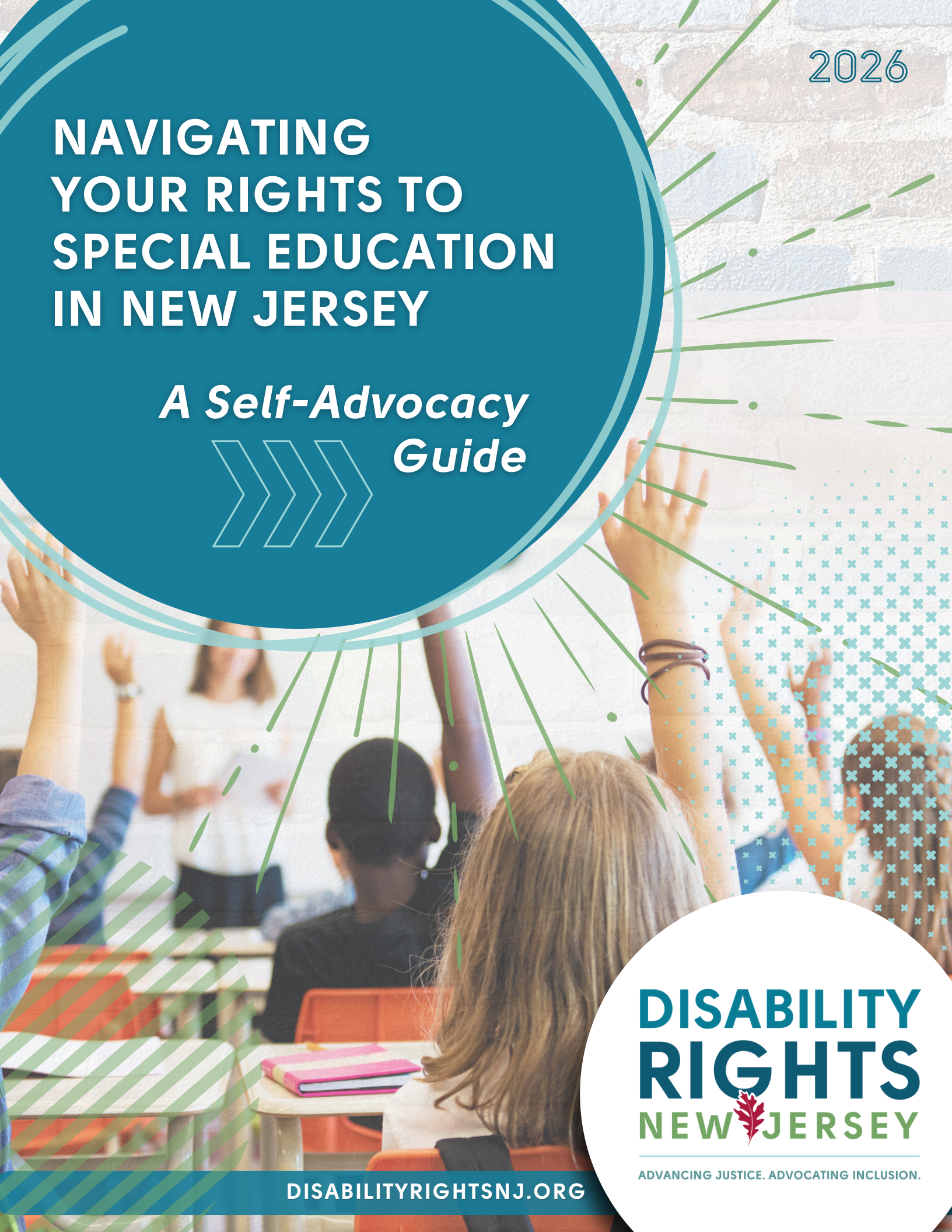
2026

NAVIGATING YOUR RIGHTS TO SPECIAL EDUCATION IN NEW JERSEY

A Self-Advocacy Guide



DISABILITY RIGHTS NEW JERSEY

ADVANCING JUSTICE. ADVOCATING INCLUSION.

DISABILITYRIGHTSNJ.ORG

ABOUT DISABILITY RIGHTS NEW JERSEY

DISABILITY RIGHTS NEW JERSEY

New Jersey's designated Protection and Advocacy system under federal law. We advance the human, civil, and legal rights of people with disabilities and promote their self- determination and integration in all facets of community life.

Disability Rights New Jersey empowers people with disabilities to develop self-advocacy skills and stay informed about their rights with the creation of a robust collection of tools and resources available on our website in the Self-Advocacy Resource Center.

ABOUT THIS GUIDE

Disability Rights New Jersey's Self Advocacy Guide: *Navigating Your Rights to Special Education in New Jersey* is designed to provide information to parents, guardians, students with disabilities, and those who support them, in an easy-to-understand format.

TThe Self Advocacy Guide is intended to assist advocacy efforts and ensure all students with disabilities in New Jersey receive a Free Appropriate Public Education (FAPE) that prepares them for full participation in society.

The Self-Advocacy Guide addresses the most common topics faced when advocating for a student with a disability to obtain appropriate special education programs and services.[1] The single page format provides an explanation of the topic, references to the applicable sections of the Individuals with Disabilities Education Act (IDEA), as well as federal and state special education regulations, practical information about relevant timelines, and steps and tips to follow when advocating for a student with a disability.

Lastly, the Self Advocacy Guide includes a glossary of terms found throughout the topic pages and an Appendix with related resources and sample forms for making common requests.

Disability Rights New Jersey's Special Education Self Advocacy Guide, and the information contained in the guide, is provided as a resource to help explain special education laws in New Jersey. This information does not constitute legal advice. If you have questions specific to your case, or if you require legal assistance, please contact Disability Rights New Jersey's intake or consult with a licensed attorney.

This guide is made possible by the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Mental Health Services; Administration for Community Living (ACL), Administration on Disabilities, Center for Integrated Programs; U.S. Department of Education (DOE), Rehabilitation Services Administration and the Interest on Lawyers' Trust Accounts (IOLTA) Fund of the Bar of New Jersey (IOLTA). This content is solely the responsibility of Disability Rights New Jersey and does not necessarily represent the official views of SAMHSA, ACL, DOE, or IOLTA.

The stated purpose of the Individuals with Disabilities Education Act (IDEA) is to ensure that all children with disabilities have available to them a Free Appropriate Public Education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. 20 U.S.C. § 1400(d).

HOW TO USE THIS GUIDE

Disability Rights New Jersey has intended to make this self-advocacy guide easy to use and accessible to everyone by organizing information into sections: **Introduction, Topic Pages, Glossary & Appendices.** Viewing of the guide is optimized in *Microsoft Edge*.*

INTRODUCTION

The beginning of the guide provides an important introduction with an overview of its purpose, instructions on how to use the guide, an explanation of what is means to be eligible for special education programs and services under the Individuals with Disabilities Education Act (IDEA) and definitions of common terms used throughout the guide.

TABLE OF CONTENTS

Users can navigate directly to a topic of interest by clicking on the topic title. **To return to the Table of Contents click the arrow** in the upper left-hand corner of each page.

Each topic is designed to be a two-sided single page reference focused on a specific area of interest for you to print. Topic pages may include links to related sections of the guide, Disability Rights New Jersey (DRNJ) resources available on our website, or external resources that may be of help to you.

SUPPLEMENTAL RESOURCES

The content pages are followed by several appendices to provide you with additional information and resources that may be helpful in your advocacy efforts.

APPENDIX A: Classifications of disabilities that qualify students for special education programs and services under the Individuals with Disabilities Education Act (IDEA).

TYPES OF LINKS

Text for all links are **blue, bolded and underlined**. For accessibility purposes, links appear in a variety of ways.

Glossary terms are linked throughout the guide and appear without an identifier. Links will take users to the top of the glossary page, not the specific word.

Links to other topics within the guide are shown after "See" —for example, *See* **Stay-put**.

A link to a related Disability Rights New Jersey resource will be labeled [DRNJ LINK] after the link. *For example: See* **ASPYIR Transition Planning Tool [DRNJ LINK]**

A link to an outside resource with additional information will be labeled [EXTERNAL LINK] after the link. *For example: See* **PRE-ETS Student Referral Form [EXTERNAL LINK]**.

***Using the back arrow from your browser will return users to the first page of the guide, if not viewing in *Microsoft Edge*.** On page 7, users can navigate to the topic of interest from the Table of Contents.

APPENDIX B: Links to Fillable PDF Forms

APPENDIX C: Additional linked resources, including websites and documents.

GLOSSARY OF TERMS Definitions of common related terms

SUPPLEMENTAL TERMS Explanations of terms frequently used in special education settings

ADVOCACY ORGS Additional contacts in special education

ELIGIBILITY

To be eligible for rights, protections, and services under the Individuals with Disabilities Education Act (IDEA) [EXTERNAL LINK] and state regulations, a child must be between the ages of three (3) and twenty-one (21) and meet the definition of a "child with a disability."

The definition of a "child with a disability" includes a child with physical, emotional, learning, and/or cognitive disabilities who, because of the condition, requires special education and related services. 20 U.S.C. § 1401(3). The fourteen (14) specific categories of disabilities for which a child with a disability can be determined eligible for special education programs and services in New Jersey are listed in Appendix A of this manual.

A child who does not meet the IDEA definition of a "child with a disability" may still be entitled to assistance if they are having difficulty in school. School districts are required to provide interventions in the general education program to children experiencing educational problems. Each school district must have a coordinated system for planning and delivering intervention and referral services designed to a) assist children who are experiencing learning, behavior or health difficulties, and b) assist staff who have difficulties in addressing the needs of those children. If a child has a physical or mental impairment which substantially limits a major life activity, the child may be eligible for general education or special education and related services under Section 504 of the Rehabilitation Act (Section 504).

*Disability Rights New Jersey's Self Advocacy Guide: *Navigating Your Rights to Special Education in New Jersey* refers to a school-aged child, age 5 to 21 as a "student with a disability."

COMMON LANGUAGE USED IN THIS GUIDE

FREE APPROPRIATE PUBLIC EDUCATION (FAPE):

A Free Appropriate Public Education (FAPE) means special education and related services that are provided at public expense and without charge to the student or family; meet state standards; include an appropriate preschool, elementary school, or secondary school education in the state; and are provided in conformity with an Individualized Education Program (IEP) that meets the requirements of 20 U.S.C. § 1414(d). The IEP serves as the primary vehicle to ensure a child receives a FAPE. *See* **FAPE [EXTERNAL LINK].**

20 U.S.C. § 1401(9); 34 C.F.R. § 300.17

INDIVIDUALIZED EDUCATION PROGRAM (IEP):

An Individualized Education Program (IEP) is a written statement for a student with a disability that is developed, reviewed, and revised in a meeting in accordance with 20 U.S.C. § 1414(d). *See* **Student with a Disability [EXTERNAL LINK]**. The IEP is a legally binding, written document that outlines the specific educational needs, measurable goals, and the special education, related services, and supports a child with a disability requires to make progress in the general education curriculum. The IEP must be reviewed annually by the IEP team including parents, teachers, and specialists.

20 U.S.C. § 1401(14); 34 C.F.R. § 300.22; 20 U.S.C. § 1414(d); 34 C.F.R. § 300.320

PARENT:

Disability Rights New Jersey's Special Education Self Advocacy Guide uses the term "parent" to represent the individual who has educational decision-making authority for a child (student) with a disability, most commonly a parent of a child with a disability as defined in the Individuals with Disabilities Education Act (IDEA) (see below) or an adult student with a disability who has turned eighteen (18) years old and is not subject to guardianship.[2]

The IDEA defines "parent" to mean a biological or adoptive parent of a child; a foster parent, unless the state prohibits a foster parent from acting as a parent; a guardian authorized to act

[2] *When a student with a disability turns 18 years old (the age of majority in New Jersey) they become an adult student and the right to make decisions about their education transfers from the parent to the adult student.*

as the child's parent or authorized to make educational decisions for the child (but not the state if the child is a ward of the state); an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives; an individual who is legally responsible for the child's welfare; or a surrogate parent who has been duly appointed.

20 U.S.C. § 1401(23); 34 C.F.R. § 300.30

SPECIAL EDUCATION:

Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education.

Special education includes a set of services that includes adapting instruction to address the unique needs of the student that result from the student's disability. Special education also includes;

- Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards;
- Travel training
- Vocational education

20 U.S.C. § 1401(29); 34 C.F.R. § 300.39(b)

STUDENT WITH A DISABILITY:

A student with a disability means a evaluated in accordance with the IDEA and determined to have one of fourteen identified disabilities or impairments categories of disabilities that qualify them for special education programs and services under the Individuals with Disabilities Education Act (IDEA) or who, by reason thereof, needs special education and related services tailored to their individual needs.

34 C.F.R. § 300.8

TABLE OF CONTENTS

2 ABOUT THE GUIDE

3 HOW TO USE THIS GUIDE

4 ELIGIBILITY

5 COMMON LANGUAGE USED IN THIS GUIDE

8 504 PLAN

10 ACCOMMODATIONS IN COLLEGE AND AT WORK

12 ADULT STATE AGENCIES

14 BEHAVIOR INTERVENTION PLAN (BIP)

16 CHANGES TO AN IEP WITHOUT A MEETING

18 COLLABORATION & REASONABLENESS

20 COMPARING THE CURRENT IEP VS. PROPOSED IEP

22 COMPENSATORY EDUCATION

24 COMPLAINT INVESTIGATION

26 CONDUCT OFF SCHOOL GROUNDS

28 DECLASSIFICATION

30 DUE PROCESS

32 EARLY INTERVENTION

34 EMERGENT RELIEF

36 EXPEDITED DUE PROCESS

38 EXPULSION

40 EXTENDED SCHOOL YEAR (ESY)

42 EXTRACURRICULAR ACTIVITIES

44 FUNCTIONAL BEHAVIORAL ASSESSMENTS (FBA)

46 GRADUATION

48 INDEPENDENT EDUCATION EVALUATION (IEE)

50 INDIVIDUALIZED EDUCATION PROGRAM (IEP) GOALS AND OBJECTIVES

52 INDIVIDUALIZED EDUCATION PROGRAM (IEP) PROGRESS REPORTS

54 INDIVIDUALIZED HEALTH PLAN (IHP)

56 INFORMAL REMOVALS

58 INITIAL EVALUATION

60 INTERPRETER SERVICES AND TRANSLATED DOCUMENTS

62 LEAST RESTRICTIVE ENVIRONMENT

64 LONG TERM SUSPENSION

66 MANIFESTATION DETERMINATION REVIEW (MDR)

68 MEDIATION

70 MEDICALLY-RELATED SERVICES IN SCHOOL

72 PARENTAL CONCERNS

74 PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE (PLAAFP)

76 PRE-EMPLOYMENT TRANSITION SERVICES (PRE-ETS)

78 PRESCHOOL DISABLED

80 PRIOR WRITTEN NOTICE

82 PSYCHIATRIC CLEARANCE REQUIREMENT

84 REEVALUATION

86 RELATED SERVICES AND SUPPLEMENTARY AIDS AND SERVICES

88 REMOVAL FOR DANGEROUSNESS

90 REQUESTING A CHANGE IN SCHOOL PLACEMENT/LRE

92 REQUESTING AN IEP MEETING

94 RESOLUTION MEETING

96 RESTRAINT AND SECLUSION

98 SHORT-TERM SUSPENSION

100 SPECIAL CIRCUMSTANCES: WEAPONS, ILLEGAL DRUGS, AND SERIOUS BODILY INJURY

102 STAY-PUT

104 SUMMARY OF PERFORMANCE

106 TRANSFER OF EDUCATIONAL RIGHTS AT AGE 18

108 TRANSITION EVALUATIONS/ASSESSMENTS

110 TRANSITION PLANNING

112 TRANSITION SERVICES

114 TRANSITION FROM PRESCHOOL DISABLED TO KINDERGARTEN

116 TRANSPORTATION

118 UNILATERAL PLACEMENT

120 APPENDIX A: CLASSIFICATIONS

123 APPENDIX B: FILLABLE FORMS

124 APPENDIX C: ADDITIONAL RESOURCES

125 GLOSSARY

139 SUPPLEMENTAL TERMS

143 ADVOCACY ORGANIZATIONS

504 PLAN

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a law that allows students with disabilities, or health impairments, to receive accommodations in school.

Protections under Section 504 focus on equal access, while the **Individuals with Disabilities Education Act (IDEA)** provides more specific rights and services through an **Individualized Education Program (IEP)**.

The definition of disability under Section 504 is broader than that required for an IEP and is defined as "*a physical or mental impairment which substantially limits one or more* **major life activities**." This can include learning, reading, communicating, and thinking.

A student who is not eligible for an IEP but meets eligibility requirements for accommodations under Section 504 may have what is known as a "504 Plan." A 504 Plan might be necessary if the student's disability does not interfere with learning significantly enough to require special education services, but they need other supports or accommodations to participate in school. A 504 Plan may include accommodations such as extended time on tests, modified classroom seating, breaks during instruction, reduced homework load, behavior intervention strategies, or access to **assistive technology (AT)**—any supports necessary to ensure the student can fully participate in the general education environment. Section 504 does not require a written plan. However, to avoid misunderstandings about the accommodations and services the student will receive, there should be a written record of the 504 Plan.

TIMELINE

- A 504 Plan can be created any time during a school year.
- A school district is not required to hold an **annual review** for the 504 Plan, but it is best practice to do so.
- Section 504 plans require "periodic reevaluation," which is commonly interpreted as every three years (known as a **triennial evaluation**).
- A parent can request a meeting with the 504 coordinator and team at any time.

CITATIONS

29 U.S.C. § 794
34 C.F.R. § 104

STEPS & TIPS FOR PARENTS

- To request a 504 Plan, you should write a formal request to the 504 Coordinator or principal at your child's school asking for a 504 **evaluation**. Include any concerns and relevant medical or psychological documentation with the request. *See* **504 Planning Meeting Request Form [DRNJ LINK]**.

- Confirm whether your child can access the general education curriculum with accommodations under a 504 Plan, as students who need individualized instruction or specialized services may require an IEP rather than a 504 Plan.

- Like IDEA, Section 504 requires periodic **reevaluation** to determine if your child still qualifies, if the plan is effective or when the school district proposes changing your child's placement.

- If, at any time, you would like to discuss the 504 Plan with the 504 Coordinator, you may send a written request for a meeting to the school's 504 coordinator.

- If there is a disagreement regarding the 504 Plan then you can choose to file a complaint with the Office of Administrative Law, the U.S. Department of Education, Office for Civil Rights, or file a complaint in federal court as a civil action for deprivation of right (Section 1983) action.

ACCOMMODATIONS IN COLLEGE AND AT WORK

Both Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act (ADA) are federal, non-discrimination laws. Section 504 and the ADA require organizations that receive federal funding, which includes most colleges and universities, to ensure individuals with disabilities have equal access to education as non-disabled individuals. These laws define disability as "a physical or mental impairment that substantially limits one or more **major life activities**, a record of such an impairment, or being regarded as having such an impairment." Major life activities include things like learning, breathing, walking, caring for oneself, and working.

Section 504 protects requires qualified individuals receive necessary academic adjustments and auxiliary aids and services. Under the ADA, colleges and universities must provide reasonable accommodations to qualified **students with disabilities** to ensure that they have an equal opportunity to participate and succeed. **Reasonable accommodations** are **modifications** or adjustments made to academic programs, services, or facilities, but cannot fundamentally alter the nature of the academic course or program, and individuals receiving the **accommodations** must be able to perform the tasks assigned to them.

A student who needs a reasonable accommodation should meet with their school's Office of Disability Services, **disclose** their disability, and request the specific accommodations that they need. The school may ask for documentation to support the request. If the school's Office of Disability Services determines the student is eligible for services, it will coordinate appropriate accommodations and services tailored to their individual needs. Accommodations are to assist the student to meet all fundamental course requirements and academic standards.

At work, the ADA requires that individuals who work for an employer with at least 15 employees and who are qualified for a job, but need an accommodation because of their disability, are entitled to reasonable accommodations. Each case is determined based on an individual's specific needs. Employers do not have to remove essential job functions, lower production standards, provide personal need items or any accommodation that creates an undue hardship.

Employers do not need to provide an employee's preferred accommodation as long as the employer provides an effective accommodation. The ADA does not include a specific list of accommodations but there are general categories that include: job restructuring, modified work schedules, providing or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies and making the workplace readily accessible.

TIMELINE

- A student with a disability should register with the Office of Disability Services as soon as they are accepted into, and plan to enroll in, a program.
- At the beginning of every semester, the student must let their professors know that they are a student with a disability who receives accommodations.
- Each semester, the student should update the Office of Disability Services on their class schedule, class locations and any new accommodations they may need to be successful that semester.

CITATIONS

42 U.S.C. § 12101
29 C.F.R. § 1630
29 U.S.C. § 794
45 C.F.R. § 84

STEPS & TIPS FOR PARENTS

- To receive accommodations in college, your adult child (not you) must contact the Office of Disability Services, provide written documentation of their disability, and work with the staff to develop appropriate accommodations.
- Reasonable accommodations may include extended time; quiet testing environment **assistive technology (AT)** and accommodations similar to the accommodations your adult child was provided as a high school student.
- Your adult child can choose to disclose their disability to their school or their employer at any time; disclosure need not be made immediately. If or when they recognize they require reasonable accommodations to achieve expected academic standards or meet job performance requirements, they should immediately request accommodations.

ADULT STATE AGENCIES

Students with disabilities may be eligible for assistance from some state agencies while still in high school. Such assistance would be in addition to the special education programs and services the student receives from the school district. The school district should provide families with information about, and make direct links to, the appropriate agencies during the transition planning process. Families may request a representative from each agency be invited to participate in IEP meetings for transition-aged students. Families are responsible for completing necessary applications and managing agency scheduled appointments. The school district remains responsible for providing the student transition services even if other agencies offer support.

New Jersey State Agencies include:

NJ DIVISION OF VOCATIONAL REHABILITATION SERVICES (DVRS)

DVRS provides students with disabilities aged 14 through 21 with **Pre-Employment Transition Services (Pre-ETS)**. To obtain Pre-ETS, students, their teachers and parents can fill out the online student referral form. *See* **Pre-ETS Student Referral [EXTERNAL LINK]**. Pre-ETS is limited to services provided in high school and to services in five areas. Students who need additional services should apply for eligibility with DVRS, and if found eligible for DVRS services, may receive additional services in high school and after graduation.

NJ DIVISION OF DEVELOPMENTAL DISABILITIES (DDD)

DDD serves people with **developmental disabilities** including **intellectual disability**, cerebral palsy, autism, epilepsy, spina bifida, traumatic brain injuries and certain neurological impairments. Services provided include case management, residential options, day programs, supported employment connections, various family support, and help with guardianship. People with developmental disabilities are eligible to receive DDD services at age 21, although some individuals with developmental disabilities can receive DDD services at 18 if they have graduated from high school and are engaged in post-secondary education or are employed in competitive integrated employment. Individuals can apply for DDD services at age 18, but some prefer to wait until after they are 18 since most individuals will not begin receiving services until age 21. Individuals must have the following qualifications in order to be eligible: have a developmental disability, have US citizenship, live in New Jersey, and be eligible for or enrolled in Medicaid.

DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES (DMHAS)

DMHAS oversees New Jersey's adult system of community-based behavioral health services.

SOCIAL SECURITY ADMINISTRATION (SSA)

SSA provides information on Social Security Disability ("SSDI") and Supplemental Security Income ("SSI"), which are the largest of several federal programs that provide financial assistance to people with disabilities. Only individuals who have a disability, meet medical criteria, and meet financial requirements qualify for benefits under either program.

TIMELINE

- Beginning with the **Individualized Education Progam (IEP)** in place during the school year in which the student will turn 14 years old, the IEP must state if information or advice is needed from Division of Vocational Rehabilitation Services ("DVRS") and/or other agencies, and if yes, list the name of any agency from which consultation is needed.

- Beginning with the IEP in place during the school year in which the student will turn 14 years old, the IEP should document the anticipated needs of the student, list all agencies to which the student will be referred by the school district for current and **post-secondary** services, and list the responsibility of the school district and/or student/parent(s) with respect to contacting each agency listed and providing necessary information to each agency.

- These sections of the IEP should be reviewed each year during the student's IEP annual review meeting and revised/updated as needed.

STEPS & TIPS FOR PARENTS

- Your child's transition plan should list a specific goal, service, and responsible party or agency.

- You can ask your child's case manager to invite representatives from states agencies such as DVRS and **Commission for the Blind and Visually Impaired (CBVI)** to your child's IEP meeting or invite them yourself. However, agency personnel may choose not to attend.

- You and your child are responsible for completing the application, and submitting documentation, to receive services from these agencies.

- Be sure to document all the supports your child requires in detail. Do not minimize their support needs, such as prompting and other reminders, because minimizing their need for assistance with daily activities may impact eligibility for agency services.

- You can call the agency or get help from your child's **Care Management Organization (CMO)**, **Family Support Organization (FSO)**, or other support organizations for assistance completing the application.

BEHAVIOR INTERVENTION PLAN

School districts are required to provide appropriate behavior supports when a student's behavior interferes with their learning or the learning of others. The supports should be included in the student's Individualized Education Program (IEP) as a Behavior Intervention Plan (BIP). A BIP is a personalized, written document developed to support students with behavior that interfere with their learning.

It is good practice for the school district to conduct a **Functional Behavioral Assessment (FBA)** prior to developing a BIP to better understand when, where and why these challenging behavior occur. A BIP should outline proactive and positive strategies, teach replacement behavior, and provide consistent reinforcement. *See* **Functional Behavioral Assessment (FBA)**

A BIP should clearly state and define the interfering behavior and changes to the environment to prevent behavior triggers. It should also outline replacement behavior (positive skills that serve the same function), to be reinforced with the student and may identify consistent rewards to be used when the student engages in the replacement positive behavior. A BIP must be used consistently in all classes to teach and reward good behavior.

A BIP requires regular data collection to track effectiveness. Sometimes, the BIP might require trial and error strategies. Data collection can help determine if the plan is working or if revisions are needed.

A student who is removed from their current educational placement because of their behavior should receive behavior intervention services, including modifications, to address the challenging or problem behavior so it does not recur.

CITATIONS

20 U.S.C. § 1414(d)(3)(B)(i)
20 U.S.C. § 1415(k)(D)(ii)
34 C.F.R. § 300.530(d)(1)(ii)
N.J.A.C. § 6A:14-3.4(f)(4)
N.J.A.C. § 6A:14-3.7(c)(5)

STEPS & TIPS FOR PARENTS

- The IEP team should develop the BIP based on the results and learning from the FBA.
- All reinforcements and strategies to reduce problem behavior must be individualized and tailored to your child. This might require your child to take a survey, answer questions about what they like, or complete a **preference assessment**. This helps identify positive, motivating supports that work for them.
- The BIP must be implemented in every class and setting, so the plan supports your child consistently.
- The BIP must indicate when and how staff should collect behavior data.
- BIP **progress reports** should be issued with IEP progress reports, on a schedule described in the BIP, or upon request. If your child's behavior isn't improving or progress isn't happening, the team should review and may revise the BIP.
- The BIP should emphasize **positive behavioral interventions and supports (PBIS)** and alternatives to removing your child from class or using **crisis** responses.

CHANGES TO AN IEP WITHOUT A MEETING

A parent or a school district can request a change to a student's Individualized Education Program (IEP) without holding an IEP meeting if the IEP team agrees to the change. The school district will send the parent either a draft amended IEP or an **IEP amendment form** for the parent to sign. Once the parent has signed and returned the document, the amended IEP will go into effect.

TIMELINE

- A parent has 15 days to review the proposed change to the IEP and provide **written consent**.
- The proposed change cannot go into effect unless the parent signs the amended IEP or an IEP amendment form.

CITATIONS

N.J.A.C. § 6A:14-3.7(d)

STEPS & TIPS FOR PARENTS

- To request a change in the IEP, you should send a written request to your child's **case manager**. Include your child's name, date of birth and current school, your contact information, the date, and the specific reasons why the IEP changes are needed. Keep a copy of the request for your files.

- It is better to discuss and agree to changes over email, so you have documentation of your request.

- If you talk to the case manager on the phone, you can ask the case manager to send an email summarizing the conversation after the phone call, or you can send the case manager an email summarizing the call.

- Ideally, the school district will send you an IEP Amendment Form, but some school districts send a new IEP that states on the first page that it is an "amendment agreement without a meeting." If you receive a new draft IEP, you must read the entire document to make sure the school district did not make any other changes.

- If you receive a proposed change to an IEP that you do not agree with, decline the change in writing.

COLLABORATION AND REASONABLENESS

The school district professional and parent (IEP team) must work collaboratively to develop an Individualized Education Program (IEP) that meets the student's needs and to determine an appropriate placement. Collaboration and reasonableness can include keeping an open mind; respectful communication including in responses to e-mails and phone calls; being available for meetings, tours, and evaluations; and considering the school district's proposal action. A parent does not have to accept the school district's proposed action, but they should take time to think about it. They should express any concerns with the proposed action. A parent is also expected to act reasonably. This includes making sure parental requests are practical and possible. A parent should state their reasons for making a specific request and, where possible, provide support for the request.

EXAMPLE

Jake attends an IEP meeting for his son, Levi. He wants the district to consider a new **placement** for Levi because Levi has dyslexia, is in 4th grade, and currently reading at a kindergarten level. Jake wants a private special education school that focuses on reading strategies for students with dyslexia across all subjects. The school district suggests a pull-out reading class and a reading assessment to understand Levi's strengths and weaknesses.

- Jake feels like the school district had two years to address the reading disability and failed. He holds firm on his request for a change in school placement immediately because he believes Levi will fall further behind. The school district disagrees, and Jake must file for **due process**.
- At the hearing, the school district tells the **Administrative Law Judge (ALJ)** Jake declined all of their suggested strategies and did not make Levi available for testing. The judge ruled Jake was unreasonable and dismissed the request for a change in school placement.
- Jake agrees to the **assessment** and pull-out reading program but requests the reading class is taught by a certified instructor. In addition, Jake requests that Levi bring weekly **progress reports** home, and another IEP meeting be scheduled in a month to review Levi's progress. The school district, collaborating with Jake, agrees to that plan.
- If Levi is still not making progress after a period of time, Jake can request a due process hearing and tell the ALJ about the steps he took to collaborate and work with the school district.

STEPS & TIPS FOR PARENTS

- To be perceived as "reasonable," you should be able to show you respond to and participate in phone calls, e-mails, and meetings.
- Reasonableness can mean that you try strategies, a program or a placement that may not be ideal in every way.
- It can be reasonable to decline a school district's suggestion or insist on an immediate change if you can connect your requests to evidence (e.g., progress reports, data, assessments, expert opinions, etc.) showing your child is, or was, unsuccessful in their current placement.
- Reasonableness does not require you to agree to a placement if you have evidence your child will suffer physical or emotional harm.

COMPARING THE CURRENT IEP VS. PROPOSED IEP

It is not uncommon for an Individualized Education Program (IEP) to look very similar year after year, but the IEP should change and reflect the growth or needs of the student based on new information (e.g., tests, observations, medical diagnoses, social challenges, teacher reports, family or life changes).

The IEP team is required to meet at least once a year to review and revise the IEP and determine **placement**. This is called the **annual review**. The student's **case manager** is responsible for scheduling the annual review before the student's IEP end date which is found on the first page of the IEP. The school district will typically develop a draft IEP for the IEP team to discuss at the annual review. If the student already has an IEP, the parent should compare the two documents to make sure they are not identical. If the IEP appears unchanged, the parent and the school district should discuss whether the IEP goals, and the supports and services in the IEP, still meet the student's current needs or if updates are necessary to support continued progress.

A new law requires the school district to provide the parent a written statement of items to be discussed at an IEP annual review **no later than two business days** before the meeting takes place. The information should include the student's **present levels of academic and functional performance (PLAAFP)**, the names of any required IEP team members who are seeking to be excused from the meeting, along with their input on any services or programs they provide the student, and an invitation for parents to provide feedback about the proposed services.

TIMELINE

- A parent has 15 days from the projected IEP start date to review the changes made to the IEP before they go into go into effect.
- If the parent does not request **mediation** or a **due process hearing** to contest the proposed program or services in IEP, the IEP will become effective on the 16th day.

CITATIONS

N.J.A.C. § 6A:14-3.2(b)
N.J.A.C. § 6A:14-3.7(i)-(k)
N.J.S.A. § 18A:46-1.4

STEPS & TIPS FOR PARENTS

- When you receive a copy of the proposed IEP, put both IEP documents in front of you and compare one section at a time.

- If your child was recently evaluated, the information from the new evaluations must be proposed in the IEP. It is okay if the information from old evaluations stays in the IEP, but all **evaluation** summaries should include the date the evaluator wrote the report.

- If the PLAAFP looks the same from the last IEP, write an email to your child's case manager requesting an update from all teachers and related service providers, with evidence from tests, quizzes, or observation notes that support their narrative.

- If the **IEP goals** are the same, your child might not have made progress in those areas. The school district must come up with new ways to help your child make progress and address their needs.

- If your child has a **Behavior Intervention Plan (BIP)** and the BIP is the same, ask the case manager or the behavior specialist for information and data to show the BIP is working. *See* **BIP**.

- If the IEP includes a transition plan and transition services, make sure these sections are updated. A transition plan must be updated annually. *See* **Transition Planning** *and* **Transition Services**.

COMPENSATORY EDUCATION

Compensatory education ("comp ed") refers to educational services or additional instruction or supports and services a school district provides to a student with a disability to make up for learning or service losses due to the school district's failure to implement an IEP or failure to provide the student a Free Appropriate Public Education (FAPE).

The purpose of comp ed is to assist a student to "catch up" on lost learning opportunities. Lost learning opportunities may occur when 1) an IEP hasn't been followed, 2) an IEP is not appropriate, and the student fails to make progress, or 3) when a student has experienced gaps in their education due to the school district's action or inaction. Comp ed can include additional tutoring, specialized instruction, extended learning opportunities, other educational programs, or additional related service sessions. Comp ed is provided in addition to the programs and services in the student's current IEP. The amount of comp ed is typically calculated as a specific number of hours. Compensatory education services are not included in the Individuals with Disabilities Education Act (IDEA). However, the IDEA does give an Administrative Law Judge (ALJ) or a court the authority to grant such relief as it determines appropriate. Therefore, it is often necessary to request mediation, or a due process hearing over a comp ed issue.

TIMELINE

- A parent has up to two years from the date they knew or should have known the student had lost a learning opportunity to request mediation or a due process hearing.
- The provision of compensatory eduction services may extend over a period of months or longer.

STEPS & TIPS FOR PARENTS

- If you believe your child has lost learning opportunities, you should put your concerns in writing and request an IEP meeting to discuss the specific losses and how your child can catch up.

- If the IEP team is unable to agree on a plan that will compensate your child or allow your child to catch up, you can seek resolution through **mediation** or **due process** *See* **Mediation** and **Due Process**. You can request the **Office of Special Education (OSE)** conduct an investigation. *See* **Complaint Investigation**.

- If you request mediation or a due process hearing, you can use the 30-day resolution period to negotiate with the school district and reach a settlement without having to go to a hearing.

COMPLAINT INVESTIGATION

Parents can submit a request for a complaint investigation (CI) to the Office of Special Education (OSE) if they believe the school district has violated the Individuals with Disabilities Education Act (IDEA) and its implementing regulations. OSE will investigate the complaint. During the investigation, the OSE investigator may interview the parent, school district staff, and review documents to determine whether the school district followed correct procedures and complied with the law. OSE has 60 **calendar days** to investigate and send out a written report on its findings to the parent and the school district. Under exceptional circumstances, OSE may grant itself an extension and inform the parent and school district of a new date to complete the investigation. If OSE finds the school district violated the IDEA, it will issue a **corrective action plan** for the school district to follow to remedy the noncompliance.

TIMELINE

- A request for a complaint investigation must be submitted within one (1) year of the school district's violation of the IDEA.
- After the complaint is filed, there is a ten-calendar day "Early Resolution" period to allow the school district and parents to resolve the issue.
- OSE has 60 calendar days to investigate and send out a written report on its findings to the parent and the school district, although OSE may grant itself an extension under exceptional circumstances.
- The school district or the parent has 45 calendar days to **appeal** the outcome of a complaint investigation.

CITATIONS

N.J.A.C. § 6A:10-2.5
N.J.A.C. § 6A:14-9.2

STEPS & TIPS FOR PARENTS

- Complaint investigation requests are best used for relatively simple and straightforward special education issues that would include but not be limited to a) school district's failure to provide the required frequency and duration of **related services**, b.) school district's unilateral change of the IEP without providing you prior **notice**.
- You can request a complaint investigation request or a **due process hearing**, but not both at the same time.
- OSE will not begin investigating a complaint until the due process hearing is concluded.
- You may submit documents that support your complaint with the request for an investigation. You are not allowed to have a witness testimony.
- The OSE may contact you to request additional information or to interview you.
- The complaint investigator may ask if you are interested in mediating with the school district over the issue(s) raised in the complaint investigation. You should not feel compelled to agree to mediate, especially when it is clear the school district violated the IDEA.
- When the complaint investigation is concluded, OSE will issue a final report that includes a corrective action plan if the school district was found to have violated the IDEA.
- If you believe the OSE made an error in the report that resulted in the unfavorable outcome, you have 15 days to request an explanation of the error and provide evidence to prove the error.
- The outcome of a complaint investigation can be appealed with the Superior Court of New Jersey Appellate Division.
- If the school district does not comply with any corrective action OSE ordered in its report, you should notify OSE in writing of the findings and/or corrective actions in the final report that have not been implemented and OSE will investigate. OSE must take steps to enforce all aspects of its findings and corrective action plan, as soon as possible, but in no case later than one year after the State's identification of the noncompliance.
- OSE created a pamphlet that provides an excellent overview of the complaint investigation process and steps to initiate the complaint investigation request. *See* **Complaint Investigation Pamphlet [EXTERNAL LINK]**.

CONDUCT OFF SCHOOL GROUNDS

School districts can discipline students for conduct off school grounds if that conduct impacts the physical or emotional safety, security, and well-being of that student, other students, staff, or school grounds. A student can only be disciplined for conduct off school grounds if their behavior "materially and substantially" interferes with the orderly operation of the school.

The specific rules vary by school district but should be included the school district's student code of conduct. The **code of conduct** explains the rules to ensure a safe and respectful learning environment for all students. Actions outside school can have a negative impact on the school community and result in consequences to the student within the school. The consequences for conduct off school grounds can include any of the disciplinary consequences that would typically occur for conduct on school grounds.

All school districts have a formal agreement with the local police department that allows the police to share basic information with the principal of the school. This can include information on arrests or when a student is given a warning. This is one way in which school districts receive information on conduct off school ground. School districts can also monitor social media sites for evidence of conduct that may lead to in school consequences.

CITATIONS

N.J.A.C. § 6A:16-7.5

STEPS & TIPS FOR PARENTS

- If your child is disciplined for behavior that occurred off school grounds, the school district must follow the same procedures and provide the same rights as if the conduct happened at school, including the additional rights afforded to **students with disabilities**. *See* **Short-Term Suspension** *and* **Long-Term Suspension**.

- Even for serious conduct that occurs off school grounds, the school district cannot suspend your child unless it can show that your child's actions clearly and significantly disrupted the discipline or functions of the school.

- The school district can require your child to sign a **behavior contract** that covers the time they are in school or on school grounds (including on the bus and at off-grounds school-sponsored events such as sporting events). Your child cannot be required to sign a 24/7 behavior contract.

DECLASSIFICATION

Declassification refers to the process of removing a student from special education programs and services once they have progressed to a point that they no longer require supports and services to receive a Free Appropriate Public Education (FAPE). School districts are required to have a policy establishing and implementing a plan for the appropriate declassification of students with disabilities that includes regular consideration for declassifying students when appropriate.

Declassification is a change in **placement** that can only occur after the student has been reevaluated. At the eligibility meeting, held after a **reevaluation** has been completed, if the IEP team determines the student can receive a FAPE in the general education setting without special education services and supports, the student can be declassified. The decision to declassify the student should be documented in the student's IEP with recommendations for any support services, **modifications**, and/or **accommodations** the student might continue to need and a plan to transition the student fully into a general education placement. Sometimes, the student may transition to a **504 Plan**. The school district must provide Prior Written Notice of the change to a general education placement. If the parent does not agree with the decision to declassify the student, the parent can dispute the proposed change in placement by requesting **mediation** or a **due process hearing**.

TIMELINE

- All **procedural safeguards** related to the reevaluation of **a student with a disability** apply. *See* **Reevaluation**.
- To keep the proposal to declassify from going into effect, you should request mediation or due process within 15 days of receiving notice of the school district's determination. Submitting a request for mediation of due process stops the school district from implementing the change of place and terminating your child's IEP. *See* **Stay Put**.

CITATIONS

20 U.S.C. § 1415(b)(3)
N.J.A.C. § 6A:14-2.3(f) & (g)

STEPS & TIPS FOR PARENTS

- The school district has the right to consider **declassification** anytime it conducts a reevaluation of your child.

- Information in the reevaluation reports, teacher reports in the IEP, IEP progress reports, and report cards can be used to support (or dispute) the determination to declassify your child.

- If you do not agree with the results of the reevaluation that supports a change of placement to general education, you can request an **Independent Educational Evaluation - IEE.**

- You must also request mediation or due process within fifteen (15) days of receiving notice of the proposal to declassify your child to stop the school district from implementing the change of placement and terminating your child's IEP.

DUE PROCESS

Due process is a legal procedure that resolves disagreements between parents and school districts. If a parent disagrees with the school district regarding a student's placement, evaluation, Individualized Education Program (IEP), or other special education concerns, the parent has the right to request a due process hearing. A request for due process must be made in writing to the **Office of Special Education (OSE)**. After a parent requests a due process hearing, there is a 30-day period, known as the resolution period, during which the parties can attempt to resolve the dispute through mediation or at a **resolution meeting**. If the dispute is not resolved within the resolution period, OSE will transmit the request to the Office of Administrative Law (OAL) to have an **Administrative Law Judge (ALJ)** conduct the hearing. A due process hearing is a formal legal procedure. At a due process hearing, a parent has the right to (1) bring an attorney or advocate, (2) present evidence, (3) **cross-examine** witnesses, and (4) receive a written decision. A due process hearing should be scheduled, completed, and a final decision issued by the ALJ within 45 days after the request is transmitted to the OAL. The parties can agree to **adjournments** that extend this 45-day period. Either the parent or the school district may request an adjournment of the hearing, which the ALJ may grant or deny. The ALJ may not grant an adjournment because of their own schedule. A request for an adjournment must be for a specific amount of time and documented in an adjournment form signed by both the parent and the school district. After the due process hearing is completed, the ALJ will issue a final decision.

TIMELINE

- A parent must request a due process hearing within two years from when the issue(s) began. If the parent waits beyond two years, they will likely lose the right to a due process hearing to address the issue(s) in question.
- OSE will acknowledge receipt of the request for due process, usually within 48 hours. This becomes the date the 30-day resolution period to allow the parties to attempt to resolve the issue(s) raised in the due process petition starts to run.
- The school district has 10 days to file an *answer* to the due process petition.
- The school district is obligated to try to resolve the dispute before it goes to a hearing and must hold a resolution meeting within 15 days of the date of the due process request. *See* **Resolution Meeting**.
- If both parties agree, they could opt for **mediation** instead of a resolution meeting.
- If there is still no resolution at the conclusion of the 30-day resolution period, the matter is transmitted to the OAL for the due process hearing.
- The ALJ must schedule and hold the hearing and issue a final decision within 45 days from the **transmittal date**.

CITATIONS

20 U.S.C.§ 1415(f)
34 C.F.R .§ 300.508
34 C.F.R. § 300.510-513
N.J.A.C. § 6A:14-2.7

STEPS & TIPS FOR PARENTS

- To request a due process hearing, you must complete and submit a form that contains required information to OSE. The form with instructions how to complete and submit it, can be found on OSE's website. *See* **Dispute Resolution [EXTERNAL LINK]** or in the Parental Rights in Special Education (PRISE).

- If your child is 18 years of age or older, you must attach documents that verify you have authority to request a due process hearing on behalf of your adult child. Documents that prove you have authority to request due process would be legal guardianship order or letter from your adult student authorizing you to act on their behalf. *See* **Transfer of Educational Decision-Making Authority**.

- The school district might submit its own request for a due process hearing with claims against you. This is a **cross-petition** for due process. If that happens, you have 10 days to file answer to the school district's cross-petition.

- Prior to the due process hearing itself, the ALJ will request a **pre-hearing conference** to gain a better understanding of the issue(s) and to find out where things currently stand with respect to the issue(s).

- The ALJ might request you and the school district make another attempt to resolve the issue(s) by participating in a settlement conference.

- During the pre-hearing conference, the ALJ will set forth the timeline for both parties to exchange evidence (e.g., e-mails, IEPs, medical documentation, assessment reports, progress notes etc.), a list of expected witnesses, and a summary of the witnesses' expected testimony.

- You must provide copies of any evidence you expect to introduce at the hearing to the school district, no later than 5 **business days** before the first hearing date, unless the ALJ establishes a different deadline for the exchange.

- If you plan to call an **expert witness**, you must provide their **resume/curriculum vitae** as well. If you would like more time to prepare, you can ask for an adjournment of a hearing date for a specific period of time. The school district can also ask for an adjournment.

- If either you or the school district requests an adjournment, the parties and the ALJ should complete an approved adjournment form.

- You will need to create and organize three copies of every document you intend to introduce into evidence – one for you, one for the school district, and one for the ALJ – and bring the evidence, in binders, with you to the hearing.

- You should prepare an **opening statement**, which can be five to ten sentences long, to read at the beginning of the hearing. The opening statement is an opportunity to tell your child's story to help the ALJ understand the issue(s) better.

- You should write out questions you plan to ask your witnesses as well as questions you want to ask the school district's witnesses. Asking questions to the school district's witnesses is called a **cross-examination**.

- At the conclusion of the hearing, the ALJ might ask you to make a **closing argument** verbally or in writing.

- OSE has posted a step-by-step guide to Due Process Guide. *See* **https://njspecialedsettlement.info/conduct-a-special-ed-case/ [EXTERNAL LINK].**

EARLY INTERVENTION

Children from birth to age three who have a developmental delay, physical disability or a mental disability that may result in a developmental delay, are eligible for Early Intervention (EI) services. Developmental delays may include delays in physical development, speech-language, cognitive, emotional, or social development, or in or self-help (adaptive) skills. EI services should meet the child's developmental needs and may include occupational, physical, and speech-language therapies and specialized learning instruction. These services are provided by the New Jersey Early Intervention System, not the school district in which the child resides. The child will be assigned an EI service coordinator, and an **Individualized Family Service Plan (IFSP)** will be developed. The IFSP will state the EI services to be provided and goals for the child. A parent may disagree with decisions about a child's eligibility (if their child is found not to have a developmental delay) or about the IFSP being offered, or how the IFSP services are being delivered. It is recommended to try to work out any disagreements with the child's EI service coordinator before pursuing any of the **Individuals with Disabilities Education Act (IDEA)** dispute resolution options.

EI services end when the child turns three years old. A child who receives EI services will be referred to the child study team (CST) in their school district of residence to be evaluated for special education programs and services to begin when the child turns three years old. The **evaluation** and **eligibility determination** process for special education should begin at least 90 days before the child's third birthday. The EI service coordinator should schedule a preschool transition planning conference and invite a representative of the school district's CST to the meeting. To be eligible for special education and **related services**, a student must have a disability according to one of the IDEA's 14 eligibility categories. *See* **Appendix A: Classifications**. If a child is determined eligible for special education programs and services, their initial **Individual Education Program (IEP)** must be developed and ready for implementation by their third birthday.

TIMELINE

- Early Intervention services end on the child's third birthday.
- Planning for the child's transition from EI to preschool must begin no later than 90 days before the child's third birthday but can, and should, begin earlier.

CITATIONS

20 U.S.C. § 1413(f)
20 U.S.C. § 1431-1444
34 C.F.R. § 300.226
34 C.F.R. § 303
N.J.A.C. § 6A:14-10

STEPS & TIPS FOR PARENTS

- Disagreements about EI eligibility or your child's IFSP are handled through the New Jersey Early Intervention System (NJEIS) **Procedural Safeguards** Office. *See* **NJEIS Family Rights [EXTERNAL LINK]**.

- A parent liaison is available through NJEIS's Procedural Safeguards Office to advise you of you and your child's rights under EI and help you understand the options available to you if disputes arise.

- Your child's transition planning conference can be held as early as age 2 years and 3 months, but no later than when they are 2 years and 9 months old.

- You must provide **written consent**, usually by signing the IEP, for the school district to implement the educational program and services in your child's initial Individualized Education Program (IEP).

- The IEP team may determine the appropriate **placement** for your child is the EI program and execute a contractual agreement with the EI program to provide the service in the initial IEP for the remainder of the school year.

- If the school district determines your child is not eligible for special education programs and services, and you disagree, you can request an **Independent Educational Evaluation (IEE)** and/or request **mediation** or due process to resolve the disagreement. *See* **Independent Educational Evaluation**.

- When your child turns 18 years old, the **age of majority**, they are given all authority over decision making about their education. *See* **Transfer of Educational Rights at Age 18**.

EMERGENT RELIEF

Emergent relief refers to a request for a temporary order from an Administrative Law Judge (ALJ) for immediate relief on a specific issue being considered in a *due process hearing*. Emergent relief it is not specifically stated in the Individuals with Disabilities Education Act (IDEA) but it a state procedure within the framework of IDEA's procedural safeguards. There must be urgent need for intervention before the due process hearing or **expedited due process** can be completed. Emergent relief can only be requested for issues involving a break in the delivery of services, disciplinary actions, matters related to graduation or graduation ceremonies, and concerns regarding **placement** pending the outcome of due process proceedings. *See* **Stay-Put**.

A request for ER may be filed with a request for a due process hearing or at any time after the request for due process has been submitted. If emergent relief is requested during the 30-day resolution period (before the request has been transmitted to the Office of Administrative Law (OAL), the application for ER should be submitted to the **Office of Special Education (OSE)**. After a request for a due process hearing, or an expedited hearing, has been transmitted to the OAL for a hearing, the application for ER must be submitted directly to the OAL, either to the clerk or to the ALJ assigned to conduct hearing.

For all requests for ER, with the exception of stay-put, the party requesting emergent relief must demonstrate 1) that the student will suffer **irreparable harm** if the relief is not granted, 2) the legal right underlying the claim is settled, 3) there is a likelihood the student will prevail at a hearing given the merits of the underlying claims, and 4) when the interests of the parties are balanced, the party who requested relief will suffer greater harm (balance of equities). If a parent is seeking to enforce "stay-put" during a due process hearing, they are not required to meet the standards for emergent relief because the right to "stay-put" is automatic. If a parent requests an emergent relief hearing to ensure the student has "stay-put" until the underlying due process hearing is completed, the only issue to be determined will be what the student's current placement was when the request for the due process hearing was made and whether that placement is being implemented. The ALJ's ER decision will remain in place until the issues in the request for due process are resolved through settlement or a final decision by the ALJ after the hearing is completed.

TIMELINE

- There is no specific timeline for holding an emergent relief hearing and receiving a final decision but it will typically be completed within two weeks of the date of the emergent relief request.

CITATIONS

N.J.A.C. § 6A:14-2.7(r)
N.J.A.C. § 6A:14-2.7(s)

STEPS & TIPS FOR PARENTS

- To request emergent relief, you must complete and submit a document that contains certain required information to the Office of Special Education.

- The **Parental Rights in Special Education (PRISE)** manual contains a template form as well as instructions as to how to submit the form by way of mail, fax, and e-mail. *See* **Parental Rights in Special Education (PRISE) [EXTERNAL LINK]**

- The request for emergent relief must also include an affidavit or notarized statement specifying the basis for the request for emergency relief. OSE will accept a Certification in Lieu of Affidavit or Notarized Statement. *See* **Emergent Relief Certification [EXTERNAL LINK]**.

- If your child is 18 years of age or older, you must include documentation, such as a guardianship order or notarized letter from your adult child, that authorizes you to act on their behalf. *See* **Transfer of Educational Decision-Making Authority [DRNJ LINK]**.

EXPEDITED DUE PROCESS

An expedited due process hearing is legal proceeding, with a shortened timeline, used to resolve specific disputes related to a student's disciplinary placement. It is a limited exception to the standard due process timelines for resolving disputes under the Individuals with Disabilities Education Act (IDEA). An expedited due process hearing must be completed within twenty (20) **school days** of the request for a hearing, and a final decision must be issued within ten (10) school days of the last hearing date. Requests to adjourn an expedited due process hearing are not allowed.

A parent may only request an expedited due process hearing for issues related to disciplinary action, including if the parent disagrees with the determination that the student's behavior was not a manifestation of their disability or with any decision regarding **placement**. When a parent requests an expedited due process hearing, a **resolution meeting**, or if both parties request it, **mediation**, may be scheduled to resolve the issue. The school district must schedule and hold a resolution meeting within 7 days of receiving the parent's request for an expedited due process. A mediation session must be completed within 15 days of receipt of the request. The parties may agree to **waive** the resolution period and proceed directly to a hearing.

A school district must request an expedited due process hearing if it believes that maintaining the student's current placement is substantially likely to result in injury to the student or to others, and the parent and school district cannot agree on a placement. When a school district requests an expedited due process hearing on these grounds, there is no resolution period.

EXAMPLE

A parent requests an expedited due process hearing. The Office of Special Education (OSE) acknowledges receipt of the request on April 1st. The 7 days for the district to hold a resolution meeting will end on April 8th. If the matter is not resolved to the parent's satisfaction within 15 days, OSE will transmit the matter of the OAL on April 16th. The expedited due process hearing must be completed no later than April 29th, twenty school days after OSE received the request for expedited due process hearing.

TIMELINE

- When a parent submits a request for an expedited due process to the Office of Special Education (OSE), the date OSE acknowledges receipt of the request for mediation (typically within 48 hours of submission) starts the resolution period.
- If an expedited due process hearing request is not resolved to the satisfaction of the parents within 15 days of receipt of the request, OSE will transmit the case to the Office of Administrative Law (OAL) for an expedited due process hearing.
- The expedited due process hearing must be completed within twenty (20) school days of OSE acknowledging receipt of the request.
- A final decision must be issued within ten (10) school days of the completion of the expedited due process hearing without exceptions or extensions.
- The twenty (20) school days to complete an expedited due process hearing and the period for resolution period run concurrently (i.e., begin to run on the same date.)

CITATIONS

20 U.S.C. § 1415(k)(4)(b)
34 C.F.R. § 300.532(c)
N.J.A.C. § 6A:14-2.7(h)

STEPS & TIPS FOR PARENTS

- You may only request an expedited due process hearing if your child is subject to disciplinary action.
- An expedited due process request form can be found on the OSE website. The **Parental Rights in Special Education packet (PRISE)** also includes the form to request an expedited due process hearing with instructions on how to complete it. *See* **Expedited Due Process Request [EXTERNAL LINK]**. *See also* **Parental Rights in Special Education (PRISE) [EXTERNAL LINK]**.
- In 2024, the New Jersey Department of Education issued guidance on expedited due process hearings. *See* **Expedited Due Process Guidance [EXTERNAL LINK]**.

EXPLUSION

Under state law, expulsion means "the discontinuance of educational services or the discontinuance of payment of educational services for a student." A student cannot be expelled from school if there were no prior incidents that resulted in a suspension of more than 10 days. When a student is expelled, a school district is no longer required to provide educational services to a general education student; however, a school district cannot stop providing educational services to special education students. For a **student with a disability**, expulsion often involves a transfer to an **alternative school** or **out-of-district placement**.

Only the Board of Education (BOE), not the principal or superintendent, can suspend a student for 10 days or more. Students with disabilities cannot be expelled from school through the regular disciplinary process. The Board of Education cannot order a change in the student's educational placement, only the **Individualized Education Program (IEP)** team, of which the parent is a member, can change a student's **placement** through the IEP process. If the IEP team disagrees on a proposed placement, the student is entitled to the **Individuals with Disabilities Education Act (IDEA)** due process rights and an opportunity to contest a proposed change in placement through **mediation** or **due process**.

TIMELINE

- A student with a disability cannot be expelled from school so there is no timeline for expulsion.
- A student with a disability may be kept from attending their home school; however, the school district must begin to provide the student **home instruction** after the 5th day of the students **removal** from school.
- A student must have received a prior long-term suspension for the school district to take action to exclude the student from school. *See* **Long-Term Suspension**.
- A student with a disability may be excluded from their home school but the school district is required to provide the student educational services in an alternative placement.

CITATIONS

N.J.A.C. § 6A:16-7.3
N.J.A.C. § 6A:14-2.8
20 U.S.C. § 1415(k)

STEPS & TIPS FOR PARENTS

- Your child cannot be excluded from attending their home school for a first-time offense. They must have already received a **long-term suspension** for another offense. *See* **Long Term Suspension**.

- The BOE can only suspend your child at the first disciplinary board hearing following the incident. The BOE can only suspend your child for a maximum of 45 school days.

- At the second BOE meeting following the incident, the BOE must vote to continue the suspension or begin expulsion proceedings. The BOE must consider the severity of the offense, any relevant **evaluations** or **assessments**, and the recommendation of the chief school administrator based on input from school professionals from your child's current educational placement.

- If your child has a disability and you receive an expulsion **notice**, they are still entitled to a **Free Appropriate Public Education (FAPE)**; therefore, the placement must be a school that can meet their educational, behavioral, and social/emotional needs.

- If your child was in a general education program or a **self-contained classroom**, they can be transferred to an alternative school as long as that school can provide the special education programs and services required by their IEP.

EXTENDED SCHOOL YEAR (ESY)

An extended school year (ESY) program provides additional special education and related services beyond the regular school year. ESY services are provided during the summer.

A student qualifies for ESY if the IEP team determines that an interruption in educational programming, such as summer break, would cause the student's performance to **regress** to a lower level of functioning; and **recoupment** cannot be expected in a reasonable length of time compared to students without disabilities once school is back in session. The ESY educational program is not a full day, instruction is not offered in all subjects and only certain related services may be offered. ESY is not limited to students with specific disabilities; every **student with a disability** can be eligible for ESY if they meet the standard.

TIMELINE

- ESY is often discussed at the IEP **annual review** meeting.
- It is best to discuss ESY several weeks before the end of the school year to resolve any disagreements before the ESY program begins.
- If the IEP team decides that ESY is not necessary and you disagree, you can request a **due process hearing** and apply for emergent relief.

CITATIONS

N.J.A.C. § 6A:14-1.3
N.J.A.C. § 6A:14-4-3(c)

STEPS & TIPS FOR PARENTS

- ESY during the summer usually begins after the July 4th holiday and continues for approximately eight weeks.
- Some school districts offer small class programs during ESY.
- You should work with the IEP team to make sure the program has enough individualized supports and services to meet your child's needs.
- If the school district's child study team members determine that your child does not require ESY, you should request to review the regression and recoupment data to understand how the team arrived at their decision.
- You might also note changes to your child's behavior, **adaptive skills**, or **functional skills** during school break and any problems your child has when they return to school.
- Keep track of this information by recording any phone calls home or e-mails from school district personnel.

EXTRACURRICULAR ACTIVITIES

Students with disabilities in New Jersey have a right to participate in extracurricular activities and other non-academic activities. Extracurricular activities include athletics, recreational activities, special interest groups, or school-sponsored clubs. School districts include a section in the student's **Individualized Education Program (IEP)** that addresses extracurricular participation, specifying necessary **accommodations** (e.g., **paraprofessional** support, accessible equipment, scheduling adjustments, etc.) so that students with disabilities can fully engage in clubs, sports, arts, and other nonacademic programs.

SAMPLE IEP LANGUAGE

- **"Supports for Participation":**
  Michael wants to join LEGO club and the basketball clinic this year. Michael will be provided with a peer buddy and adapted materials during club activities to ensure full participation.

- **"Extent of Participation":**
  Julio will join general education track during AfterSchool Science Club with the using an **assistive technology (AT)** device to communicate and the assistance and a paraprofessional to facilitate **inclusion**.

CITATIONS

34 C.F.R. § 300.107(a)
34 C.F.R. § 300.117

STEPS & TIPS FOR PARENTS

- If your child wants to participate in clubs, sports, or field trips, the IEP team should discuss the activities and any supports your child needs to participate in them during the IEP **annual review** meeting.
- Be sure to ask about upcoming activities and discuss any accommodation or services needed, such as paraprofessional support, assistive technology (AT), or transportation.
- You should also address any medical or safety concerns in advance and confirm that venues and transportation are accessible for your child.
- Consider direct communication with club advisors or trip organizers to ensure they understand your child's needs. You can do this by creating and sharing a one-page summary about your child's strengths, preferences, and supports.
- Keep all communication in writing. If you have a telephone call with a club advisor or a member of the IEP team, you should send an email after the call summarizing what you discussed.
- If the school district will not let your child participate in an extracurricular activity, you can request reasons in writing and seek resolution through the **Office of Special Education (OSE)**. Forms to request **mediation** or a **due process** are available on the OSE website. *See* **Dispute Resolution [EXTERNAL LINK]**.

FUNCTIONAL BEHAVIORAL ASSESSMENT

Under the Individuals with Disabilities Education Act (IDEA), a school district must address behavior that make learning harder for a student or disrupt other students' learning. The school district is required to provide appropriate behavioral supports when a student's behavior interferes with learning. A key step in this process is the Functional Behavioral Assessment (FBA), which looks at why a specific behavior happens by gathering and reviewing data about the behavior.

The FBA should be conducted by a trained professional such as a school psychologist, a **board-certified behavior analyst (BCBA)**, or another qualified staff member and is typically carried out over several sessions. It may involve interviews, direct observation, data collection, and reviewing records, and it should consider all places where the **problem behavior** occurs, including classrooms, the cafeteria, the bus, hallways, and transition times, so we can understand where, when, and why the behavior is more or less likely.

Understanding the "why" usually means identifying what the student is trying to obtain (for example, attention, tangible items, or sensory input) or what the student is trying to avoid (such as certain tasks or social situations). The data collected looks at what happens before the behavior (the trigger), the behavior itself, and what happens after (the consequences). The findings from the FBA are used to create a **Behavior Intervention Plan (BIP)**, which sets specific goals and strategies to address and improve the targeted behavior. If a student is removed from their current educational **placement** because of behavior, the district should perform an FBA and, when appropriate, develop a BIP. *See* **Behavior Intervention Plan (BIP)**

CITATIONS

20 U.S.C. § 1414(d)(3)(B)(i)
34 C.F.R. § 300.324(a)(2)(i)
34 C.F.R. § 300.324(3)(i)
N.J.A.C. § 6A:14-2.3(k)(2)(ii)(3)
N.J.A.C. § 6A:14-3.4(f)(4);
N.J.A.C. § 6A:14-3.7(c) (5)

STEPS & TIPS FOR PARENTS

- A request for an FBA can be made just like any other special education evaluation, by submitting a written request to your child's **case manager** or school district's special education director. *See* **Initial Special Education Evaluation Request Form [DRNJ LINK]**.

- Prior to giving your **written consent** for the FBA or **evaluation**, you should confirm that the person who will be conducting the FBA has the necessary qualifications or certifications.

- The FBA should not only be done in the classroom, but it should also be done across any environment where the behavior occurs.

- You are entitled to receive and review a copy of the FBA prior to a meeting.

- When the FBA is completed, the **IEP team** should meet to review the results and develop a BIP based on data collected.

GRADUATION

A student with a disability may be eligible to remain in school until the end of the school year in which they turn 21, however, once a student receives a regular high school diploma, they are no longer entitled to receive special education services. When a school district determines a student will meet the requirements for graduation, a **written notice** will be sent to the student and the parent to inform them of the determination. If the parent and student do not agree the student is prepared to graduate high school, they must request a **due process hearing** to contest the determination. If the determination to graduate the student is contested, the student will remain in their current **placement**. This is known as "**Stay-Put.**" Students who request stay-put to remain in school are still allowed to participate in graduation activities. For issues involving graduation or participation in graduation ceremonies, a parent may submit an request for emergent relief with the request for a due process hearing. *See* **Emergent Relief** *and* **Stay-Put**.

A student who is not graduating due to their need for continued special education programs and services has the right to be included in the graduation ceremony, and other activities, with their class without receiving their diploma if the student chooses. A specific New Jersey law, known as "Alicia's Law" permits students with disabilities whose high school special education program requires instruction beyond four years to participate with their class in a graduation ceremony and to receive certificate of attendance, provided the student has attended four years of high school.

Students in general education classes are more likely to be on track to receive a regular diploma and graduate at age 18. If the student has alternative graduation requirements in the IEP, they will not be receiving a regular diploma and will likely be able continue their **post-secondary** education until the end of the school year age in which they turn 21. The General Educational Development (GED) credential is not equivilent to a regular high school dipolma and will not end a student's eligibility for special education programs and services.

TIMELINE

- There is not a specific date by which the **notice** of graduation must be provided but it should be received more than fifteen (15) days prior to the graduation to allow the parent and student to contest the determination.
- To invoke stay-put you must request **mediation** or due process within 15 days of receiving the notice of graduation.

CITATIONS

N.J.A.C. § 6A:14-4.11
N.J.A.C. § 6A:14-4.11(e)
N.J.A.C. § 6A:14-2.7(r)
N.J.S.A. § 18A:7C-5.2 (Alicia's Law)

STEPS & TIPS FOR PARENTS

- Upon receiving a notice of graduation, you, or your adult child, can challenge the graduation determination by requesting mediation or a due process hearing to preserve "**stay-put**." Stay-put prevents the school district from graduating your child until the outcome of the mediation or due process hearing is decided.
- You should receive the notice of graduation at least fifteen days prior to the graduation date to invoke stay-put. *See* **Stay-Put**.
- If the graduation date is quickly approaching, it is better to request a due process hearing with an application for emergent relief at the same time. If you receive the notice of graduation less than fifteen (15) days before the graduation date, you should request a due process hearing and an emergent relief hearing noting the date you received the notice. *See* **Dispute Resolution [EXTERNAL LINK]**.
- Your child has the right to participate in the graduation ceremony without accepting their diploma (Alicia's Law).

INDEPENDENT EDUCATION EVALUATION (IEE)

An Independent Educational Evaluation (IEE) is an evaluation that can include multiple assessments/tests paid for by the school district and completed by someone who does not work for or have a contractual relationship with the school district. A parent can request an IEE if they disagree with the school district about the results of an initial evaluation or **reevaluation**; or if the school district decides to not conduct an initial evaluation or reevaluation.

A parent is entitled to only one IEE each time the school district conducts an evaluation of the student. The request for an IEE should be made in writing and submitted in a way that makes it easy to prove the delivery (ex. e-mail, fax, or certified mail). It is important to request all needed assessments/tests at the same time because it may not be possible to change the request later.

Upon receiving the IEE request, the school district must decide whether to pay for the IEE or not. If the school district agrees to pay for the IEE, then it must provide the parent with a list of potential independent evaluators for the parent to choose from and the school district's criteria for the IEE. The IEE criteria may include the location of the evaluation and the qualifications of the evaluator. The school district may establish maximum allowable rate for each assessment to ensure that the cost of an IEE is reasonable. If the parent chooses an evaluator whose fee exceeds the school district's maximum allowable rate, the school district must give the parent an opportunity to prove that unique circumstances justify the higher rate. *See* **FAQs -Independent Educational Evaluations [EXTERNAL LINK]**. To demonstrate the unique circumstances, a parent may have to request a **due process hearing**.

Conversely, if the school district does not want to pay for the requested IEE, then it must request a due process hearing within 20 **calendar days** of the IEE request to justify its refusal to pay. If the school district does not request a due process hearing within 20 days, the parent can request a due process hearing to obtain the IEE.

If the school district agrees to pay for the IEE, once it is completed the **IEP team** should meet to discuss the learnings and recommendations set forth in the IEE reports. The IEP team is only required to consider the information in the IEE reports and may accept, reject, or accept in part, the results, and recommendations of the IEE.

STEPS & TIPS FOR PARENTS

- The IEE request can be made any time after the school district's evaluation is completed and should be made within 12 months after the school district's initial evaluation or reevaluation. After more than 12 months, the school district may conduct another reevaluation of your child.

- The IEE request must be in writing, include the date of the request, your child's name, and your contact information; and state you "disagree" or are in "disagreement" with the results of the school district's initial evaluation or reevaluation. However, you do not have to explain the reason(s) for the disagreement. *See* **Independent Educational Evaluation (IEE) Request Form [DRNJ LINK]**.

- You should send the IEE request by email and certified mail with return receipt, so you know the school district received it.

- You must list all the specific assessments/tests (e.g.; psychological, educational, **physical therapy**, **occupational therapy**, **speech-language therapy**, **assistive technology (AT)**, etc.) you want conducted as part of the IEE in your request.

- You can ask that the IEE include a specific assessment/test that was not included as part of the school district's initial evaluation or reevaluation.

- If the school district agrees to fund the IEE, it must provide you with a list of possible independent evaluators and its criteria for an IEE.

- If you do not want to use any of the independent evaluators on the school district's list, you can check the New Jersey DOE's approved directory. *See* **New Jersey Department of Education's Approved Clinics and Agencies Directory [EXTERNAL LINK]**.

- The school district must allow an independent evaluator to observe your child in school.

- Once the IEE is complete, the school district will schedule an IEP meeting to review the results of the assessments/tests.

- The IEP team is only required to consider the information in the IEE reports. It may accept, reject, or accept only part the results of the IEE.

INDIVIDUALIZED EDUCATION PLAN (IEP) GOALS AND OBJECTIVES

Goals and objectives are written statements in the Individualized Education Program (IEP) that describe what the student will focus on for the time that the IEP is in place. Every IEP must have written goals and objectives. Goals look at big steps. They state what the student is expected to learn and skills the student is working on mastering. Objectives (or benchmarks) break the annual goals down into smaller pieces. Objectives state the steps needed to complete the complex or larger goals so that students can make clear progress in an organized and appropriate fashion. The student's IEP must have goals and objectives written just for them, connecting their individual needs and the goals and objectives to the curriculum. The goals and objectives must list when each objective is expected to be reached and how the objective will be measured.

CITATIONS

34 C.F.R. § 300.320(a)(2)
N.J.A.C. § 6A:14-3.7(e)(2)-(3)

SAMPLE LANGUAGE & SMART GOALS

SAMPLE LANGUAGE

Janice is six years old and knows the names of about 10 objects.

ANNUAL GOAL:

- **Janice will name 40 new objects in her environment.**

OBJECTIVES:

- By December 31, Janice will name 20 new objects in her environment with verbal prompts
- By March 15, Janice will name 20 additional new objects in her environment with verbal prompts and name the 20 previous objects independently
- By June 15, Janice will name 40 objects in her environment independently

SMART GOALS

S	Specific	*What will be accomplished? What actions will the student take?*
M	Measureable	*What data will be used to measure the goal? How much? How well?*
A	Ambitious but Achievable	*Is the goal achievable? Does the student have the necessary skills and resources?*
R	Relevant	*How does the goal align with the student's broader goals? Why is the result important?*
T	Time-bound	*What is the time frame for accomplishing the goal?*

INDIVIDUALIZED EDUCATION PROGRAM (IEP) PROGRESS REPORTS

The school district must provide regular written reports of the student's progress toward their annual Individualized Education Program (IEP) goals. The progress report should state the annual IEP goals, and the specific **IEP objectives (or benchmarks)** associated with each goal. For each objective, the report should record the **evaluation criteria**, the measured progress the student has made towards the goal, and whether the student's progress is sufficient to achieve the goal by the end of the year.

The student's progress is measured by evaluation criteria documented in the IEP which should state when the student's progress be measured and how well the student will need to perform to achieve the IEP goal. Well-written evaluation criteria include a stated objective with measurable terms. For example, a student might be required to perform a task "with 90% accuracy" or get "18 out of 20 words correct in each of 5 trials". Specific numbers or scores set an acceptable level of performance or progress for the student. Ways to measure progress can include quizzes, **tests**, or teacher-made assessments, teacher observation/notes, review of class work and homework assignments. The measurement method may include subjective and objective measures. School districts have discretion to determine the specific content of the periodic **progress reports**, and in reporting progress on annual goals. However, IEP progress reports must be provided at least as often as the student's report card, typically quarterly.

TIMELINE

- IEP progress reports must be provided at least as often as report cards.

CITATIONS

20 U.S.C. § 1415(d)(1)(A)(i)-(iii)
34 C.F.R. § 300.320(a)(3)(i)-(ii)
N.J.A.C. § 6A:14-3.7(e)(15)-(16)

STEPS & TIPS FOR PARENTS

- Many school districts post IEP progress reports and report cards in the school dsitrict's student portal (e.g., Genesis, PowerSchool, ParentSquare, etc.)

- You should check your child's portal for their IEP progress report once report cards have been issued at the end of each marking period.

- If the IEP progress report is not in your child's portal, or the report has not been updated, you can make a written request to your child's **case manager** to have it completed for that marking period.

- The IEP team should review the most recent IEP progress reports at your child's **annual review** meeting. If your child had not made expected progress towards their IEP goals, the IEP team should discuss reasons progress is not being made and/or modify the objectives (or benchmarks) as needed.

- If the IEP progress report states your child has achieved all the objectives (or benchmarks) related to an annual IEP goal, this means they have achieved the goal. If your child achieves any of their IEP goals prior to the end of the school year, you should request, in writing, new IEP goals be added for the remainder of the school year or request an IEP meeting to discuss adding new goals.

INDIVIDUALIZED HEALTH PLAN

A student's Individualized Health Plan (IHP) is a formal, written plan developed by the school nurse that outlines how a child's needs will be managed during the school day. An IHP is typically created for students with chronic health conditions such as asthma, diabetes, epilepsy, severe allergies, or other issues that require ongoing care, monitoring, or emergency response at school. An IHP is not the same as an **Individualized Education Program (IEP)** or **504 Plan**, but it can work alongside them to support a student's access to education.

The IHP includes key components such as the student's diagnosis, symptoms to watch for, medications or treatments required during the day, emergency procedures, contact information for caregivers and doctors, and the responsibilities of school staff. It may also outline who can administer medication, what to do in case of a health emergency, and how to maintain safety during physical activities or field trips. IHPs are developed collaboratively by the school nurse in consultation with the family, healthcare providers, and sometimes other school staff.

A student requires an IHP when their health condition could affect their ability to safely participate in school or when a structured plan is needed to ensure quick and appropriate response to medical needs. A student may be able to manage their own health needs in the classroom, in any area of the school or grounds, or at any school-related activity. Self-management requires written authorization from the student's parent and their physician or advanced practice nurse.

INFORMATION INCLUDED IN IHP

- Name, grade, health condition, or diagnosis
- Medical history
- Daily health management with student and nursing goals
- Symptoms to monitor
- Medications
- Emergency plan
- Extracurricular activities
- Staff training and roles
- Authorizations

CITATIONS

NJAC § 6A: 16-2.1
N.J.S.A. § 18A:40-12.13– specific for students with diabetes

STEPS & TIPS FOR PARENTS

- The school district will require you to provide a medical diagnosis letter and provider documentation that includes your child's diagnosis, current treatment, medications, emergency procedures, activity restrictions, and recommendation for school **accommodations**.
- You should submit the information and contact the school nurse before the beginning of the school year, or immediately after diagnosis, and schedule a meeting to request the nurse develop a formal IHP based on the instructions of your child's provider.
- The school nurse might need to train school staff on the plan. Consider requesting to sit in on the training or assist with the training.
- If your child has, or qualifies for, an Individualized Education Program (IEP) or 504 Plan, you can ask for the IHP to be referenced in the IEP or 504 Plan.
- You should request the IHP be reviewed and updated annually or any time your child's condition changes.
- Additional information is available on Disability Rights New Jersey's website. *See* **Tool Kit for Life Threatening Health Conditions Guide [DRNJ LINK]**.

INFORMAL REMOVALS

Informal removal refers to a situation where a student is told, either directly or indirectly, not to attend school or is sent home due to behavior, but the school district has not documented the removal. When using informal removals, the school district may not follow required disciplinary procedures, such as providing proper **notice**, due process protections, short-term suspension or long-term suspension protocols. Informal removals can include: requests the student be picked up early by a parent; having the student removed from class to "cool off" instead of participating in class; sending the student for a psychiatric clearance and not being allowed to return until cleared; putting the student on a partial or shortened day; denying the student access to recess, to attend electives or to participate in activities; and bus suspensions (if transportation is a **related service**). *See* **Psychiatric Clearance**.

Repeated informal removals may indicate that the student's **Individualized Education Program (IEP)** does not appropriately address their behavioral needs. The school district should review and revise the child's IEP to ensure that appropriate behavioral supports and services are in place to address behavior that are resulting in informal removals. School district must also ensure the IEP supports and services are being consistently implemented. Repeated informal removals may result in a denial of **Free Appropriate Public Education FAPE**. For a **student with a disability**, informal removals may trigger protections under the **Individuals with Disabilities Education Act (IDEA)** or Section 504 of the Rehabilitation Act of 1973 (**Section 504**).

TIMELINE

- A student should not be informally removed from school for any length of time.

STEPS & TIPS FOR PARENTS

- Keep a log of each day your child is told not to attend school, including dates, times, who made the request, and the reason given.
- For each removal, you should ask whether the school district considers the removal a suspension or disciplinary action and log the response. School districts are required to follow specific procedures for suspensions.
- You can request school district personnel put the reason for the removal in writing to ensure there is a record of what happened.
- Avoid voluntarily agreeing to keep your child home unless you fully understand your rights. Doing so can make it appear the removal was voluntary.
- If your child is repeatedly informally removed from school, you should request an IEP meeting to review and revise your child's IEP and Behavior Intervention Plan (BIP).
- If your child does not already have a BIP, you should request the school district complete a **Functional Behavior Assessment (FBA)**. *See* **Functional Behavior Assessment**.
- Repeated informal removals could indicate a denial of a Free Appropriate Public Education (FAPE).

INITIAL EVALUATION

An initial evaluation is conducted when the parent, or school district staff, believe a student has a disability and, as result of the disability, might need special education and related services under the Individuals with Disabilities Education Act (IDEA). The parent or staff person must make a written request for an initial evaluation to determine whether a student is eligible for special education programs and services. The school district determines whether to conduct an initial evaluation or not and must provide the parent **written notice** of the determination. If an initial evaluation will be conducted, the school district will schedule an **evaluation** planning meeting to determine what types of assessments/tests are needed to determine whether the student is eligible for special education programs and services under an IDEA **classification**. The initial evaluation should include different **assessments/tests** in a variety of areas to determine eligibility and, if eligible, the student's educational program and service needs. These assessments/tests may include social or medical history, psychological, psychiatric, educational, speech and language, transition, behavior, **assistive technology (AT)**, and others. The initial evaluation must be conducted in the student's **native language**. The initial evaluation is scheduled, conducted, and paid for by the school district.

TIMELINE

- The initial eligibility process begins with a written request (**referral**) to have the student evaluated.
- Within 20 **calendar days** of receiving the referral, the school district must hold a meeting to discuss necessary assessments/tests based on the student's needs and obtain the parent's **written consent** to evaluate the student.
- The school district has up to 90 calendar days after obtaining parental consent to complete the assessments/tests and hold an eligibility meeting.
- The parent should receive copies of all assessment/test reports at least 10 days prior to the scheduled eligibility meeting.
- If the student is determined eligible for special education programs and services, an initial IEP must be developed and implemented within the 90 days.

CITATIONS

20 U.S.C. § 1414(a)(1)
34 C.F.R. § 300.301
N.J.A.C. § 6A:14-2.3(i)
N.J.A.C. § 6A :14-2.5(c)
N.J.A.C. § 6A :14-3.4(f)

STEPS & TIPS FOR PARENTS

- If you suspect your child may need special education programs and services, you should submit a written request for an initial evaluation to the school district's child study team supervisor with your child's name and grade, the school your child attends, your contact information, and specific reasons why you think the initial evaluation is necessary and the date. Keep a copy for your records. *See* **Initial Special Education Evaluation Request Form [DRNJ LINK]**.

- At the initial evaluation planning meeting, if you and the child study team agree your child needs to be evaluated, as a team you will discuss and agree on the necessary tests/assessments. You can ask for a description of each test/assessment.

- You will be requested to sign consent form(s) to allow the school district to conduct the initial evaluation.

- The school district has up to 90 calendar days after obtaining your consent to complete the initial evaluation and hold an **eligibility determination** meeting to review the initial evaluation results.

- The meeting will have a lot of people present. Every expert who tested your child, or a person who can talk about that test/assessment, should be present to answer your questions about the results. You can bring others with you to the meeting.

- If the child study team and you determine your child is eligible for special education programs and services, then the meeting will focus on creating an initial **Individualized Education Program IEP**.

- At the end of the meeting, you should be given, or request, a copy of the initial IEP to re-read and ask questions before signing it. DO NOT leave the meeting without a copy of the proposed IEP and confirmation whether the copy is a draft copy or the final copy. If it is a draft copy, then you should ask when you will receive the final copy.

- The initial IEP cannot be implemented without your signed consent.

- If the child study team does not agree that an initial evaluation is warranted, the school district must provide you written notice of the decision not to do the initial evaluation. You can request a **due process hearing** to resolve the disagreement or you can request that the school district pay for an **Independent Educational Evaluation**. *See* **Independent Educational Evaluation (IEE).**

INTERPRETER SERVICES AND TRANSLATED DOCUMENTS

Under the Individuals with Disabilities Education Act (IDEA) the school district must ensure that a parent who primarily speaks and reads a foreign language can participate in their student's special education matters. This is called "meaningful participation." Non-English-speaking parents have the right to request that the school district provide a **qualified interpreter** at any meeting where the student's educational needs or progress will be discussed (e.g., IEP meetings, **evaluation** planning meetings, etc.). They also have the right to have certain documents translated into their native language. Even if a parent can speak English, they can still request an interpreter for meetings if they are more comfortable speaking in or listening in their **native language**.

The school district is required to provide all official **notice** documents (e.g., an invitation to an IEP meeting, a proposal to change the IEP, notice of graduation, etc.) in the parent's native language. The requirement to translate non-notice documents such as **assessment** reports and IEPs would depend on the parent's English proficiency. The school district may not necessarily have to translate a document into the parent's native language if the parent is proficient enough in English to be able to understand the document. When the school district seeks parental consent for carrying out an activity, the parent must be fully informed of all information in their native language or other form of communication.

TIMELINE

- All timelines for reviewing evaluation reports before meetings are the same. If the individual circumstance requires the report to be translated into the parent's native language, the parent should receive a copy of each report translated into their native language at least ten days prior to the meeting.

CITATIONS

34 C.F.R. § 300.09
34 C.F.R. § 300.29
N.J.A.C. § 6A:14-2.4

STEPS & TIPS FOR PARENTS

- To request a qualified interpreter for a meeting, you should send a written request (a letter or e-mail) to your child's **case manager** that states the specific language you speak and that you are requesting a qualified interpreter to be present for the entire meeting.
- You should make the request far enough in advance of the meeting for the school district to ensure an interpreter is available. Sometimes, the meeting will need to be rescheduled to a time when the interpreter is available.
- If the school district states it will bring in a teacher or other school personnel who speaks your language, you do not have to accept this person as an interpreter.
- If this is done as part of a meeting, you should request that the meeting be stopped and rescheduled to a date a qualified interpreter can be present.
- The school district might ask if you have a friend or family member who can interpret for you at the meeting. You should not feel compelled to agree to the school district's request and request a qualified interpreter instead.
- IEP team members should all speak in short sentences. If you need things re-explained or if an IEP team member is speaking too fast for the interpreter to keep up, you should have the interpreter ask the IEP member who is speaking to repeat what they said and to speak more slowly.

LEAST RESTRICTIVE ENVIRONMENT

Placement refers to where the student is receiving special education services and how much time the student spends with general education students during the school day. If the student is not included in the Least Restrictive Environment (LRE), the general education setting for more than 80% of the school day, the **Individualized Education Program (IEP)** must include the reasons why. The IEP team must complete the *Rationale for Removal from General Education*, which has three sections, each year as part of the IEP **annual review** meeting or anytime a student's placement is changed to a more restrictive placement.

STEP I

A. Specify the Content/Subject Area – it may be the same for all subjects.

B. Identify the supplementary aids and services that were considered to implement the student's annual goals. Explain why they are not appropriate to meet the student's needs in the general education class.

C. Explain how specific **modifications** such as preferential seating, tests being read by the examiner, assignments being broken into smaller parts, extended testing time, providing clear/concise directions, visual models, manipulatives, charts and graphs, a multi-sensory approach, additional time on task, and peer tutoring were discussed and rejected at this time.

D. *Example:* Student presents with significant delays in basic reading skills, reading comprehension, written expression, math number sense, and math problem-solving as well as difficulty with following oral, multi-step directions and distractibility that would make it difficult for the student to perform successfully within the general education classroom even with modifications or **accommodations**.

N.J.A.C. § 6A:14-4.2(a)(8)(i)

STEP II

A. Specify the Content/Subject Area—it may be the same for all subjects.

B. Document the comparison of the benefits provided in the general education class and the benefits provided in the special education class.

C. *Example*: Benefits provided in the general education class include exposure to mainstream curriculum, socialization with non-disabled peers, and instruction from general education teachers.

D. *Example*: Benefits provided in the special education class include low student/teacher ratio, individualized instruction, and specialized materials.

N.J.A.C. § 6A:14-4.2(a)(8)(ii)

STEP III

A. Specify the Content/Subject Area – it may be the same for all subjects.

B. Document the potentially beneficial or harmful effects which a placement in the general education class may have on the student with disabilities or the other students in the class.

C. *Example*: The potentially harmful effects of placement in a general education class may include inability to complete grade level work, frustration with the fast pace of instruction, difficulty making the required transitions, and distractibility in the large group setting. For example, the student may act out (ex. kick, throw objects) toward staff members and classmates as a result of the student's frustrations stemming from the inability to keep up the classroom instruction. In such a case, the student would require a more restrictive classroom setting like **resource room** or **self-contained classroom** where the student would receive more individualized instruction.

N.J.A.C. § 6A:14-4.2(a)(8)(iii)

LONG-TERM SUSPENSION

A long-term suspension is a removal from school for more than 10 school days in a row. A series of short-term suspensions that exceed a total of 10 school days are also considered a long-term suspension. Long-term suspensions require an **informal hearing**, where the student has a chance to explain their part of the story. Long-term suspensions require the school district immediately provide the parent **written notice**, which must include the incident, the **code of conduct** violation, explanation of the student's **due process rights**, and terms and conditions of the suspension. Additionally, the student is entitled to a Board of Education (BOE) hearing to take place no later than 30 **calendar days** following the day the student is suspended. At the hearing, the student has the right to right to present evidence and cross-examine witnesses. The student has a right to have an attorney attend the hearing. These are the same rights afforded all students who receive a long-term suspension. **Students with disabilities** are afforded additional rights under the **Individuals with Disabilities Education Act (IDEA)**. The school district must conduct a **Manifestation Determination Review (MDR)** within 10 days of the suspension. *See* **MDR**. The Board of Education has the authority to suspend a student with a disability for up to 45 calendar days.

TIMELINE

- A parent should get immediate notice of the suspension and **procedural safeguards**.
- **Home Instruction** must begin after the fifth day of a student's removal from school.
- A **Manifestation Determination Review** (MDR) must be held within 10 days of removal. *See* **MDR**.
- The Board of Education hearing must occur within 30 days of the removal.
- Five days before hearing, the Board of Education must provide the parent and student with a list of witnesses who will testify at the hearing, a statement of the facts the witnesses will be testifying to, and the MDR determination.

CITATIONS

N.J.A.C. § 6A:16-7.3
N.J.A.C. § 6A:14-2.8

STEPS & TIPS FOR PARENTS

- Your child cannot be asked to leave school without written notice of the suspension. If the school district asks you to pick up your child during the school day for a code of conduct violation or **problem behavior** in school, request written notice immediately.

- If your child is being suspended for more than 5 days, they will be placed in an "**interim alternative educational setting (IAES)**" with services set by the IEP team, not the superintendent or building principal.

- The IAES is often **home instruction**. If home instruction is not being provided by the sixth day after your child has been suspended, you should make a written request for home instruction. *See* **Home Instruction for Disciplinary Removals Request Form[DRNJ LINK]**.

- If the MDR determines your child's behavior is related to their disability or the result of the school district failing to implement their IEP, your child will be returned to school and the behavior addressed through a **Behavior Intervention Plan**. *See* **Behavioral Intervention Plan (BIP)**.

- If the MDR determines the behavior was not related to your child's disability or the failure to implement their **Individualized Education Program (IEP)**, then your child may be disciplined like a general education student.

- Only the Board of Education, not the principal or superintendent, can suspend a student for 10 days or more.

- There must be a formal Board of Education (BOE) hearing which may include the entire board or a few board members.

- A long-term suspension determination can be **appealed** by requesting an **expedited due process** hearing through the **Office of Special Education.** *See* **Expedited Due Process**.

MANIFESTATION DETERMINATION REVIEW (MDR)

When a school district suspends a student with a disability for 10 or more days in a row or for a total of more than 10 school days, the school district must conduct a Manifestation Determination Review (MDR). A MDR is a meeting where the parent and school district personnel, including relevant members of the IEP team, decide if the behavior that resulted in the student's suspension was "caused by or had a direct and substantial relationship to" the student's disability or was "a direct result of the school district's failure to implement the IEP." If it is determined that the behavior is a manifestation of the student's disability, the student cannot be disciplined. The school district must immediately return the student to their educational **placement** and hold an **IEP team** meeting to address the student's behavior. If the student does not already have a **Behavioral Intervention Plan (BIP)**, the IEP team must ensure a **Functional Behavioral Assessment (FBA)** is conducted and a BIP is developed and implemented. If the student has a BIP, the IEP team will review and revise the BIP as needed to address the behavior. However, there is an exception. Even if the behavior is a manifestation of the disability, the school district may **remove** or discipline the student if the behavior involves drugs, weapons, or serious bodily injury. *See* **Special Circumstances**. If the behavior is not a manifestation of that student's disability, the school district can remove or discipline that student in the same manner as a student without a disability. A parent can challenge the Manifestation Determination Review (MDR) by requesting an expedited **due process hearing**. *See* **Due Process Hearing**.

TIMELINE

- Within 10 days of a **long-term suspension**, the school district must hold a MDR meeting.
- Once the student has been suspended for a total of 10 school days, the school district must hold a MDR meeting.

CITATIONS

20 U.S.C. § 1415(k)(1)(E) and (k)(1)(F)
34 C.F.R. § 300.530(e) and (f)
N.J.A.C § 6A:14-2.7(m)
N.J.A.C. § 6A:14-2.8(e).

STEPS & TIPS FOR PARENTS

- Before the MDR meeting, ask for copies of your child's discipline records. Look for patterns in where and how your child is getting in trouble. Review **evaluations** and past IEPs for similar behavior or explaining diagnoses.

- It can be helpful to research common symptoms of your child's disability to see if that symptom may have caused the behavior. For example, if your child has a math learning disability and punches another student unprovoked, they will likely have difficulty claiming the behavior is a manifestation of their disability. However, if your child is classified as having an **emotional regulation impairment (ERI)** that affects their ability to control anger, they will have a stronger argument.

- At the MDR meeting, be ready to talk about how your child's disability is connected to the behavior or how the school staff's failure to follow the IEP led to the behavior. Ask for your comments to be included in the MDR determination document.

- If the behavior is determined to be a manifestation of your child's disability, you may be asked to consent to have your child receive a Functional Behavior Assessment (FBA).

- If the behavior is not a manifestation of your child's disability, the school district can remove or discipline your child in the same manner as a student without a disability for no more than 45 **calendar days**. *See* **Long-Term Suspension**.

- If you disagree with the result of the MDR meeting, you can file for an **expedited due process** hearing to have an **administrative law judge (ALJ)** decide what to do. *See* **Expedited Due Process**.

MEDIATION

Mediation is one of the Individuals with Disabilities Education Act (IDEA) dispute resolution options when parents and school district are unable to agree on the provision of special education programs and services. A parent can submit a request for mediation to the New Jersey **Office of Special Education (OSE)**. Mediation is voluntary on the part of both the parent and the school district. There is no cost to either party for the mediation.

Mediation is conducted by a qualified, trained and impartial mediator who works with the parent and the school district's representative to resolve the disagreement The mediator cannot be an employee of the state educational agency, or the school district involved and cannot have a personal or professional interest that conflicts with his or her objectivity. The school district employee who attends the mediation must have the authority to enter into a binding agreement on behalf of the school district. All discussions during mediation are confidential and cannot be used in further litigation of the issues if mediation is unsuccessful. If the parties do not come to a resolution at mediation, the parent can ask the mediator to convert the request for mediation to a request for a **due process** hearing. If the dispute is resolved through the mediation process, a legally binding agreement that states the resolution is signed by both the parent and the school district representative. The mediation agreement is enforceable in state or federal court. A parent may also make a written request to OSE to enforce any terms of the mediation agreement the school district does not fulfill.

Mediation must be held within thirty (30) days of the date OSE acknowledges the request was received. This 30-day period is known as the resolution period. If OSE is unable to schedule the mediation within the 30-day period, the parties may agree to extend the resolution period and hold the mediation after thirty days. OSE must request the parties' consent to the extension and have them sign a document, so the consent is in writing. Alternatively, at the end of the 30-day period, the parent can request the matter be transmitted to the Office of Administrative Law (OAL) for a due process hearing.

TIMELINE

- The parent submits a request for mediation to OSE.
- The date OSE acknowledges receipt of the request for mediation (typically within 48 hours) starts the 30-day resolution period in which mediation must be scheduled.
- The parties can agree to hold the mediation session beyond the 30-day resolution period, but the extension should only be for a few days beyond the end of the resolution period.

CITATIONS

20 U.S.C. § 1415(e)
34 C.F.R. § 300.506
N.J.A.C. § 6A:14-2.6

STEPS & TIPS FOR PARENTS

- Your request for mediation should include all issues to be resolved and give the reasons for the dispute. It should be as detailed as possible.
- The Parental Rights in Special Education packet includes instructions on how to request a mediation, along with a fillable form you can complete, print, and send to the OSE. *See* **Parental Rights in Special Education packet (PRISE) [EXTERNAL LINK]**. A non-fillable version of the form you can print, complete by hand, and submit is available on the Dispute Resolution page on the OSE website. *See* **Dispute Resolution [EXTERNAL LINK]**.

MEDICALLY-RELATED SERVICES IN SCHOOL

A student with a disability who requires school health services or school nurse services to attend school and receive a Free Appropriate Public Education (FAPE), must be provided those services by the school district at no cost to the parent. School nursing services must be provided by a qualified school nurse. School health services may be provided by a school nurse or other qualified person. A school district's obligation to provide nursing services can include full-time, one-on-one nursing services if the services are necessary to provide the student with a FAPE. These services must also be provided during transportation to and from school if needed. These specific services should be detailed in the student's **Individualized Education Program (IEP)** or **504 plan** as a related service.

SPECIAL EDUCATION MEDICAL INITIATIVE (SEMI)

Special Education Medical Initiative is a program that provides partial **reimbursement** to school districts for medically-related services listed in a student's IEP. The school district must have the parent's written consent to utilize this program. Parental consent is valid until the student graduates or transfers from the district. A parent may withdrawal consent at any time. Consenting to this program should not affect the student's medical services at home or in the community, but NJ families have reported decreases in hours for home-based private duty nursing services. The school district is required to provide services regardless of the student's Medicaid eligibility or parent's willingness to consent to SEMI.

CITATIONS

20 U.S.C. § 1414(d)(1)(A)(i)(IV)
34 C.F.R. § 300.34(c)(13)
34 C.F.R. § 300.154
N.J.A.C. § 6A:14-3.9(a)(8)

STEPS & TIPS FOR PARENTS

- If your child receives nursing services at home, request the registered nurse supervisor attend the IEP or 504 meeting because this individual can provide valuable information on your child's nursing needs.

- If your child has special health-related needs, request the school nurse attend the IEP or 504 meeting. A school nurse can help ensure that all areas of need are evaluated (including health or nursing needs), explain medical **evaluation** data, determine the impact the condition has on your child's education, and determine the individualized health needs of your child.

- Additional information is available at Disability Rights New Jersey's website. *See* **Tool Kit for Life Threatening Health Conditions Guide [DRNJ LINK].**

PARENTAL CONCERNS

In every Individualized Education Program (IEP) there is a dedicated section for parent input which may be titled "Concerns of the Parent." A parent statement allows the parent to share their most pressing concerns with the rest of the **IEP team** and have those concerns written into the student's IEP. It is also the parent's chance to tell the rest of the IEP team about the student beyond their test scores and performance in school. Finally, this section gives the parent an opportunity to explain what is most important to them and the student.

TIMELINE

- A parent can submit information about their concerns prior to the IEP meeting and ask to have the information included in the draft IEP.
- The information should be sent to the student's **case manager** several days before the meeting date.
- If the information is not included in the draft IEP, the parent should request the draft IEP be revised to include the information.

STEPS & TIPS FOR PARENTS

- Make a list of the things your child does well. If you are having trouble coming up with a list, talk to other parents, visit online websites, or talk with individuals who know your child well (family members, service providers, family friends, coaches, etc.)

- Make a list of any problems your child had previously experienced and send them to your child's case manager with a request to have the IEP team discuss how to address those problems at the IEP meeting.

- Make a list of the concerns you have about how your child is doing in school. These concerns may include academic, behavioral, social/emotional, and other areas of learning. Then, put these concerns in order of importance.

- Collect and bring any documents that support your concerns.

- Make a list of the hopes you have for your child. What do you want the teachers and staff who work with your child to focus on? Where do you want to see growth or change?

- Your concerns may be written into the concerns of the parent section, or you can ask to have your own written summary attached to the IEP.

- When reviewing the proposed IEP, if your concerns have not been accurately documented, you can request the section be revised before you sign the IEP.

- The IEP Meeting Parent Preparation Form can help you prepare discuss your concerns at the IEP meeting. *See* **IEP Meeting Parent Preparation Form [DRNJ LINK]**.

PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE (PLAAFP)

A student's Individualized Education Program (IEP) is based on their strengths and unique needs. Often this is described in the "Present Levels of Academic Achievement and Functional Performance" (PLAAFP) section in the IEP. The PLAAFP section is usually found in the first few pages of the IEP. A student's strengths include tasks, behavior, or academic skills they are good at. Every student has strengths, and they are important to list in the IEP so teachers can rely on those strengths to teach skills. A student's needs are tasks, behavior, or academic skills they have difficulty with. Every special education student must have their unique needs listed in their IEP so teachers, and other school district personnel, understand the specific skills being addressed throughout the school day. The strengths and needs of the student help determine the individual **IEP goals** and **IEP objectives** that are written into IEP. The PLAAFP section of the IEP is written by the student's teachers and **related service** providers. The PLAAFP must be updated at least once a year and discussed at the annual review meeting.

WHAT MAKES A STRONG PLAAFP?

- Name of teacher/date written
- Data and assessment scores
- Descriptions of the student's strengths and weaknesses (with examples)
- Level of independence
- Behavior concerns
- Student relationships with peers and staff

CITATIONS

N.J.A.C. § 6A:14-1.3

STEPS & TIPS FOR PARENTS

- You should make sure each teacher's and related service provider's narrative of your child includes their name and the date it was written.
- The narrative should be more than one or two sentences and clear enough to give a full picture of how your child is independently performing in class.
- You should review teacher and related service provider communications and report cards from the school year to compare with their narrative in the PLAAFP.
- If there is information missing from the PLAAFP, you can ask for it to be added to the teacher or related service provider's narrative.
- At least 2 **business days** prior to the IEP **annual review** meeting, the school district must give you a written statement your child's present levels of academic and functional performance (PLAAFP).
- You should make sure each teacher's and related service provider's narrative of your child in the PLAAFP includes their name and the date it was written.
- The narrative should be more than one or two sentences and clear enough to give a full picture of how your child is independently performing in class.
- You should review teacher and related service provider communications and report cards from the school year to compare with their narrative in the PLAAFP.
- If there is information missing from the PLAAFP, you can ask for it to be added to the teacher or related service provider's narrative.

PRE-EMPLOYMENT TRANSITION SERVICES (PRE-ETS)

School districts and state agencies are both required to provide certain transition services and supports to improve post-secondary school outcomes of students with disabilities. The Workforce Innovation and Opportunity Act (WIOA) requires the state vocational rehabilitation agencies to set aside at least 15% of its federal funding to provide pre-employment transition services (Pre-ETS) to students with disabilities aged 14 through 21 who are eligible, or potentially eligible, for vocational rehabilitation (VR) services. Students who are 1) eligible for special education; 2) receiving **accommodations** under Section 504; or 3) have a medically documented disability, and intend to pursue employment, are potentially eligible for VR services and, therefore, Pre-ETS services.

Pre-ETS's goal is to improve the transition of students with disabilities from high school to post-secondary education or to an employment outcome. Pre-ETS services are designed to increase opportunities for students with disabilities to practice and improve workplace readiness skills, through work-based learning experiences in a competitive, integrated work setting and/or to explore post-secondary training options. Pre-ETS services can be obtained through the school district, from the **Division of Vocational Rehabilitation Services (DVRS)**, or, for a student who are blind, deaf-blind, or visually impaired student, from the **Commission for the Blind and Visually Impaired (CBVI)**. Pre-ETS is limited to services in five areas: 1) job exploration counseling; 2) work-based learning experiences; 3) counseling about opportunities for enrollment in programs at institutions of higher education; 4) workplace readiness training to develop social skills and **independent living skills** and 5) instruction in self-advocacy.

School districts are expected to provide one or more of the Pre-ETS a student requires. IEP teams must collaboratively work with a local DVRS or CBVI office to ensure the coordinated provision of needed services. Pre-ETS services provided by DVRS or CBVI do NOT replicate or replace services provided by the school; rather, they supplement and complement the **transition services** school districts must provide the student. When a student requests Pre-ETS from DVRS or CBVI, the student will only be able to receive services that 1) the student continues to have a need for and 2) is not expected to receive from their school district. To obtain Pre-ETS through DVRS or CBVI, students, their parents and/or teachers must fill out the online student referral form.

TIMELINE

- Students with disabilities can connect with DVRS or CBVI for Pre-ETS at age 14.
- Pre-ETS planning should begin at the IEP **annual review** meeting to develop the IEP that will be in place during the school year the student turns 14 years old.
- School based transition services must begin by the time student turns 16, but the IEP team may determine it is appropriate to start them before a student turns 16.

CITATIONS

34 C.F.R. § 300.323(b)-(c)

STEPS & TIPS FOR PARENTS

- Your child's need for Pre-ETS services should be discussed at each IEP **annual review** meeting starting with the one to develop the IEP that will be in place during the school year in which your child will turn 14.
- At each IEP annual review meeting, the IEP team should discuss and determine: 1) which Pre-ETS your child has already received from either the school or DVRS or CBVI; 2) which Pre-ETS, if any, your student continues to need; and 3) if your child continues to need Pre-ETS, whether the school district or an agency will provide the service.
- You should ask your child's **case manager** to make the referral to DVRS, or do it yourself, well before your child's exit from high school.
- You can request Pre-ETS from DVRS by completing a form online. *See* **Pre-ETS Student Referral [EXTERNAL LINK]**.
- If your child is blind, deaf-blind, or visually impaired, you can ask their CBVI teacher for a referral (if applicable) or contact a regional CBVI office.
- If your child needs a service not listed within Pre-ETS, you should speak with their DVRS or CBVI counselor.

PRESCHOOL AGED CHILDREN WITH DISABILITIES

Preschool aged children who have disabilities are entitled to special education and related services in the Least Restrictive Environment (LRE). A preschool aged **student with a disability** may be eligible for special education services under the classification "preschool disabled." To be eligible for preschool special education services, a child must be between three and five years of age and have a 33% delay in one area, or a 25% delay in two or more of the following areas: physical, cognitive, communication, social/emotional, and adaptive. In addition, the child must require special education and related services. If eligible, a child aged 3-5 is classified as preschool disabled regardless of their medical or clinical diagnosis. Most preschool aged children with a disabilities attend a preschool-disabled program within their home school district. However, the school district may place the child in an appropriate program operated by another school district or a private early childhood education program.

If a child is transitioning from **Early Intervention (EI)**, the child's service coordinator should send a written request for initial **evaluation** to the school district at least 90 days prior to the child's third birthday. If a preschool age child is referred for an initial evaluation to determine eligibility for special education programs and services, the school district must hold a meeting within 20 **calendar days** (excluding school holidays, but not summer vacation) of receipt of the written request. The meeting must include child study team members, the parent, and a teacher. This group shall determine whether an evaluation is warranted and, if so, determine the nature and scope of the evaluation. The parent must provide consent for the evaluation. *See* **Early Intervention (EI)**.

The school district must complete the evaluation and hold a meeting to determine the child's eligibility for special education programs and services and if eligible, develop an initial IEP within 90 calendar days. If the school district received notice at least four months prior to a child turning three, the initial IEP must be developed and ready to be implemented by the child's third birthday. The parent must sign the initial IEP for it to be implemented.

TIMELINE

- For a child transitioning from Early Intervention (EI), a written request for initial evaluation (referral) should be forwarded by the child's service coordinator at least 120 days prior to the child turning three years old.
- When a school district receives a written request for an initial evaluation of a preschool aged child, it must hold a meeting within 20 calendar days (excluding school holidays, but not summer vacation) to determine if it will conduct an evaluation.
- If an evaluation is warranted, it must be completed, and an **eligibility determination** meeting held within 90 calendar days.

CITATIONS

20 U.S.C. § 1414(a)(9)
20 U.S.C. § 1414(d)(2)(B)
N.J.A.C. § 6A:14-3.3(e)
N.J.A.C. § 6A:14-3.4(e)
N.J.A.C. § 6A:14-3.5(c)(10

STEPS & TIPS FOR PARENTS

- If your child is receiving EI services, speak with their service coordinator to ensure the coordinator makes the necessary referral to your school district's child study team at least four (4) months before your child turns three years old.
- If you suspect your preschool aged child has a disability, you can make a written request for an initial evaluation and send it to the child study team and/or principal at the elementary school your child will attend. *See* **Initial Special Education Evaluation Request Form [DRNJ LINK]**.
- If an initial evaluation is conducted and you disagree with the results, you can request an **Independent Educational Evaluation (IEE)**. *See* **Independent Educational Evaluation (IEE)**. *See also* **Independent Educational Evaluation (IEE) Request Form [DRNJ LINK]**.
- If the school district fails to respond to your request for an initial evaluation, fails to hold a meeting to determine if an initial evaluation is warranted, or determines an initial evaluation is not warranted, you may pursue any of the **Individuals with Disabilities Education Act (IDEA)** dispute resolution options. *See* **Dispute Resolution [EXTERNAL LINK]**.
- If, after conducting an initial evaluation, your child is determined to not be eligible for special education programs and services and you disagree, you may pursue any of the IDEA's dispute resolution options. *See* **Dispute Resolution [EXTERNAL LINK]**.
- More information can be found at Disability Rights New Jersey's website. *See* **Preschool Special Education FAQs [DRNJ LINK]**.

PRIOR WRITTEN NOTICE

The school district must provide the parent written notice whenever it proposes to initiate or change the identification, classification, evaluation, or educational placement of the student, or the provision of a Free Appropriate Public Education (FAPE) to the student. Written notice must also be provided when the school district declines a parent's written request for an action related to any of these same areas. The written notice must be in plain language, understandable to the public, and provided in the parent's native language. Written notice includes a description of the action proposed or denied by the school district and an explanation of why the action is being taken or denied. Written notice should also include a description of any options the school district considered but rejected, the reasons they were rejected and describe relevant factors (e.g., procedures, tests, student records or reports, etc.) the school district used to determine whether to propose or deny an action. Written notice must also include a statement of the Individuals with Disabilities Education Act's (IDEA) procedural safeguards and how a parent can obtain a copy of the procedural safeguards, as well as sources for parents to contact to obtain assistance in understanding them. Written notice must be provided to the parent no later than fifteen (15) calendar days after the determination is made and at least fifteen (15) calendar days prior to the implementation of any proposed action so that the parent may consider the proposal. However, the school district may provide written notice less than 15 calendar days prior to the implementation of a disciplinary action when that disciplinary action requires immediate implementation. If a parent disagrees with the proposed action, and requests mediation or a due process hearing prior to the expiration of the 15th calendar day, the proposed action cannot be implemented. If the school district wants to hold an Individualized Education Program (IEP) team meeting to determine a student's eligibility for special education, develop a new IEP or revise the student's existing IEP, the parent must be given written notice of a meeting early enough to ensure that they can attend the IEP meeting.

TIMELINE

- Written notice shall be provided to the parent no later than fifteen (15) calendar days after making a determination.
- Written notice must be provided at least fifteen (15) calendar days prior to the implementation of a proposed action so that the parent may consider the proposal.
- To keep the proposed action from being implemented (e.g., invoke stay-put), the parent must request mediation or due process on or before the 15th day from the date of the notice. *See* Stay-Put.

- The school district must provide written notice of its response to any written request by a parent to initiate or change the **referral**, identification, classification, evaluation, educational placement or the provision of a free, appropriate public education, within twenty (20) calendar days of receiving the request (excluding school district holidays but not summer vacation).

- If a meeting is required to discuss a parental request, the meeting shall be conducted, and a determination made, within twenty (20) calendar days (excluding school district holidays but not summer vacation), and written notice of the determination made at the meeting must be provided to the parent within fifteen (15) calendar days of the meeting.

- A parent has two (2) years from the date of the written notice to contest the determination.

CITATIONS

20 U.S.C. § 1415(b)(3); § 1415(c)
34 C.F.R. § 300.503
N.J.A.C. § 6A:14-2.3(f)-(h) and (k)
N.J.A.C. § 6A:14-2.4(a)

STEPS & TIPS FOR PARENTS

- The date of the written notice, not the day you receive the notice, starts the fifteen (15) calendar days to consider the proposed action which will go into effect on 16th day.

- School districts will sometimes use a proposed IEP as written notice of an action.

- School district personnel may tell you of a determination in a meeting, or during a one-on-one conversation either in person or over the telephone. This is not written notice.

- If you are verbally informed about a proposed action, ask the person informing you of the decision to provide written confirmation of the proposed action and the reasons why the school district is making the proposal.

- If you are verbally informed that a request you made has been denied, ask the person informing you of the decision, or your child's **case manager**, to put the denial in writing, including the reason(s) the school district denied the request.

- You have up to two years from the date of the written notice to dispute the determination.

PSYCHIATRIC CLEARANCE REQUIREMENT

A student may be excluded from school pending a mental health clearance if the school district suspects that the student is a danger to themselves or others. If a school district is requiring a psychiatric clearance before the student can return to school, there should be a written policy detailing the process and requirements for clearance. These policies can be found on the school district website, often under the heading "student crisis intervention" or "student suicide prevention."

Excluding a student from school pending a psychiatric clearance is an "informal removal" and is subject to the disciplinary protections in the Individuals with Disabilities Education Act (IDEA). *See* Informal Removal.

A clearance by a psychiatrist or other medical professional as a requirement to return to school is considered an assessment that is to be provided at public expense. In other words, the school district must pay for the psychiatric clearance. *See* Guidance for Psychiatric Clearance of Student with Disability [EXTERNAL LINK].

TIMELINE

- If a student is excluded from school for more than 10 days, the school district must hold a Manifestation Determination Review (MDR). *See* MDR.

CITATIONS

N.J.A.C. § 6A:14-2.8

STEPS & TIPS FOR PARENTS

- The school district can and should provide you with appropriate information for, or refer you to, qualified mental health providers. However, you are not required to use the school district's recommended provider.

- Any licensed or certified mental health professional (e.g., psychologist, psychiatrist, social worker, or psychiatric nurse) can perform the clearance.

- The school district should provide you what information the clearance letter must contain to be accepted.

- You may be asked to provide **consent** for a member of the school district's Crisis Intervention Team to contact the professional completing the **evaluation**.

- If your child is excluded from school for more than five **school days**, they should be provided with **home instruction**. If home instruction is not being provided by the sixth day after your child excluded from school, you should make a written request for home instruction. *See* **Request for Home Instruction Form [DRNJ LINK]**.

- New Jersey Department of Education (NJDOE) issued guidance related to pscyhiatric clearances. *See* **Guidance Regarding the Use of Psychiatric Clearances for Students with Disabilities [EXTERNAL LINK]**.

REEVALUATION

Reevaluation is a process used to determine the student's continued eligibility for special education services, and/or the student's educational progress and programmatic needs. A reevaluation must occur every three years (this is known as the **triennial evaluation**). However, if a parent has concerns about the student's educational/functional performance and/or current program, the parent can request a reevaluation before the end of the three-year period, but not more than once a year unless unusual circumstances warrant it. The reevaluation must be conducted in the student's **native language**. A reevaluation is scheduled, conducted, and paid for by the school district. A school district may try to convince a parent that a reevaluation is unnecessary. If the parent agrees, the school district must get the parent's **written consent** to **waive** the reevaluation. If a reevaluation is waived, the date of the parent's written consent is the beginning date of three-year period to conduct the next reevaluation. The school district must hold a reevaluation planning meeting to discuss areas the student should be assessed in. The reevaluation should include different **assessments/tests** to address all the student's needs. These assessments/tests can include, but not be limited to, the following: social or medical history, psychological, psychiatric, educational, speech and language, transition, behavior, **assistive technology (AT)**, and others. The parent must provide written consent to allow the school district to reevaluate the student. The reevaluation must be completed and an eligibility meeting held within 60 days of the date the parent provides consent for the reevaluation, or by the expiration of the three-year period from completion of the prior **evaluation** or reevaluation, whichever occurs earlier.

TIMELINE

- Reevaluation must occur at least every three years unless the school district and parent agree to waive the triennial evaluation.
- When a parent requests a reevaluation, the district has 20 school days to respond and hold a reevaluation planning meeting.
- The school district has 60 days to conduct the reevaluation, send the parent the results, and hold the eligibility meeting.
- 10 days before the meeting, the parent should receive a copy of all assessment/test results.

CITATIONS

N.J.A.C. § 6A:14-3.8

STEPS & TIPS FOR PARENTS

- You should submit a written request to your child's **case manager** to have them reevaluated.
- Your request should include your child's name, your contact information, the date, and specific reasons why you think the reevaluation is necessary. Keep a copy of any request for your records. *See* **Reevaluation Request Form [DRNJ LINK]**.
- At the reevaluation planning meeting, if the **Individualized Education Program (IEP) team** agrees on the necessary assessments, you will be asked to sign consent form(s) for the evaluation. You can ask for a description of each assessment/test being conducted as part of the reevaluation.
- If the IEP team does not agree a reevaluation is needed, you can request **mediation** or a **due process hearing** to try to resolve the disagreement.
- The school district must complete the reevaluation, send you copies of the reports, and hold a reevaluation and **eligibility determination** meeting within 60 days of you signing the consent form(s).
- At the eligibility determination meeting, the IEP team will review the completed assessments/tests, determine if your child remains eligible for special education programs and services, and, if yes, confirm your child's **classification**.
- The eligibility determination meeting will have a lot of people present. Every expert who tested your child, or a person who can talk about that test, should be available to answer your questions about the results.
- If you do not agree learnings and recommendations from the reevaluation, you can request an **Independent Educational Evaluation**. *See* **Independent Educational Evaluation (IEE)**.
- There may be a second part to the meeting that includes developing a new IEP, or a separate IEP development meeting may be scheduled.
- Based on learnings from the reevaluation, your child's classification, educational program, or the services they receive might be different from their current IEP.
- If you do not agree proposed changes to your child's IEP, you can request mediation or a due process hearing.

RELATED SERVICES AND SUPPLEMENTARY AIDS AND SERVICES

Every Individualized Education Program (IEP) has a section to list a) related services, and b) supplementary aids and services the student needs to receive a Free Appropriate Public Education (FAPE). Related services and supplementary aids and services serve different purposes.

1.) Related services are specific, direct supports that help a student access and benefit from their special education program. Examples of related services include, but are not limited to, **speech-language therapy**, audiology services, interpreting services, psychological services, **physical therapy**, **occupational therapy**, recreation including therapeutic recreation, counseling services including rehabilitation counseling, and orientation and mobility services.

2.) Transportation is also a related service and should be written in the IEP.

3.) Supplementary aids and services are supports and services provided in the general education classroom or other settings to help a student participate and learn alongside their non-disabled peers. Examples of supplementary aids and services include, but are not limited to, **assistive technology (AT)**; adapted materials; modified assignments; peer tutoring; one-to-one aide; and training for staff, students, and parents.

EXAMPLE OF RELATED SERVICES IN IEP

Summary - Related Services		
Physical Therapy: Individual	09/16/2023-06/30/2024	19x yearly 30 min.
Speech and Language Therapy: Individual	09/16/2023-06/30/2024	36x yearly 30 min
Occupational Therapy: Group	09/16/2023-06/30/2024	1x weekly 30 min
Counseling: Small group, not to exceed 5 students	09/16/2023-12/20/2023	2x monthly 20 min
Special Transportation	09/16/2023-12/20/2023	2x daily

EXAMPLE OF SUPPLEMENTARY AIDS AND SERVICES IN IEP

Supplementary Aids and Services

- Paraprofessional to assist with behavior (1:1 aide)
- Behavior consultation with district Board Certified Behavior Analyst (BCBA)
- Math tutoring

CITATIONS

20 U.S.C. § 1401(26)
20 U.S.C. § 1401(33)
34 C.F.R. § 300.34
34 C.F.R. § 300.43
N.J.A.C. § 6A:14-3.9
N.J.A.C. § 6A:14-4.5

REMOVAL FOR DANGEROUSNESS

If a student with a disability appears to be a danger to themselves or others, a school district may seek permission from an Administrative Law Judge (ALJ) to remove the student to an interim alternative educational setting (IAES) for up to 45 calendar days. A Board of Education (BOE) may suspend a student for up to 45 calendar days, but extending the suspension beyond that period requires an order from an ALJ. To obtain an ALJ order, the school district must request an **expedited due process** hearing and demonstrate that the student is "substantially likely to injure themselves or others." This is the standard for dangerousness. This standard requires the student to have demonstrated physical aggression and not simply to have threatened others.

TIMELINE

- An ALJ can order a **removal** to an IAES for no more than 45 calendar days.
- To continue to exclude the student from school following the end of the 45-day period, the school district must request another **due process hearing** and obtain another order from the ALJ. The process can be repeated as many times as necessary.

CITATIONS

20 U.S.C. § 1415(k)(3)
N.J.A.C. § 6A:14-2.7(n)

STEPS & TIPS FOR PARENTS

- You should not agree to a change in **placement** to an (IAES) through the **IEP**. The IEP should reflect your child's educational placement, not a placement that results from disciplinary action.

REQUESTING A CHANGE IN SCHOOL PLACEMENT

The Individualized Education Program (IEP) will include a placement which can be a type of classroom, a program with specific services, or even an out-of-district school. The school district is obligated to educate students with disabilities in settings with students without disabilities to the maximum extent appropriate or in the Least Restrictive Environment (LRE) placement possible. The LRE is decided based on that student's needs and should be as close to home as possible. The law supports a preference for inclusion, where the placement is within the general education classroom with additional supports where necessary. However, the Least Restrictive Environment is an individual determination based upon the unique needs of the student.

A school district must have a full continuum of placement options available in which to provide the necessary services to meet a classified student's needs, from additional services within the general education classroom, to home instruction or, if necessary, residential placement. Sometimes, the student is not successful in their current placement and requires a change of placement, or a student may be ready to move into a less restrictive environment. If this happens, a parent may request an IEP meeting to discuss a change in placement.

TIMELINE

- The school district must hold the requested IEP meeting within 20 calendar days after receiving the parent's written request.
- When a student's placement is changed, there should be another IEP meeting, usually within 30 days after the change is made to discuss of any additional revisions to the IEP are needed.

CITATIONS

N.J.A.C. § 6A:14-4.2

STEPS & TIPS FOR PARENTS

- To request a change in placement, you should submit a written request to your child's **case manager** for an IEP meeting to discuss the specific reasons you are requesting a change of placement and potential appropriate placements.

- To determine the appropriate placement, the IEP team should discuss the following for each possible placement: 1) ability to provide services the student needs to be successful; 2) distance from home; and 3) opportunities for interaction with students without disabilities.

- If you are requesting a change in placement to an out-of-district school and the school district agrees with the request, you will have to sign consent forms for your child's school records and complete an application to be sent to New Jersey Department of Education-approved schools.

- You and the school district can suggest a range of possible schools to which your child's records will be sent.

- The admissions process typically includes a review of your child's records, then an invitation for you and your child to tour the school and be interviewed.

- The out-of-district school administrators ultimately have the final say in whether to offer your child placement.

- If a change in placement is to a more restrictive environment, you may need **evaluations** to prove why it is needed. This type of change in placement may take longer.

- If you do not agree with the school district's proposed change in placement, you may request **mediation** or a **due process hearing** to resolve the issue. *See* **Mediation** and **Due Process**.

- You must request mediation or due process within 15 days of the proposed to change in placement to invoke "**stay-put**" so your child will remain in their current placement unless you and the school district agree to an alternate educational placement while the dispute is being resolved. *See* **Stay-Put**.

REQUESTING AN IEP MEETING

Individual Education Program (IEP) meetings can be held at any time to discuss the student's services, placement, behavior, goals, accommodations, modifications, and other classroom needs. If a parent believes the student needs special education services or if the student's needs change, the parent may request an IEP meeting. This IEP meeting is different from the **annual review** meeting or parent/teacher conference. The entire **IEP team** is invited to the meeting, and the school district must get permission from the parent if any member is unable to attend. The IEP team generally consists of the parent, at least one of the student's regular education teachers (if the student has one), at least one of the student's **special education teachers** (if the student has one), the student's **case manager** and members of the child study team (CST) who are knowledgeable about the school district's programs and can interpret the instructional implications of any **evaluation** results. The school district or the parent may invite other people who have knowledge or special expertise regarding the student and, if appropriate, the student should also be invited.

TIMELINE

- A parent should make a written request for an IEP meeting to the student's case manager.
- The school district has 20 **calendar days** to respond and, if a meeting is necessary, to hold the IEP meeting.
- Changes to the IEP can be made at the meeting as long as the entire IEP team agrees to the changes.

CITATIONS

N.J.A.C. § 6A:14-2.3(h)(5)
N.J.A.C. § 6A:14-2.3(k)(2)

STEPS & TIPS FOR PARENTS

- You can request changes to your child's IEP at any time, including during summer break. Sometimes, a school district will say it cannot hold an IEP meeting but will informally meet with you, however, this is not correct. You can request an IEP meeting at any time during the school year, you do not have to wait for the IEP annual review meeting.

- Your request for an IEP meeting should be in writing and state the list of topics you wish to discuss. This way, the school district will be more prepared to discuss the topics and can ensure staff knowledgeable about the issues (ex. math teacher if you are concerned about your child's performance in math) will be at the meeting.

- You are important members of the IEP team. You can bring other people who have a relationship with your child (e.g., grandparent, babysitter, **Care Management Organization (CMO)** case manager, an advocate or even an attorney) to the meeting.

- If you plan to have an attorney attend an IEP meeting, the school district's attorney must also be present. You should advise the school district ahead of time that your attorney will attend the meeting. If you do not provide **notice** and arrive with an attorney, and the school district's attorney is not available at that time, the IEP meeting will be rescheduled.

- You have the right to record an IEP meeting but should notify the case manager beforehand of your intention to record the meeting.

- If the school district does not agree to make changes to the IEP, you are entitled to written notice of the denial and the reasons why. If you do not receive it, you should ask for a written response stating the changes you requested were denied and the reasons why in case you want to dispute the decision.

- If changes are made to the IEP, you have fifteen (15) days to consider the proposed changes before they go into effect or you can sign the IEP consenting to have the changes implemented immediately.

- If you do not agree with any of the proposed changes, you can request **mediation** or a **due process hearing** to stop the changes from being implemented.

- If you do not request mediation or a due process hearing within 15 days, the new IEP will go into effect after fifteen days.

RESOLUTION MEETING

When a parent files a request for a due process hearing, the school district has 15 days to hold a resolution meeting. For an **expedited due process** hearing request, the resolution meeting must be held within seven days. If the school district requests a due process hearing, a resolution meeting is not required. If both parties agree in writing, the resolution meeting may be **waived**, or **mediation** may take the place of a resolution meeting.

The purpose of the resolution meeting is to provide parents, and the school district, an opportunity to discuss facts related to the issues in the parent's complaint and ways to resolve the dispute without holding a due process hearing. The resolution meeting should include the parent, members of the **IEP team** who have specific knowledge of the facts related to the parent's due process complaint, and a representative of the school district who has decision-making authority on its behalf. The parent and the school district determine the relevant member(s) of the IEP team who should attend the resolution meeting. The school district's attorney may not be included in the meeting unless the parent is accompanied by an attorney. The resolution meeting cannot be recorded by either party unless both the district board of education and the parent agree to record. There is no regulation that requires discussion at resolution meetings remain confidential.

If the parent fails to participate in a resolution meeting, the school district may request the **Office of Special Education (OSE)** dismiss the parents' due process complaint. If the school district fails to schedule the meeting, or participate in a meeting, within 15 days, the parent may request OSE **transmit** the matter to the Office of Administrative Law (OAL) to begin the timeline for holding and completing a due process hearing.

If a resolution to the dispute is reached at the resolution meeting, the parent and the school district will enter into a legally binding, written agreement signed by the parent and the representative with the authority to bind the school district. The agreement may be **voided** by either party within three **business days** of the date the agreement is signed. The party seeking to void the agreement must do so, in writing, before the three business days expire. If not voided, the agreement can be enforced in federal or state court. If the parents and the school district do not reach an agreement during the resolution process (or agree to waive the process altogether), the next step will be the due process hearing.

TIMELINE

- The school district must convene a resolution meeting within 15 days of receiving notice that a parent has filed a due process complaint.
- If an expedited due process hearing has been requested, the resolution meeting shall be held within 7 days of receiving the request.
- The 45-day timeline to complete the due process hearing and receive a final decision begins to run the day after one of the following events occurs:
  - the parties agree in writing to waive the resolution meeting;
  - the parties do not reach agreement at the resolution meeting and they inform OSE, in writing, that no agreement is possible; or
  - the parties agree in writing to continue to work towards resolution until the end of the 30-day resolution period.

CITATIONS

20 U.S.C. § 1415(f)(1)(B)
34 C.F.R. § 300.510(a)
34 C.F.R. § 300.532(c)(3)(i)
N.J.A.C. § 6A:14-2.7(h)
N.J.A.C. § 6A:14-2.7(o)(iii)
N.J.A.C. § 6A:14-2.7(w)

STEPS & TIPS FOR PARENTS

- If at the end of the resolution meeting, you and the school district sign a document outlining an agreement, you still have three business days to think over the terms of the agreement and change your mind. The school district has the same three business days to decide to withdraw from the agreement as well. Any party that wishes to void the agreement must do so in writing.
- After the resolution meeting, you and the school district must notify OSE, in writing, of the result of the meeting.
- If an agreement is not reached by the end of the resolution meeting, but you believe progress was made at the meeting and resolution may be possible, you can continue discussions with the school district.
- If you and the school district do not reach an agreement within 30 days of the date you requested the due process hearing, your request will be transmitted to the Office of Administrative Law (OAL) for a due process hearing.

RESTRAINT AND SECLUSION

A restraint occurs when school staff physically limit a student's ability to move part of their body. Seclusion is when school staff places the student in an area where they are alone and separated from the other students and physically prevented from leaving that space. School staff are only supposed to use restraint and seclusion in emergency situations when a student places themselves or others in immediate physical danger. Each incident of restraint or seclusion must be written up with enough detail to use, develop, or improve the student's **Behavioral Intervention Plan (BIP)**. New Jersey Department of Education (NJDOE) guidance suggests this written report include the location of the incident, people involved, triggered events, attempts to deescalate/redirect, any property damage or bodily injury, and steps taken to follow-up by the school staff.

A "timeout" is not seclusion. A "timeout" is a technique used to manage student behavior and for the purpose of calming the student down. A "timeout" and "seclusion" can look very similar. The difference is whether the procedure was used in an emergency (seclusion) or as a tool for the student to calm down ("timeout").

TIMELINE

- If a child is restrained, the school district must notify the parent immediately and send a written report home within 48 hours.
- If the child is secluded, the school district does not have to inform the parent.
- If a parent requests an IEP meeting to discuss how to improve the BIP to limit future occurrences, the school district has 20 **calendar days** to hold the requested meeting.

CITATIONS

N.J.S.A. § 18A:46-13.4
N.J.S.A. § 18A:46-13.5
N.J.S.A. § 18A:46-13.6

STEPS & TIPS FOR PARENTS

- Gather information immediately. Ask your child what happened and document their account of the incident.

- Look for any visible injuries and take photographs. Take your child to a doctor if they have any physical injuries and document the injury.

- If you did not receive a copy of the write-up following a restraint, or if you want a copy of a write-up when your child is subject to seclusion, you can request them, in writing, from your child's **case manager**. *See* **Information on the Use of Restraint and Seclusion Request Form [DRNJ LINK]**.

- Following the incident, you should request an **IEP team** meeting, including the staff involved in the restraint, to review your child's IEP and BIP and make any necessary changes to reduce or eliminate the need for future restraints.

- If you believe the restraint was inappropriate or discriminatory and you cannot resolve the issue with the district, you can request a complaint investigation through the **Office of Special Education (OSE)**.

- A complaint investigation must be made within one year of the incident.

- Additional resources below:
  - *See* **Restraint and Seclusion in Schools Video [DRNJ LINK]**
  - *See* **Education Law Center Restraint & Seclusion Fact Sheet [EXTERNAL LINK]**
  - *See* **NJDOE OSE Guidance Restraint & Seclusion of Students with Disabilities 2025 [EXTERNAL LINK]**

SHORT-TERM SUSPENSION

A short-term suspension is a student's removal from school for less than 10 consecutive school days. These short-term suspensions require an **informal hearing**, where the student has a chance to explain their side of the story. The school district is required to provide the parent with **notice** of any suspension. For **students with disabilities**, this notice must be in writing and must include the incident, the **code of conduct** violation, explanation of the student's **due process rights**, and the terms and conditions of the suspension. The school district's code of conduct can be found on the website. School districts can require the parent and student to attend a meeting following the suspension.

TIMELINE

- Informal hearings should happen before the student is removed from school unless the school district determines the student's presence poses a continuing danger to persons or property.
- Before the end of the school day on the day of suspension, the school district must provide the parent and the student's **case manager** written notice of the suspension.
- If the suspension is for more than 5 **school days**, home instruction should begin on the 6th day of suspension.

CITATIONS

N.J.A.C. § 6A:16-7.2
N.J.A.C § 6A:14-2.8

STEPS & TIPS FOR PARENTS

- If your child has had multiple short-term suspensions in one school year for similar behavior, their IEP may need to be revised, and you should request an **IEP team** to review their current IEP.

- Even if your child is suspended for less than 10 days, you can request an IEP meeting to discuss addressing behavior that have resulted in the suspension. *See* **Functional Behavioral Assessment** *or* **Behavioral Intervention Plan (BIP)**.

- You can appeal a short-term suspension. If your child is still out-of-school for disciplinary reasons, you can request an **expedited due process** to the **Office of Special Education (OSE)**. *See* **Expedited Due Process**.

- For suspensions of more than five days, **home instruction** should begin the 6th day of suspension. If home instruction is not being provided by the sixth day after your child has been suspended, you should make a written request for home instruction. *See* **Request for Home Instruction Form [DRNJ LINK]**.

- Home instruction must be provided for a minimum of ten hours per week and should take place at least three times a week.

- Home instruction must be by a certified special education instructor. It cannot be limited to completing packets or missed assignments without teacher instruction.

- School districts can require a meeting with you and your child following the suspension. You must attend this meeting. Consider requesting that your child's case manager, counselor, **related service** providers, or any other IEP team member also attend the meeting.

- Bring a copy of the IEP with you to the meeting.

- Your child may be required to sign a **behavior contract**; however, it must be aligned with their IEP.

SPECIAL CIRCUMSTANCES: WEAPONS, ILLEGAL DRUGS, AND SERIOUS BODILY INJURY

There are three specific reasons a school district can remove a student to an "interim alternative educational setting" (IAES) without regard for whether the behavior was a manifestation of the student's disability. If the student is being disciplined for behavior that involved them carrying or possessing a weapon, knowingly possessing or using an illegal drug, or inflicting serious bodily injury upon another person, a school district can immediately remove the student from school for up to 45 calendar days without a court order. The behavior can occur at school, on school grounds, or at a school function (such as field trips or sporting events). A parent has the right to appeal the school district's decision by requesting an expedited due process hearing. *See* Expedited Due Process.

WEAPONS

- Removal from school can occur when a student carries or possesses a weapon, to or at school, on school grounds, or to or at a school event.
- Weapon means "a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury."
- What makes something a "weapon" is very fact specific. An item does not have to be designed to inflict harm to qualify as a "weapon" under the Individuals with Disabilities Education Act (IDEA).
- Zero-tolerance for guns policies require a student be automatically removed to an alternative placement for one-year if the student possessed a gun on school grounds or at a school function.

ILLEGAL DRUGS

- Removal from school can occur when a student knowingly solicits, sells, uses, or is in possession of any illegal drug.
- The term "illegal drug" means a controlled substance but does not include a controlled substance that is prescribed to a student.
- Typically, school districts have rules about how to handle prescribed medicines on school grounds. If a student is violating a school district rule, the student can still face disciplinary action.
- Having illegal drugs might also involve the police and potential charges.

SERIOUS BODILY INJURY

- Removal occurs when a student has caused another person serious bodily injury while at school, on school grounds, or traveling to or from a school event, or at a school event.
- Serious bodily injury is defined as: a substantial risk of death; extreme physical pain; disfigurement that lasts for a long period of time; or loss or damage that impacts the use of parts of the body or the mental function for a long period of time.

TIMELINE

- The school district may immediately remove the student for up to 45 calendar days.
- The school district can seek to extend the removal for an additional 45 calendar days by requesting an expedited due process hearing to show that returning the student to their current placement is substantially likely to result in injury to the student or others.

CITATIONS

20 U.S.C. § 1415(k)(1)(G)
20 U.S.C. § 1415(k)(7)
34 C.F.R. § 300.530(g)

STEPS & TIPS FOR PARENTS

- If your child is removed from school under special circumstances, they should receive a hearing before the Board of Education (BOE) at which they can challenge the basis for the removal.
- The BOE determines whether your child committed the act(s) that they are accused of and whether the act(s) meet the special circumstances requirements.
- You have the right to appeal the BOE's decision by requesting an expedited due process hearing through the **Office of Special Education (OSE)**. *See* **Expedited Due Process**.
- The expedited due process hearing must be completed within 20 **school days** of OSE receiving the request and a final written decision provided to you within 10 school days after the hearing is completed.
- During the 45-calendar day removal, your child will be placed in an appropriate interim alternative educational setting (IAES), which means they must continue to be educated in accordance with their **IEP**, participate in the general education curriculum and work toward meeting the goals set out in their IEP.

STAY-PUT

Stay-put is a crucial right afforded to students with disabilities under the Individuals with Disabilities Education Act (IDEA). Stay-put can be invoked when a school district is proposing a change to the student's **Individualized Education Program (IEP)**, such as a change of their **placement**, or a reduction (or termination) of an IEP service the student is receiving. If the parent does not agree with the proposed change, the parent can stop the change from going into effect by submitting a request for **mediation** or a **due process hearing** to the **Office of Special Education (OSE)**. Stay-put does not apply if the parent is requesting a different placement or a new service the student is not already receiving.

The parent must request mediation or due process within fifteen (15) days of receiving **notice** of the proposed change. Stay-put prevents the change the parent does not want from being implemented until the disagreement is resolved either by way of settlement or a due process hearing decision. When making a request for mediation or due process to invoke stay-put, the parent can state their intention to invoke stay-put of a certain part or parts of the proposed IEP. This is known as "partial stay-put." A situation where a parent might want to invoke partial stay-put would be if the school district is proposing an IEP which includes **Extended School Year (ESY)** services during the summer break that the parent wants the student to receive, and a placement for the upcoming school year that the parent does not want to go into effect. (*See* **ESY**).

When a school district proposes an IEP that calls for an undesired change of placement or service, the parent should ask for, and receive, in writing, confirmation from the school district as to whether the proposed IEP is a draft or final version. If the school district confirms it is a draft, then the parent should ask when the final version of the IEP will be completed and sent to them.

Graduation is also a change of placement that implicates stay-put. When a school district intends to graduate a student, the school district is required to provide an official graduation notice to the parent and student. The graduation notice should state the parent and/or student has up to fifteen (15) days to file for mediation or due process to invoke stay-put to prevent the graduation from taking place. *See* **Graduation**.

TIMELINE

- The parent must request mediation or a due process hearing within fifteen (15) days of the date on the IEP to invoke stay-put and stop the proposed change from being implemented.

CITATIONS

20 U.S.C. § 1415(j)
34 C.F.R. § 300.300(d)(3)
34 C.F.R. § 300.518(a)

STEPS & TIPS FOR PARENTS

- You should make all requests to school district personnel in writing and keep copies as proof of the date you requested the information.

- If the school district refuses to confirm whether the IEP is a draft or final version, then you should assume it is the final version for stay-put purposes. The date on the IEP starts the 15-day period for you to file for mediation or due process.

- If your child is in their final year of high school and the school district gives the impression that it intends to graduate them, you should make a written request (e-mail or letter) for a copy of the official graduation notice. The date on the notice starts the 15-day period for you to file for mediation or due process.

- Your request for mediation or a due process hearing should clearly state you are invoking stay-put, or partial stay-put, in addition to specific relief being requested (e.g., maintenance of placement or service, additional special education or transitional services after the school district determines the student is ready for graduation, etc.).

- If your child is 18 years of age or older, you will need to attach documents verifying you have authority to request mediation or a due process hearing on their behalf. Documents that can show you have this authority would be a legal guardianship order or a notarized letter from your child that authorizes you to act on their behalf. *See* **Transfer of Educational Decision-Making Authority to Parent/Guardian Form [DRNJ LINK].**

- The parental rights in special education manual contains an explanation of how to request mediation or a due process hearing with OSE and includes mediation and due process request forms you can complete and submit to OSE. *See* **The Parental Rights in Special Education (PRISE)[EXTERNAL LINK].**

SUMMARY OF PERFORMANCE

Prior to graduation or the end of a student's eligibility special education programs and services, the school district must provide the student a summary of performance (SOP) document. The SOP should list the student's **post-secondary** goals and summarize the student's academic achievement and functional performance at the time they finish their high school education. The SOP may also include the student's strengths, interests, preferences; as well as any educational needs that result from the student's disability and effective supports and **accommodations** used during high school.

The SOP should make recommendations to assist the student meet their goals in the areas of post-secondary education, employment, and independent living. The SOP should also document if the student has been determined eligible to receive services from any state or federal agencies.

The SOP should be specific, meaningful, and written so the student can understand it. The **IEP team** can preview the SOP and discuss it at the student's last IEP meeting. A final copy of the SOP is typically sent to the student shortly before their graduation date.

TIMELINE

- There is no specific timeframe for a student to receive the SOP.
- The SOP is often provided with the notice of graduation; but can be provided separately.
- Ideally, the IEP team, which includes the parent and the student, will develop the SOP several months prior to graduation.

CITATIONS

20 U.S.C. § 1414(c)(5)(B)(ii)
34 C.F.R. § 300.305(e)(3)
N.J.A.C. § 6A:14-4.11(b)(4)

STEPS & TIPS FOR PARENTS

- The SOP can be developed by the IEP team. You and your child should assist in its development.
- You can request the SOP be prepared for the IEP team to review at your child's final IEP meeting before finishing high school. This way, the IEP team can discuss and, if necessary, revise the SOP.
- The SOP does not determine whether your child is eligible for another support program or specific accommodations, but it can serve as a roadmap to help navigate obtaining post-secondary services or accommodations.

TRANSFER OF EDUCATIONAL RIGHTS AT AGE 18

When a student turns 18 years old, all decision making about their education transfers from the parent to the student. This happens because in New Jersey, a child becomes an adult at age 18 which is known as the age of majority. Beginning at least three years before the student reaches age 18, the school district is required to provide the parent and student a statement that the student and the parent have been informed of the rights that will transfer to the student on reaching age 18. Information on the transfer of educational rights, otherwise known as "transfer of rights," must be included in all IEPs developed for the student.

When the student reaches 18, the school district will provide the adult student and the parent with written **notice** that the student's educational rights have transferred to the adult student. The adult student should receive a copy of the special education rules, due process rules, and the **procedural safeguards** statement published by the Department of Education.

After a student's 18th birthday, the school district will send a written notice to the student, not the parent, whenever it proposes to change, or if it refuses to change the **evaluation**, eligibility, Individualized Education Program (IEP), **placement**, or the provision of a **Free Appropriate Public Education (FAPE)**. The school district must receive written permission from the student before it conducts any **assessments** as part of an evaluation or **reevaluation** and before implementing an IEP for the first time. If the student disagrees with their special education program, they are the only one who can request **mediation** or a **due process hearing** to resolve a dispute concerning their special education program and services.

While the school district may continue to provide the parent with notice of meetings and any proposed changes to their student's IEP, it is not required to do so. The parent will no longer have access to the student's educational records without the student's consent unless the student continues to be financially dependent on the parent.

A student who wishes to have their parent continue to be an active participant in their educational planning may write a letter to the school district to give their parent the right to continue to act on their behalf in special education matters.

TIMELINE

- Except when a parent has obtained legal guardianship, on the student's eighteenth (18th) birthday, the student's educational rights transfer from the parent to the student giving the student authority to make decisions about their education.
- The student and their family must be informed about the transfer of rights every year beginning at least three years before the student turns 18.

CITATIONS

N.J.A.C. § 6A:14-2.3(m)
N.J.A.C. § 6A:14- 3.7(e)14

STEPS & TIPS FOR PARENTS

- The school district is responsible for explaining the transfer of rights at the age of majority rules to you and your child.
- If your adult child wants you to continue to make educational decisions for them, they must inform the school district in writing once they turn 18.
- Your adult child can send a written letter that states they want you to continue to be involved in the student's educational decisions to their **case manager**. Disability Rights New Jersey also created a helpful form to make this request. *See* **Transfer of Educational Decision-Making Authority [DRNJ LINK]**.
- Even if your adult child is not able to give consent by writing a letter if they are able to understand their rights and communicate their decision in a different way. They can still determine who has control over their educational decision-making.
- The letter, or an Educational Decision-Making Authority form, can only be signed once your child turns 18 and can be revoked, in writing, at any time.

TRANSITION ASSESSMENTS

The Individuals with Disabilities Education Act (IDEA) requires the provision of transition services to help students with disabilities prepare for life after high school. Transition assessments are critical for the development of a student's post-secondary goals. These assessments can help a student determine skills they might need to work on to successfully transition from high school to young adulthood. The school district must ensure that transition assessments are conducted for every student with an IEP. These assessments must be age appropriate and based on the needs of the student to determine their strengths, interests, and preferences. Transition assessments are also used to develop appropriate and measurable postsecondary goals and identify transition services (including courses of study) needed to achieve those goals. At least one age-appropriate transition assessment should be completed before the IEP that will be in place when the student turns 14 is developed and information from it included in that IEP. Age-appropriate assessments can be conducted before the student turns 14 years of age and done repeatedly until the student completes their high school education.

The IDEA and state law do not define transition assessments or age-appropriate assessments. Transition assessments can include both formal and informal assessments. Informal assessments would include interviewing and observing the student. Formal assessments could be interest inventories, intelligence tests, and general or specific aptitude tests.

Students with disabilities have a range of strengths, support needs, abilities, goals, etc. There is not one specific assessment appropriate for all students with disabilities. School districts should have available a variety of transition assessment tools and methods.

TIMELINE

- Transition assessments can begin at any time but must be conducted prior to the development of the IEP that will be in place when the student turns 14 years old.

CITATIONS

N.J.A.C. § 6A:14-3.7(e)12

STEPS & TIPS FOR PARENTS

- The school district should use both formal and informal assessments to better understand your child's needs, strengths, interests, preferences, and post-secondary goals.
- The assessments the school district has used or plans to use should be listed in your child's IEP.
- Your child can use Disability Rights New Jersey's transition tool to better help them understand their needs, strengths, interests, preferences, and post-secondary goals. *See* **ASPYIR Transition Planning Tool [DRNJ LINK].**
- After completing ASPYIR, your child will have a document with information that they, and you, can take to the IEP meeting to share with the **IEP team**.
- Transition assessments should help the IEP team develop goals training education, employment, and independent living and identify transition services your child may as they work towards those goals
- If your child will turn 14 years old during the current school year and the IEP states "Transition assessments considered and determined not to be needed at this time," you should request an IEP meeting to discuss transition planning and necessary transition assessments.
- Disability Rights New Jersey has another resource to use as a guide through your child's transition years. *See* **Transition to Adult Life for Students With Disabilities Checklist [DRNJ LINK].**

TRANSITION PLANNING

A transition plan is the section of the Individualized Education Program (IEP) that focuses on preparing a student for life after high school. Beginning with the IEP in place for the school year when the student will turn age 14, or younger if appropriate, the **IEP team** must begin to develop a multi-year plan for the student's future. The IEP team and other community agency members develop the transition plan together by determining the student's strengths, interests, and preferences as they relate to planning for adult life after high school. **Age-appropriate transition assessments** should be administered to help the student identify their strengths, interests, preferences, and **post-secondary** goals related to training, education, employment and, if appropriate, independent living. The IEP should list the specific **course of study** projected for future years that will assist the student in developing or attaining these goals. As part of transition planning, the IEP should state if consultation with the **Division of Vocational Rehabilitation Services (DVRS)** and/or other agencies is needed. If yes, the IEP must list all agencies to which the student will be referred by the school district for current and post-secondary services as well as the responsibility of the school district and/or the student and parent to contact, and provide necessary information, to each such agency. The name or title of the school district staff person who will be the contact to postsecondary resources should be written in the IEP. Finally, transition planning should include a discussion of the student's need for **pre-employment transition services**. *See* **Pre-ETS**. The transition planning and services section of the IEP must be reviewed, updated, and revised annually.

TIMELINE

- Transition planning must begin with the development of the IEP to be in place during the school year the student turns 14 years old.
- Transition planning can begin before age 14 if the IEP team thinks it is appropriate for the student.

CITATIONS

N.J.A.C. § 6A:14-2.3(k)(5)(ii)
N.J.A.C. § 6A:14-3.4(f)(5)
N.J.A.C. § 6A:14-3.7(e)(9) and (11)

STEPS & TIPS FOR PARENTS

- You can learn about your child's strengths, interests, preferences and post-secondary goals through conversations with your child, or having them take surveys, or **preference assessments**.

- You can also have your child complete the ASPYIR tool. *See* **ASPYIR Transition Planning Tool [DRNJ LINK]**.

- You can request the school district's experts determine specific assessments appropriate for your child.

- The school district is required to invite your child to any IEP meeting where transition planning and transition services will be discussed.

- Your child should attend the IEP meeting and be prepared to participate as they are able. Your child, or you, can request any **accommodations** your child may need during the IEP meeting.

- The IEP team, including you and your child, should develop a transition plan specifically for your child based on their strengths, interests, preferences and desired post-secondary goals.

- Your child's transition plan should include goals in training, education, employment and, if appropriate, independent living and list the courses of study your child is expected to take each school year.

- Disability Rights New Jersey's website has information on the transition planning process. *See* **Student's Guide to Transition Planning [DRNJ LINK]** *and* **Parent's Guide to Transition Planning [DRNJ LINK]**. *See also* **New Jersey Transition Toolkit [EXTERNAL LINK].**

TRANSITION SERVICES

School districts are required to start providing students with disabilities transition services when the student turns 16. Beginning at age 16, the IEP must include a **transition plan** describing the services to be provided based on the student's needs, strengths, interests, and preferences. The IEP should include the **course of study** plan begun at age 14, along with a **coordinated set of activities**/strategies that prepare the student for life after high school. The IEP should include measurable **post-secondary** goals training, education, employment and, if appropriate, independent living. The transition goals should be specific, measurable, achievable, relevant and time bound **(SMART goals)**.

The IEP must also set out the coordinated set of activities/strategies to help the student and measurable post-secondary goals in a range of areas including post-secondary education/training, community experiences, the development of employment or **independent living skills**, and, if appropriate, the acquisition of **daily living skills** and a functional vocational evaluation.

The school district is responsible for coordinating efforts between the agencies that will guide the student through transition. The school district must invite a representative of the **Division of Vocational Rehabilitation Services (DVRS)** or other state agencies to the IEP meeting. DVRS may not turn away a student for being under 18, because its caseload is full, or because of the severity of his or her disability. DVRS eligibility should be determined up to two years before the student's graduation. If a student is eligible for services from the Division of Developmental Disabilities (DDD), a representative from the agency should be invited to plan for adult living support services the student will need. If DRVS, DDD, or another agency fails to provide the child with the agreed upon services, the school district is responsible for convening a meeting to identify other strategies to help a student meet their transition goals.

A student who has met all the academic requirements to graduate from high school but has not obtained the transition goals in their IEP may continue in school past age 18 to continue to receive transition services.

TIMELINE

- Transition planning begins with the IEP to be in place during the year the student turns 14.
- Transition services must begin once the student is 16.
- Transition services can begin before age 16 if the IEP team thinks it appropriate.

CITATIONS

20 U.S.C. § 1401(34)
20 U.S.C. § 1414(d)(1)(A)(VIII)
34 C.F.R. § 300.43
34 C.F.R. § 300.320(b)
N.J.A.C. § 6A:14-1.3
N.J.A.C. § 6A:14-2.3.(k)(2)(x) and (k)(5)(iii)
N.J.A.C. § 6A:14-3.7(e)(12); (e)(13); (g) and (h)

STEPS & TIPS FOR PARENTS

- Your child's measurable post-secondary transition goals should be SMART goals (specific, measurable, achievable, relevant and time bound).
- The school district must identify the person or agency arranging and/or providing services in each area in the IEP. It should not state parent/student for all areas.
- The IEP must include the name or title of school district staff person who will be the liaison to post-secondary resources for your child.
- If your child needs significant support or preparation for adult life, services may begin before age 16. You can request this through your child's **case manager** and should provide support for your request.
- The school district is required to invite your child to any IEP meeting where transition planning or transition services will be discussed.
- Your child should attend the meeting and prepare to participate as they are able. Your child, and you, may request **accommodations** to help them participate during the meeting.

TRANSITION FROM PRESCHOOL DISABLED TO KINDERGARTEN

A student who turns 5 years old by October 1st of the school year has the right to enroll in the kindergarten program in the school district where they reside. School districts may set a later cut-off date. **Students with disabilities** who turn 5 after the kindergarten entrance cutoff date must continue to be provided preschool special education programs and services for the balance of that school year.

The school district must conduct a **reevaluation** of the student and hold an **annual review Individualized Education Program (IEP)** meeting, by June 30th of the student's last year of pre-school. If the **IEP team** determines the student continues to be a student with a disability, the student will be classified for special education programs and services under one of the 14 **Individuals with Disabilities Education Act (IDEA)** eligibility classifications. *See* **Classifications**. In some cases, the student may not be classified but determined to be eligible for speech-language services only.

An IEP stating the student's classification and the educational programs and services they will receive in kindergarten must be in place before the school year begins in September. If a parent disagrees with the proposed IEP for kindergarten, they may pursue any of the IDEA dispute resolution options. If "**stay-put**" is invoked, the student will remain in the pre-school program unless the parents and school district agree to a different **placement**. *See* **Stay-Put**.

TIMELINE

- A reevaluation planning meeting should be held at least two months prior to the end of the school year, June 30th, to determine the **assessments** that will be conducted for the reevaluation.
- The school district must complete all assessments and hold an IEP eligibility meeting within 60 days of the date the parent provides consent for the student to be reevaluated but no later than June 30th.
- A parent is entitled to a copy of the assessment report(s) and documentation of the eligibility at least 10 days prior to the IEP meeting.

CITATIONS

N.J.A.C. § 18A:38-5
N.J.A.C. § 6A:14-3.5(c)
N.J.A.C. § 6A:14-3.6(a)
N.J.A.C. § 6A:14-3.8(g)

STEPS & TIPS FOR PARENTS

- If you do not receive written **notice** for a reevaluation planning meeting by mid-April of the year your child will complete pre-school, you should contact your child's **case manager**, in writing, to request an IEP team meeting.
- While the regulations state you are entitled to a copy of the documentation of your child's eligibility at least 10 days prior to the meeting, school districts more typically hold an **eligibility determination** meeting during which the IEP team, which includes you, determines if a child remains eligible for special education programs and services.
- If you do not receive written notice for an eligibility determination meeting by mid-June, you should contact your child's case manager, in writing, to request the meeting be scheduled before June 30th to ensure your child's preschool teacher(s) and related service providers are available to attend the meeting.
- Kindergarten is not mandatory in New Jersey. You can choose not to enroll your child in school until first grade.

TRANSPORTATION

Transportation is offered to all students who live over 2.5 miles (high school) or 2 miles (Pre-K through-8th grade) from their school. Students with disabilities may be eligible for transportation services regardless of where they live if it is necessary for them to "benefit from the educational program." The need for transportation is based on the student's needs and not on the parents' work schedule or availability to transport their child to/from school.

Factors considered in determining a student's need for transportation to and from school include the student's age, their type of disability, needs due to their disability, the condition of the route to be traveled to the bus stop, the availability of public assistance when the student walks that route, and the student's ability to safely access transportation to and from school in the way other students in a district access transportation.

Transportation should be listed in the student's **Individualized Education Program (IEP)** as a **related service**. Transportation as a related service can also include: special transportation equipment, transportation aides, and special arrangements for other assistance to and from school. *See* **Related Services**. If a student with disabilities is suspended from transportation services that are included in their IEP for more than 10 consecutive **school days**, or 10 cumulative days, that is a change in **placement** that triggers the IDEA discipline procedures. A series of disciplinary removals from bus services totaling more than 10 days in the school year will require a **Manifestation Determination Review (MDR)**. This is true even if the student's parent provide transportation and the student does not miss school and other IEP services remain uninterrupted. *See* **MDR**.

There are different types of transportation available for students with disabilities with **curb-to-curb transport** being most prevalent. Not all students will receive **door-to-door transportation**. If a school district provides a "late bus" for students without disabilities, it must provide the same service for students with disabilities.

CITATIONS

N.J.A.C. § 6A:27-5
N.J.A.C. § 6A:14-3.9(a)(7).

STEPS & TIPS FOR PARENTS

- Most school districts will provide transportation if your child is in a **self-contained classroom**.
- The school district is not required to transport your child to or from a before or after care program (e.g. day care). Although it may agree to do so if the facility is located along a designated school district bus route.
- Your child's **case manager** must communicate all your child's needs to the transportation company, including if your child requires a specific safety harness, proximity to the bus aide, permission to eat or drink on the bus, behavior intervention techniques, mobility aids, or special arrangements for other assistance.
- Review the type of transportation offered as a related service and talk to the IEP team about alternatives if you feel the offered service is not appropriate.
- If your child is suspended from rising the bus (transportation suspension) for behavior that you believe is a manifestation of their disability, you should request an IEP meeting to discuss necessary supports and services to address behavior on the bus.
- If transportation is required during the school year, it is required during **Extended School Year (ESY)**.
- If you are required to transport your child due to bus driver shortages, the school district is required to **reimbursement** and you should request a written transportation agreement.

UNILATERAL PLACEMENT

If a parent believes the placement the student is already in, or the placement the school district is offering, is inappropriate but the school district refuses to change its position, the parent can place the student in a private school on their own and pay for the student to attend the private school. This is called a unilateral placement. If the parent wants the school district to cover the tuition and related costs for the unilateral placement, the parent must take certain steps before they move the student. First, the parent must provide the school district with at least ten (10) **business days'** written **notice** of their intention to place the student in the unilateral placement. After a parent has provided the 10-day written notice, and the school district does not agree the placement is required for the student to receive a **Free Appropriate Public Education (FAPE)**, the parent will have to request a **due process hearing** to obtain **reimbursement** for the costs of the unilateral placement. To prevail at the due process hearing, and recoup the costs of the unilateral placement, the parent will have to prove to the **Administrative Law Judge (ALJ)** that the school district's proposed placement was inappropriate, and the unilateral placement is an appropriate placement. There is a high likelihood the parent will not prevail at a hearing (i.e., not obtain reimbursement). The unilateral placement option is risky and should be the last resort.

TIMELINE

- A parent must provide written notice to the school district at least 10 business days of the intention to place the student in the unilateral placement.
- A parent must file for tuition reimbursement within two years of the date of the 10-day notice.

CITATIONS

N.J.A.C. § 6A:14-2.10

STEPS & TIPS FOR PARENTS

- You should first attempt to work collaboratively with the school district to find an appropriate placement and consider any placements recommended by the school district.

- ·Prior to making a unilateral placement, you should consider requesting the school district conduct a **reevaluation** and, when the reevaluation is completed, hold an "Individualized Education Program (IEP) team meeting. *See* **Reevaluation**.

- If the IEP determines your child requires an **out-of-district placement** to receive an appropriate education, it will be documented in their IEP, and you will not have to pay for the placement.

- You should provide the 10-day notice in writing to your child's **case manager**. The letter should contain the date, your child's name, new school placement, start date at the new placement, and request for the school district to pay tuition and related service costs.

- If the school district refuses to pay these costs, you will have to request a due process hearing to seek reimbursement.

- A due process hearing might include costs for an expert, an attorney, and other miscellaneous costs.

- At the due process hearing, you will have to show:
  - you provided written notice to the school district at least 10 business days prior to the date you removed your child
  - the school district's proposed program was not appropriate; and
  - the private school you placed your child at is an appropriate placement.

- The ALJ will consider the reasonableness of your actions when deciding if the unilateral placement is appropriate. *See* **Collaboration and Reasonableness**.

- The ALJ may reduce or deny reimbursement altogether if you:
  - failed to provide the required written 10-day notice;
  - failed to inform the school district at the last IEP meeting, prior to the removing your child, of your intent to remove your child from school;
  - failed to make your child available for a school district-proposed reevaluation prior to removing them from school; or
  - engaged in any conduct the ALJ finds to be unreasonable.

APPENDIX A: CLASSIFICATIONS

Classifications are the categories of disabilities that qualify students for special education programs and services under the Individuals with Disabilities Education Act (IDEA). New Jersey recognizes fourteen (14) disability categories under which a student is eligible to receive specialized instruction and support services. A student may have one or more disabilities that adversely affect their educational performance such that the student requires special education and related services.

Auditory Impairment: Corresponds to "auditorily handicapped" in federal eligibility legislation, which includes separate definitions for deafness or hearing impairment. Students with this disability cannot hear within normal limits due to:

- Physical impairment resulting in the inability to hear within normal limits
- One of the two following conditions;
  - Deafness—impairment is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification,
  - Hearing impairment—a permanent or fluctuating inability to hear that, regardless of the cause, affects academic performance.

Autism: Students with the "Autism" classification have a pervasive developmental disability that may impact their ability to interact socially and communicate, both verbally and nonverbally. These students are often resistant to changes in environment and routine and find comfort in repetition. They may have unusual responses to sensory experiences, and a lack of responsiveness to others.

Intellectual Disability: Students with this classification have significantly below average levels of cognitive functioning along with deficits in adaptive skills. There are three levels of cognitive impairment:

- *Mild*– a level of cognitive development and adaptive behavior in home, school, and community settings mildly below age expectations with respect to all of the following: (1) The quality and rate of learning; (2) The use of symbols for the interpretation of information and the solution of problems; and (3) Performance on an individually administered test of intelligence that falls within a range of two to three standard deviations below the mean.

- *Moderate*– a level of cognitive development and adaptive behavior that is moderately below age expectations with respect to the following: (1) The ability to use symbols in the solution of problems of low complexity; (2) The ability to function socially without direct and close supervision in home, school, and community settings; and (3) Performance on an individually administered test of intelligence that falls three standard deviations or more below the mean.

- *Severe*– a level of functioning severely below age expectations whereby, on a consistent basis, the student is incapable of giving evidence of understanding and responding in a positive manner to simple directions expressed in the child's primary mode of communication and cannot in some manner express basic wants and needs.

APPENDIX A: CLASSIFICATIONS

Communication Impairment (CI): These students have language disorders that are not a result of an auditory impairment. CI is a language disorder in any of the following areas: morphology, syntax, semantics, and/or pragmatics/discourse that adversely affects a student's educational performance. Testing for this impairment requires the addition of a speech-language therapist to the evaluation team. Students with CI may also be eligible for additional speech-language services. In certain cases, a student may not be classified as CI but may be "eligible for speech-language services".

Emotional Regulation Impairment (ERI): These students' educational performance is adversely affected by one or more of the following:

- An inability to learn that cannot be explained by intellectual, sensory, or health factors
- An inability to build or maintain satisfactory interpersonal relationships with peers/teachers
- Inappropriate behavior or feelings under normal circumstances
- A general pervasive mood of unhappiness or depression
- A tendency to develop physical symptoms or fears associated with personal or school problems

Multiple Disabilities: Students who have two or more disabling conditions, the combination of which cannot be accommodated for in a program designed solely to address one of the impairments, should be classified as "multiply disabled." However, multiple disabilities do not include deaf-blindness and eligibility for speech-language services is not considered a disabling condition for a student to be classified as having multiple disabilities or "multiply disabled."

Deaf/Blindness: Simultaneous hearing and visual impairments which cause such severe communication, developmental, and/or educational problems that programs strictly for the deaf or for the blind cannot accommodate the student's needs.

Orthopedic Impairment: The student has a severe malformation, malfunction, or loss of bone, muscle, or tissue that adversely affects educational performance (medical documentation diagnosing the orthopedic condition is required).

Other Health Impairment (OHI): Students with the OHI classification are 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 which adversely affect the student's educational performance. Students with health conditions such as attention deficit hyperactivity disorder (ADHD), asthma, diabetes, epilepsy, heart conditions, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, Tourette Syndrome, tuberculosis, or any other medical condition that adversely affects the student's educational performance can be classified as OHI. A medical assessment diagnosing the specific health condition(s) is required for this classification.

APPENDIX A: CLASSIFICATIONS

Preschool Child with a Disability: This is the classification for children between the ages of three and five who experience developmental delay (33% delay in one area or 25% delay in two or more areas) in the following areas:

- Physical (gross/fine motor; sensory)
- Cognitive
- Communication
- Social/emotional
- Adaptive

A student who has an identified disabling condition, including vision or hearing, that adversely affects their development or learning such that they require special education, and related services may be classified as "preschool-disabled."[3]

Social Maladjustment: Students exhibit a consistent inability to conform to school behavior standards. This behavior is seriously disruptive to the education of the student and/or other students and is not due to the conditions described under Emotional Regulation Impairment (ERI).

Specific Learning Disability (SLD): A disorder in one or more of the basic psychological processes involved in language skills (understanding or using language) that manifests in an imperfect ability to listen, think, speak, read, write, spell, or perform mathematical calculations.

A specific learning disability may be determined by finding a severe discrepancy between current achievement and intellectual ability in:

- basic reading skills
- reading comprehension
- oral expression
- listening comprehension
- mathematical calculation
- mathematical problem solving
- written expression
- reading fluency

A SLD may also be identified by utilizing a response to scientifically based interventions. A SLD is not the result of visual, hearing, or motor disabilities, general cognitive deficits, emotional regulation impairment (ERI), or environment, cultural or economic disadvantage.

Traumatic Brain Injury: An acquired injury to the brain caused by external force or injury to the brain that results in full or partial functional disability or psychosocial impairment or both.
Resulting impairments may be in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech.

Visually Impairment: A visual impairment (partial or total) that, even with correction, adversely impacts a student's educational performance. An assessment by a specialist is required.

N.J.A.C 6A:14-3.5(c)(1)-(c)(14)

[3] *All children with disabilities, age 3 to 6, receiving special education and related services prior to entering elementary school are classified as pre-school disabled. Prior to transitioning to elementary school, specifically by June 30 of a student's last year of eligibility for a program for preschoolers with disabilities, the child must be reevaluated to determine if they continue to be a student with a disability. N.J.A.C. 6A:14-3.8(g). If the child is determined eligible for special education programs and services, they will be classified as eligible in accordance with one or more the state's classification categories in N.J.A.C 6A:14-3.5(c).*

APPENDIX B: FILLABLE FORMS

Appendix B is a list of fillable PDF forms linked on the Disability Rights New Jersey website, available in English and Spanish. The forms can be completed online and saved for submission, rather than having to print the form, fill it out, and scan it to be submitted electronically.

- 504 Plan Meeting Request Form (English)
- 504 Planning Meeting Request Form (Spanish)
- Home Instruction for Disciplinary Removals Request Form (English)
- Home Instruction for Disciplinary Removals Request Form (Spanish)
- IEP Meeting Parent Preparation Form (English)
- IEP Meeting Parent Preparation Form (Spanish)
- Independent Educational Evaluation (IEE) Request Form (English)
- Independent Educational Evaluation (IEE) Request Form (Spanish)
- Information on the Use of Restraint and Seclusion Request Form (English)
- Information on the Use of Restraint and Seclusion Request Form (Spanish)
- Initial Special Education Evaluation Request Form (English)
- Initial Special Education Evaluation Request Form (Spanish)
- Reevaluation Request Form (English)
- Reevaluation Request Form (Spanish)
- Transfer of Educational Decision-making Authority to Parent/Guardian (English)
- Transfer of Educational Decision-making Authority to Parent/Guardian (Spanish)

APPENDIX C: ADDITIONAL RESOURCES

Appendix C is a list of relevant resources found on the Disability Rights New Jersey website and on external sites that may be of help to users when seeking more information on a topic area.

DISABILITY RIGHTS NEW JERSEY RESOURCES

- ASPYIR Transition Planning Tool [DRNJ LINK]
- Early Intervention FAQ [DRNJ LINK]
- Harassment Intimidation and Bullying of Students with Disabilities [DRNJ LINK]
- Parent's Guide to Transition Planning [DRNJ LINK]
- Preschool Education FAQ [DRNJ LINK]
- Post-Secondary Education Accommodations FAQ [DRNJ LINK]
- Restraint and Seclusion in Schools Explainer Video [DRNJ LINK]
- Student's Guide to Transition Planning [DRNJ LINK]
- Tool Kit for Students with Life Health Threatening Conditions [DRNJ LINK]
- Transition to Adult Life After Highschool Checklist [DRNJ LINK]

EXTERNAL RESOURCES

- Behavior Intervention Plan Guide and Checklist [EXTERNAL LINK]
- ELC Restraint & Seclusion Info Sheet [EXTERNAL LINK]
- NJDOE Office of Special Education (OSE)[EXTERNAL LINK]
- NJDOE OSE Discipline Requirements for Students with Disabilities [EXTERNAL LINK]
- NJDOE OSE Guidance on Restraint and Seclusion [EXTERNAL LINK]
- NJDOE Parental Rights in Special Education Guide [EXTERNAL LINK]
- KIDLAW Fact Sheet: Early Intervention Age 03 (Advocates for Children of NJ 2024)[EXTERNAL LINK]
- KIDLAW Fact Sheet: Sped for Children 3-5 (Advocates for Children of NJ 2024) [EXTERNAL LINK]
- New Jersey Early Intervention System Formal Dispute Resolution Request Guidance[EXTERNAL LINK]
- Overview of Discipline Procedures for Students Receiving Special Education[EXTERNAL LINK]
- Student Discipline Rights And Procedures: A Guide For Advocates(ELC 2012) [EXTERNAL LINK]
- The Right to Special Education in New Jersey: A Guide for Advocates (ELC 2008) [EXTERNAL LINK]
- Transition Planning Under IDEA for Students with Disabilities (ELC 2012)[EXTERNAL LINK]

GLOSSARY

504 Plan	Under Section 504 of the Rehabilitation Act of 1973, discrimination based on disability in programs and activities that receive federal assistance is prohibited. As a result, it is a federal law that all public and publicly-funded schools must offer a 504 plan to any eligible student. The purpose of a 504 plan is to provide accommodations and ensure equal access to public education while also protecting students from discrimination related to their disability.
Accommodations	Accommodations are changes made to the way a student learns or is assessed. Accommodations are designed to provide equitable access to education without altering core learning expectations.
Adaptive Skills	Adaptive skills are practical, everyday skills that allow individuals to meet the demands of their environment and function independently by adapting to daily life, work, and social situations. These skills cover areas like self-care (dressing, hygiene), communication (expressing needs), social skills (interacting with others), conceptual skills (literacy, managing money), and practical life skills (household management, safety).
Adjourn/ Adjournment	An adjournment means a meeting or hearing is officially postponed to a later date. This can happen if more time is needed to prepare or if someone important cannot attend.
Administrative Law Judge (ALJ)	An Administrative Law Judge (ALJ) is a neutral decision-maker who holds a hearing and issues a ruling when a parent or school district files for due process to resolve a dispute involving special education programs and services.
Age of Majority	The "age of majority" is the state-defined age (often 18) at which a student gains full legal control over their own educational rights, meaning parental rights to make decisions about the Individualized Education Program (IEP) transfer to the student. If a student lacks the capacity to make such decisions, most states have a process to appoint a representative to act on their behalf, such as through guardianship or a power of attorney, to ensure their educational interests are still represented.
Age-Appropriate Transition Assessment	An “age-appropriate transition assessment” is an evaluation that identifies a student's strengths, interests, and potential needs to plan for their post-secondary life and transition to adulthood. The assessments are primarily conducted by the school district as part of the Individualized Education Program (IEP) process. The assessments begin during the school year when a student turns 14 and is an ongoing multi-year process.
Alternative School	Alternative school is a type of educational program that is delivered to students in a non-traditional learning environment, separate from a general education or special education program.

Americans with Disabilities Act (ADA)	The American with Disabilities Act of 1990 ("ADA") is a federal civil rights law that prohibits discrimination based on disability to ensure equal access to programs and services. The ADA broadens Section 504 of the Rehabilitation Act of 1973 prohibiting disability-based discrimination to employment institutions, both public and private education institutions as well as other public entities regardless of whether or not those entities receive federal funding.
Annual Review	Annual review is a meeting that must be held at least once a year to review and revise the student's Individualized Education Program (IEP).
Answer	An answer is the written response the school district files after a parent files a due process petition. It explains the school district's position and whether it agrees or disagrees with the parent's claims. If the school district files against a parent, it is a good idea for the parent to provide a written response to the due process petition.
Appeal	An appeal is a formal process where the aggrieved party can challenge a decision made by the Administrative Law Judge (ALJ) or the Office of Special Education (OSE) by filing a complaint in the federal court or New Jersey Superior Court – Appellate Division.
Assessment/Test	The process of gathering information about a student for the purpose of determining disability, classification for special education, and/or programmatic needs.
Assistive Technology (AT)	Assistive Technology (AT) is an item, piece of equipment, product system or services used to increase, maintain or improve the capabilities of individuals with disabilities.
Behavior Contract	A behavior contract is a written agreement between the student, school staff, and sometimes the parent that outlines expected behavior and supports. It usually includes goals, rewards, and what will happen if expectations are not met.
Behavioral Intervention Plan (BIP)	A Behavior Intervention Plan (BIP) is a formal plan which identifies causes of specific behavior and directs school staff how to respond to those behavior with positive behavior reinforcement, redirection, intervention, and/or consequences. The BIP should be written into or attached to the student's Individualized Education Program (IEP).
Board Certified Behavior Analyst (BCBA)	A Board Certified Behavior Analyst (BCBA) is a professional who specializes in Applied Behavior Analysis (ABA) within special education, using evidence-based principles to assess and improve the behavior and skills of students with developmental or emotional disorders
Business Days	Business days are inclusive of days Monday through Friday, exclusive of Saturday and Sunday and federal holidays.
Calendar Days	Consecutive days on a calendar, including all days of the week, weekends, and holidays.

Care Management Organization (CMO)	New Jersey Care Management Organizations (CMOs) are community-based, non-profit organizations that provide comprehensive, wraparound care for youth (ages 5-21) with complex emotional, behavioral, mental health, developmental, or substance use needs. They work with families to develop Individual Service Plans (ISPs) and access services through NJ's Children's System of Care (CSOC). CMOs work with families to develop coordinate care and develop support networks with the goal of keeping children in their homes and communities.
Case Manager	Case managers are school district employees responsible for ensuring a student with a disability gets services and supports in school. The case manager is typically the contact person to help organize meetings, request evaluations, and get updates.
Classification	A classification refers to the specific category of disability under which a student is determined eligible for special education programs and services.
Closing Argument	A closing argument is the final statement each side gives at the end of a due process hearing. It summarizes the evidence and explains why the judge should rule in that party's favor.
Code of Conduct	A school's code of conduct is a document outlining expected student behavior, unacceptable actions, and the disciplinary consequences for violating school rules. It serves to inform students, parents, and staff about behavior expectations, promote self-discipline, and define a framework for addressing misconduct through various intervention practices.
Commission for the Blind and Visually Impaired (CBVI)	The Commission for the Blind and Visually Impaired (CBVI) is a New Jersey state agency that provides services to individuals who are blind or visually impaired to achieve full inclusion and integration in society . Services may include vision evaluations, assistive technology, independent living training, and help with school and employment needs.
Consent/Written Consent	Under the IDEA, the parent must be given all information relevant to the activity for which their consent is being sought and that their agreement to the activity be made in writing. The relevant information must include a comprehensive description of the activity being proposed such that the parent understand and can give their informed consent. The parent must receive all relevant information (known as prior written notice), and be allowed sufficient time to review it, before being asked to provide written agreement.
Coordinated Set of Activities	A coordinated set of activities refers to transition services designed to help students with disabilities move from school to post-secondary life.
Corrective Action Plan	A corrective action plan is a document issued from the Office of Special Education (OSE) after a complaint investigation is completed that outlines the steps the school district must take to address and resolve identified instances of noncompliance with special education laws and regulations.
Course of Study	A "course of study" defines the subjects and topics chosen for a specific program or field of study. It outlines the classes, readings, and projects undertaken to gain knowledge and skills.It can be synonymous with a student's "major" or overall program of study.

Crisis/Crisis Intervention	A crisis is when a person with disability is experiencing temporary severe emotional or behavioral distress that poses an immediate risk to their own safety and/or to the safety of others. Crisis intervention provides immediate, short-term psychological assistance to the person experiencing the distress to stabilize them, prevent long-term harm, and restore pre-crisis functioning.
Cross Examination	Cross examination is when one side questions the other side's witness during a hearing. The purpose is to clarify testimony, bring out additional facts to test the credibility (believability and competence) of the person who is testifying .
Cross Petition	A cross petition is typically a due process complaint filed by the school district in response to a parent's petition, usually about the same student and issues. It allows the district to raise its own claims for the judge to decide. A parent may also file a cross-petition with their own claims when a school district requests a due process hearing .
Curb-to-curb Transportation	Transportation pickup and dropoff occurs at the nearest and safest curbside location.
Daily Living Skills/Activities of Daily Living (ADLs)	Daily living skills, also called activities of daily living (ADLs) or life skills, are the practical, self-care, and home-management tasks essential for independence and quality of life, preparing students for adult life in the community. The ability to perform ADLs is an essential measure of an individual's functional status. The aquisition of, or increased independence performing ADLs, helps to prepare students for adult life in the community.
Developmental Delay (DD)	A developmental delay is defined as a 25% delay in two or more developmental areas or 33% delay in one area or a score of at least 2.0 standard deviations below the mean in one developmental area or 1.5 standard deviations below the mean in two or more of the developmental areas. Essentially, the child is significantly behind their peers in one or more areas of development, such as physical, cognitive, social skills and more.
Division of Vocational Rehabilitation Services (DVRS)	New Jersey's Division of Vocational Rehabilitation Services (DVRS) helps eligible individuals with disabilities to achieve an employment outcome consistent with their strengths, preferences, needs, and abilities. Beginning at age 14, students with disabilities can connect with DVRS for Pre-Employment Transition Services (Pre-ETS). DVRS will work with them planning for their life after they complete high school. DVRS counselors from each field office are assigned to schools to collaborate with child study teams and families regarding transition planning.
Disclose/ Disclosure	Disclosure refers to the act of revealing a student's disability or other protected information from their educational records. It is a voluntary act by the student or parent/guardian, which can lead to accommodations, but must be informed by applicable laws (e.g., The Family Educational Rights and Privacy Act (FERPA)). The school district can only release information with consent, except in specific situations such as disclosure to school officials with a "legitimate educational interest".

Door-to-door Transportation	Transportation pickup and dropoff immediately outside the student's front door.
Due Process Hearing (Due Process)	Parents or school districts may request a due process hearing where an Administrative Law Judge (ALJ) rules on disagreements about the identification, evaluation, reevaluation, classification, educational placement, the provision of a Free Appropriate Public Education (FAPE), or disciplinary action for a student with a disability.
Due Process Rights	Due process rights are laws ensuring individuals are treated fairly and legally by the government, particularly when facing legal actions.
Early Intervention (EI)	Early intervention (EI) refers to the provision of publicly funded programs of specialized services and supports for babies and young children (typically birth to age 3) who have developmental delays or disabilities, or who are at risk of developing them. It often includes therapies such as speech-language, physical, or occupational therapy.
Educational Services (Services)	Educational services are programs, instruction, and support systems provided by school districts to facilitate learning and skill development for all student. Educational services for students with disabilities must be individualized and can include specialized instruction, modifications to the curriculum, and accommodations based on how the student learns and/or related services.
Eligibility Determination	Eligibility determination in special education is the process where a team reviews a student's comprehensive evaluation to decide if they have a disability, as defined by the Individuals with Disabilities Education Act (IDEA), that adversely affects their educational performance and requires special education and related services.
Emotional Regulation Impairment (ERI)	Emotional Regulation Impairment (ERI), sometimes called emotional disturbance, is a condition that negatively affects a student's educational performance. ERI can be categorized by one or more of the following conditions: difficulty learning that cannot be explained by intellectual, sensory, or health issues; trouble making or keeping relationships; inappropriate behavior under normal circumstances; a constant mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems.
Evaluation	Evaluations are tests and assessments used to determine if a student has a disability and needs special education services. Evaluations look at how a student is doing in different areas, like reading, writing, math, behavior, speech, motor skills, and more. They provide information to identify a student's strengths and challenges. An evaluation is done by a team of professionals, such as a school psychologist, special education teacher, speech therapist, or occupational therapist. They use tools like tests, interviews, classroom observations, and work samples.
Evaluation Criteria	Evaluation criteria are the specific, measurable standards used to determine if a student has a disability, the extent of their needs, and their eligibility for special education and related services.

Expedited Due Process	Expedited due process is a faster legal procedure to resolve certain disputes between parents and the school district, primarily those involving disciplinary action and a student's placement. It can be initiated by a parent who disagrees with a disciplinary decision or a manifestation determination, or by the school district if the student's continued presence in their current placement poses a substantial risk of injury to themselves or others.
Expert Witness	An expert witness is a professional with special training or experience who gives an opinion at a hearing e.g.; psychologists, therapists, or educational specialists. The expert witness may be called to testify because they evaluated the student and submitted an evaluation report. Any professional who testifies as an expert witness should have first hand knowledge about the student.
Extended School Year (ESY)	Extended school year (ESY) is a special education program provided beyond the traditional 180-day school year, allowing students to continue to receive services during the summer months.
Family Support Organizations (FSO)	New Jersey's Family Support Organizations (FSO's) are family-run organizations that provide direct peer support, advocacy, education , and other services to families and caregivers of children with emotional, behavioral and mental health needs. There is a FSO in every county.
Free Appropriate Public Education (FAPE)	FAPE refers to a student with a disability's right to receive a "Free Appropriate Public Education" fitted to their unique needs and abilities, to be educated in the least restrictive environment, and to receive educational services and supports at no cost to the student's parent.
Functional Behavioral Assessment (FBA)	A Functional Behavioral Assessment (FBA) is conducted by a specialist in understanding child behavior. This specialist will work with the family, school staff, and service providers to understand what is causing a student's behavior and what strategies may be successful in improving the behavior.
Functional Skills	Functional skills are the non-academic abilities students need to successfully participate in daily life and achieve independence. These practical skills may include areas like self-care, social interaction, community participation, and personal finance.
Home Instruction	Home instruction refers to school-provided academic instruction in the home or another location other than the school such as the local library. Home instruction is provided to students who are temporarily unable to attend school due to medical issues, court orders, or disciplinary reasons.
Inclusion	Inclusion refers to integrating students with disabilities into general education settings with non-disabled peers. Inclusion can be partial or full.

Independent Educational Evaluation (IEE)	An Independent Educational Evaluation (IEE) is a comprehensive evaluation of a student conducted by a qualified, professional who is not employed by the student's school district. An IEE can include multiple assessments/tests. Parents have the right to request an IEE at public expense if they disagree with the school's evaluation, but the school can challenge this request through a due process hearing.
Independent Living Skills	Refers to the skills and knowledge necessary for an individual to live independently and manage their daily life effectively.
Individuals with Disabilities Education Act (IDEA)	The Individuals with Disabilities Education Act (IDEA) is a federal law that mandates that schools provide a Free Appropriate Public Education (FAPE) to eligible children with disabilities.
Individualized Education Program (IEP)	An Individualized Education Program (IEP) is a written, legally binding document that outlines the specialized instruction, services, and accommodations a public school student with a disability needs to receive a Free Appropriate Public Education (FAPE). Developed by a team including parents and educators, it establishes measurable goals and details how the school will provide the necessary support to help the student succeed academically and functionally.
Individualized Education Program (IEP) Amendment Form	An Individualized Education Program (IEP) amendment form is a separate document used to make changes to a student's IEP without convening a full IEP team meeting. The form does not replace the full IEP document.
Individualized Education Program (IEP) Goals	Individualized Education Program (IEP) goals are personalized, measurable targets written into a student's IEP that outline what the student is expected to achieve academically and functionally within one calendar year
Individualized Education Program (IEP) Objectives	Objectives in a student's Individualized Education Program (IEP) are specific, measurable statements that define what the students should know and be able to do at the end of a learning experience.
Individualized Education Program (IEP) Team	The IEP team is the group responsible for developing, reviewing, and revising a student's Individualized Education Program (IEP). It includes the parent, student, at least one general education teacher, at least one special education teacher, a district representative, and others with knowledge about the student.
Individualized Family Service Plan (IFSP)	An Individualized Family Service Plan (IFSP) is a written document for children from birth to age 3 with developmental delays or disabilities, similar to an Individualized Education Program (IEP). The IFSP is an IEP for infants and toddlers with disabilities receiving early intervention (EI) services. An IFSP addresses the child's development need and outlines the specialized services to be provided. These services are designed to enhance the child's development across five areas: physical, cognitive, communication, social/emotional, and adaptive skills and to support the family's needs. Like the IEP, an IFSP is a legally binding document that can be enforced.

Individualized Health Plan (IHP)	An Individualized Health Plan (IHP) is a formal, written document created by a registered school nurse for students with special healthcare needs. It details the specific medical, physical, developmental, emotional, and behavioral health supports a student requires at school to stay healthy, safe, and able to learn.
Informal Hearing	An informal hearing, sometimes called an informal meeting or informal dispute resolution, is a meeting with school officials to discuss a student's disciplinary action (like a suspension) or an IEP dispute before a more formal due process hearing takes place. The purpose is to give the student and their parents or guardians an opportunity to present their side of the story, offer relevant information, and explore solutions to prevent future issues.
Informal vs. Formal Assessments	Formal assessments are standardized tests with fixed procedures and scoring criteria, providing consistent, objective data to identify learning needs and compare performance to norms. Informal assessments are flexible, often observational or qualitative, and not standardized, offering detailed, context-specific insights into a student's day-to-day functioning to guide daily instruction.
Intellectual Disability (ID)	An intellectual disability is characterized by significant limitations in both intellectual functioning (like reasoning, learning, and problem-solving) and adaptive behavior (practical, social, and conceptual skills for daily living). This condition must manifest during the developmental period (before age 22) and adversely affect an individual's educational performance such that they require the support of special education services to receive an educational benefit.
Interim Alternative Educational Setting (IAES)	An Interim Alternative Educational Setting (IAES) is a temporary educational placement for a special education student removed from their current placement, for up to 45 school days, due to serious disciplinary offenses, such as possessing a weapon or illegal drugs, or inflicting serious bodily injury. The IAES, determined by the IEP team, allows the student to continue receiving their required special education services and make progress on their Individualized Education Program (IEP) goals.
Irreparable Harm	Irreparable harm is a legal term describing damage that cannot be adequately reversed, fixed, or compensated for by money damages alone. It is a critical requirement for prevailing in an emergent relief hearing. The party who requests the hearing is required to show that immediate intervention is necessary to prevent that party from suffering irreversible loss or injury.
Least Restrictive Environment (LRE)	Least Restrictive Environment (LRE) refers to the mandate that students with disabilities should learn in the same environment as their non-disabled peers to the maximum extent possible.
Long-term Suspension	Long-term suspension is defined as the removal of a student from their regular educational program for more than 10 consecutive school days.

Mainstreaming	Mainstreaming is the practice of placing a student with a disability in general education classrooms for some or all of the school day, with the expectation they can learn in the general education classroom with appropriate supports and accommodations.
Major Life Activities	Major life activities are the basic actions that significantly impact a person's life. They include everyday activities, such as caring for oneself, eating, sleeping, performing manual tasks, walking, and standing. They also include senses and movement, such as seeing, hearing, speaking, breathing, lifting, and bending. In the educational context, they include cognitive activities, such as learning, reading, concentrating, thinking, and communicating.
Manifestation Determination Review (MDR)	When a student with a disability is disciplined by removal from school for 10 days or more, the IEP team must have a meeting where they decide whether the misbehavior is an expression of the child's disability. If it is an expression of the child's disability, it is called a manifestation of the disability and the student cannot be suspended or expelled because of that behavior.
Meaningful Participation	The ability of the parent to play an active role in the decision-making related to their child's special education program and services such as the development and implementation of the student's Individualized Education Program (IEP) and their placement.
Mediation	Mediation is a voluntary, confidential, and free process where parents and school district personnel meet with a neutral, trained third-party mediator to resolve disputes about a student's Individualized Education Program (IEP) or 504 Plan, such as issues with identification, evaluation, or placement.
Modifications	Modifications are changes in what a student is expected to learn or be assessed on, based on their individual abilities and needs.
Native Language	"Native language" refers to the language an individual uses most often in their home, school, or with their family, including the use of sign language or Braille for those who are deaf, blind, or have no written language.
Notice/Prior Written Notice (PWN)	The school district must "give notice" to the parent and student whenever the law requires by telling them of the school district's decision, the reasons for the decision, and in some cases, what legal rights the parent and student have if they disagree with the school districts' decision. A Prior Written Notice ("PWN") is a document required by law that ensures that parents have had the opportunity to participate in decisions about their child's special education program. A PWN must be provided whenever a school proposes or refuses to initiate a or change a child's identification, evaluation, educational placement, or the provision of a Free Appropriate Public Education.
Occupational Therapy (OT)	Occupational therapy is a "related service" that addresses the physical, cognitive, psychosocial, and sensory components of performance. In school, occupational therapists focus on academics, play, social participation, and more.

Office of Special Education (OSE)	New Jersey's Office of Special Education (OSE) is responsible for monitoring the implementation of the Individuals with Disabilities Education Act (IDEA) by local education agencies (LEAs), including public school districts and charter schools. OSE is also responsible for enforcing the requirements of the IDEA and its implementing federal and state regulations.
Opening Statement	An opening statement is each side's brief introduction at the start of a hearing. It outlines what the party believes the evidence will show about the issues in dispute.
Orthopedic Impairment	An orthopedic impairment refers to a physical disability that affects the musculoskeletal system, including bones, joints, muscles, and tendons. It can affect a student's ability to move which adversely affects a student's education performance and thus the student may require special services.
Other Health Impairment (OHI)	An Other Health Impairment (OHI) is a disability category under the Individuals with Disabilities Education Act (IDEA) that includes chronic or acute health problems, such as ADHD, asthma, or epilepsy, which cause limitations in a child's strength, vitality, or alertness, and consequently adversely affect their educational performance.
Out-of-District Placement	Out of district (OOD) placement refers to a specialized school or residential program that a student attends that is outside of the student's resident school district.
Paraprofessional (1:1 Aide)	A paraprofessional is a school employee who assists in the delivery of education and related services to students with disabilities. A paraprofessional assignd to assist a specifc student is often referred to as a 1:1 aide.
Parental Rights in Special Education	The New Jersey Department of Education publishes a guide, Parents Rights in Special Education (PRISE), that describe the state and federal laws affecting the provision of special education and to help parents understand their, and their child's, rights in the special education process. A school district is required to provide a copy of the PRISE upon referral for evaluation, annually, or upon request. The PRISE can also be found, and downloaded, from many school district websites and the NJ Department of Education website.
Physical Therapy (PT)	Physical therapy is a "related service" within a student's Individualized Education Program (IEP) that aims to improve the student's gross motor skills, functional mobility, and balance so they can fully participate in their education and the school environment.
Placement	Placement is the specific setting where a student disability will receive their educational services.
Positive Behavior Reinforcement	Positive behavior reinforcement is a behavior management technique that rewards desired behavior to encourage them to repetition.
Positive Behavioral Interventions and Supports (PBIS)	Positive behavioral interventions and supports (PBIS) is a school wide approach that includes proactive strategies for defining, teaching, and supporting appropriate student behavior to create positive school environments.

Post-Secondary	"Post-secondary" refers to any formal learning, training, or academic pursuits that take place after high school graduation or after obtaining a secondary school completion credential like a GED.
Pre-Employment Transition Services (Pre-ETS)	Pre-employment transition services (Pre-ETS) are a mandated set of services under the Workforce Innovation and Opportunity Act (WIOA) that help students with disabilities aged 14-21 prepare for future employment by developing essential skills through five core components: job exploration counseling, workplace readiness training, work-based learning experiences, instruction in self-advocacy, and counseling on postsecondary educational opportunities.
Pre-Hearing Conference	A pre-hearing conference is a meeting held before the due process hearing to organize the case. The parties and the Administrative Law Judge (ALJ) discuss timelines, witnesses, exhibits, and any preliminary issues. The ALJ will then issue a pre-hearing order that states the outcome of the conference and requirements for the hearing.
Preference Assessment	A preference assessment is a systematic method often used to identify a student with autism's preferred items, activities, or experiences. The purpose is to discover potential positive reinforcers—items that can be used to increase the likelihood of desired behavior, making learning and interventions more effective and engaging for the student.
Present Levels of Academic Achievement and Functional Performance (PLAAFP)	The Present Levels of Academic Achievement and Functional Performance, or PLAAFP, is the section in the Individualized Education Program (IEP) that explains how a student is doing in school at that time. It describes the student's strengths and the areas where they need help. It talks about school subjects like reading, writing, and math, as well as how the student acts, follows directions, gets along with others, and handles daily tasks. The PLAAFP uses real information like test scores, classroom work, and teacher notes. It also explains how the student's disability affects their learning and helps the IEP team set goals and objectives and to decide what supports or services the student needs to succeed.
Problem behavior	Problem behavior are continuous actions by a student that disrupts learning, negatively affects peers, and can be harmful to themselves or others, such as hitting or kicking, aggression, defiance, tantrums, self-injury, bullying, and non-compliance.
Procedural Safeguards/ Procedural Rights	A student with a disability and the student's parent have certain rights under the Individuals with Disabilities Education Act (IDEA) and state special education regulations. These rights, referred to as procedural safeguards or procedural rights, are there to ensure that students with disabilities, and their parents, are treated fairly, included in decision-making, and have ways to resolve disputes with school districts. These safeguards include the right to participate in IEP meetings, the right to have a Manifestation Determination Review if the student is suspended for 10 days or more, and the right to a due process hearing, among other rights. These safeguards outline the "ground rules" for how parents and schools interact throughout the special education process.

Progress Report	A document provided by the school district at the intervals specified in the IEP that reports the student's measurable progress toward each IEP goal, including behavior goals.
Qualified Interpreter	An interpreter who possesses the necessary skills and/or qualifications to interpret a foreign language.
Reasonable Accommodations	Reasonable accommodations are modifications to the learning environment, such as changes to physical settings, teaching formats, or the way tasks are assessed, that provide students with disabilities an equal opportunity to access and participate in their education. These accommodations remove barriers but do not change the fundamental requirements of the academic program. Common examples include extended time for tests, assistive technology (AT), note-taking support, and physical modifications to classroom spaces.
Recoupment	The time it takes a student to regain skills or knowledge lost during a break from instruction, typically a summer break.
Reevaluation	Reevaluation is a process that should occur at least every three years to determine if the student continues to need special education programs and services.
Referral	Referral is a written request for an evaluation to determine if a student requires special education services.
Regress/ Regression	Regression is when a student who was once able to perform certain tasks or demonstrate certain skills, begins to struggle or completely lose those abilities.
Reimbursement	Reimbursement refers to the repayment of money spent by parents for educational services, therapies, or placements when a district fails to provide their child a Free Appropriate Public Education (FAPE).
Related Services	Related services are the extra supports a student with a disability may need to benefit from special education. This can include occupational therapy, counseling, and other services.
Removal	Removal is when a child is asked not to participate in school to the normal extent. Removal can be a formal action such as a short-term or long-term suspensions or expulsions. It also includes "informal" removals, where the parent is asked to pick up the student early or keep them home without official documentation.
Resource Room	A resource room is a designated classroom where special education students receive focused, small-group instruction.
Resolution Meeting	A meeting between the parent and school district personnel held after a parent requests a due process, or expedited due process, hearing. The purpose of the meeting is to provide an opportunity for the parent to discuss their due process complaint, and the facts that form the basis of the due process complaint, and to give the school district a chance to resolve the dispute that is the basis for the due process complaint.

Resume/ Curricula Vitae (CV)	A resume or CV is a document that lists a person's education, training, work experience, and qualifications. It is often used to show an expert witness's credentials. If either side intends to have an expert witness testify at the due process hearing, the expert' CV must be submitted to the ALJ and the other party no later than 5 business days before the first hearing date.
Scaffolding	Scaffolding is an instructional practice in education where an educator gradually removes guidance and support as students learn and become more competent.
School Days	School days are days that school is in session.
Self-Contained Classroom	A self-contained classroom is a special education setting where students with disabilities receive instruction primarily or entirely within a separate classroom, rather than in a general education classroom.
Self Help Skills	Self-help skills are the abilities necessary for an individual to perform tasks in order to care for themselves and function independently. For young children self help skills can include those needed to complete everyday activities like dressing, eating, toileting, bathing and brushing teeth. Self help skills are typically supported by adults in young children with the expectation that children develop independence in these skills as they mature. The range and type of self-help skills will change as the child grows older.
Self Management Care	Self-management care are the tasks that individuals perform themselves to address their health needs.
Settlement Conference	A settlement conference is a meeting where the parties try to resolve the dispute without going to a full hearing. It is voluntary and focused on reaching an agreement. If the due process hearing request has been transmitted to the Office of Administrative Law (OAL) for a hearing, the Administrative Law Judge (ALJ) may offer or require the parties attend a settlement conference, typically with an ALJ who is not presiding over the hearing.
Short-term Suspension	Short term suspension is defined as the removal of a student from a regular school program for 10 consecutive school days or less.
SMART Goals	SMART goals are well-structured annual goals that guide a student's educational progress. The term SMART stands for Specific, Measurable, Achievable, Relevant, and Time-bound. A specific goal clearly defines the skill or behavior the student is expected to improve. The goal must also be measurable, meaning progress can be tracked through data, observation, or work samples. Achievable means the goal is realistic for the student to accomplish within a year, based on their current abilities and present levels of performance. The goal should also be relevant, directly addressing the student's educational or functional needs. Finally, a SMART goal is time-bound, meaning it includes a clear deadline—typically within the annual IEP period.
Special Education Teacher	A special education teacher is a teacher with a certificate in special education who works with students who have learning, emotional, or physical disabilities, and teaches them specific skills to meet individual needs.
Speech-Language Therapy	Speech-Language therapy is a "related service" that focuses on helping students with communication disorders that affect their educational performance.

Standardized Testing	Standardized tests are assessments given to all students to measure their academic progress in core subjects like English language arts ("ELA"), math, and science.
Stay Put	"Stay put" refers to a law that requires that a student with a disability remain in their current educational placement while a dispute is being resolved over a child's educational classification, program, or placement proposed by the school district. This occurs automatically when a parent files for a request for mediation or due process, a copy of the completed request is sent to the superintendent, and no exceptions apply.
Transition Plan	A transition plan is set of goals and services to help students with disabilities transition to life after high school.
Transmit/ Transmittal Date	The transmittal date is the date the due process petition is officially sent from the state education agency, the Office of Special Education (OSE) to the Office of Administrative Law (OAL). This date usually starts the 45-day timeline for resolving the case.
Triennial Evaluation	Triennial evaluation is the requirement that special education students be re-evaluated every 3 years.
Unilateral Placement	A unilateral placement is when a parent removes their child from the public school to a private school or program, independent of the public school district's recommendation for placement.
Void	To void an agreement means to legally cancel or nullify a written, enforceable contract, often a resolution or mediation agreement reached between a parent and a school district. The voiding of an agreement typically occurs when one party discovers a flaw or believes the agreement no longer serves the student's best interests.
Waive	In special education, to "waive" means to voluntarily give up a known right or privilege. This can occur when a state requests to be exempt from certain federal requirements or when a parent is asked to agree to forgo certain rights, such as the right to a reevaluation or the opportunity for a resolution session. Waivers must be voluntary, informed, and in writing, and parents should understand the implications of signing one, as it may involve relinquishing certain benefits or rights for their child.
Written Summation	A written summation is a written version of a party's closing argument submitted after the hearing. It explains the evidence and legal reasons why the judge should rule in that party's favor.

FREQUENTLY USED TERMS IN IEP MEETINGS AND IEP NOTICES

Applied Behavior Analysis (ABA)	Applied Behavior Analysis (ABA) is a systematic approach that uses principles of behavior to teach new skills and reduce problematic behavior in students with disabilities. It involves observing and analyzing a student's behavior and the environment, developing individualized interventions using strategies like breaking tasks into smaller steps, and using reinforcement to encourage positive changes.
Activities of Daily Living	Activities of Daily Living ("ADL") are basic tasks that individuals perform daily without assistance. The ability to perform activities of daily living is an essential measure of an individual's functional status.
Autism Spectrum Disorder (ASD)	Autism Spectrum Disorder ("ASD") is a neurological and developmental disorder that affects how people interact with others, communicate, learn, and behave. The condition is characterized by difficulties in social communication, sensory processing differences, focused interests, repetitive behavior, and more.
Child Find	Child Find is a legal requirement under the Individuals with Disabilities Education Act (IDEA) that obligates schools to identify, locate, and evaluate all children with disabilities who may need special education services, regardless of the severity of their disability.
Children's System of Care	Children's System of Care ("CSOC") is New Jersey's public behavioral health system. CSOC serves youth under age 21 with emotional and mental health care needs, substance use challenges, and/or intellectual/developmental disabilities and their families.
Criterion-Referenced Assessment	Criterion-referenced assessments are used by the IEP team to evaluate a student's learning against specific, pre-defined criteria.
Curriculum-Based Assessment (CBA)	Curriculum-Based Assessment ("CBA") is a method used by educators to evaluate student progress by directly linking assessments to a specific subject or content area.
Diagnostic and Statistical Manual of Mental Disorders (DSM)	The Diagnostic and Statistical Manual of Developmental Disorders ("DSM") is a book that provides a standard criteria for classifying and diagnosing mental disorders.
Differentiated Instruction	Differentiated instruction is a teaching approach that involves tailoring instruction to meet the diverse needs of students. Content, process, product, learning environment, and more may be tailored.

Entitlement	Entitlement refers to the legal right of children from age 3 to 21 with disabilities to receive a Free Appropriate Public Education (FAPE) that provides specially designed instruction and related services to meet their unique needs. This entitlement, established by the Individuals with Disabilities Education Act (IDEA), ensures access to education at no cost to families
FERPA (Family Educational Rights and Privacy Act)	The Family Educational Rights and Privacy Act ("FERPA") is a federal law that protects the privacy of student education records.
Hearing Impairment	Hearing impairment ("HI") is a condition where a person experiences a reduced ability to hear sounds.
Hearing Officer	A hearing officer is an individual appointed by the court who acts as a neutral intermediary, conducting evidentiary hearings and making recommendations to a judge in family law cases. Their role is to gather facts, interpret the law, and facilitate the resolution of contested issues, which can help alleviate the workload of judges. A judge then reviews the hearing officer's report and recommendations and, they agree, signs a final order approving the decision. In New Jersey, an Administrative Law Judge is the hearing officer and issues a final decision in the matter.
Intellectual Developmental-Disability (ID/D)	Intellectual and developmental disabilities (IDD) are chronic, typically lifelong conditions appearing before age 22 that are characterized by significant limitations in both intellectual functioning (like reasoning, learning, and problem-solving) and adaptive behavior (practical, social, and conceptual skills for daily living). In New Jersey, ID/D services are structured by age. The NJ Children's System of Care (CSOC) via Perform Care serves individuals up to age 21 and the Division of Developmental Disabilities (DDD) covers adults 21 and older.
Itinerant Services	Itinerant services are specialized services provided by educational professionals who travel to meet the student with disabilities to work with them.
Mainstreaming	Mainstreaming is the practice of placing a student with a disability in general education classrooms for some or all of the school day, with the expectation they can learn in the general education classroom with appropriate supports and accommodations.
Mobility Aids	Mobility aids are assistive devices like wheelchairs, walkers, canes, and crutches that help children with disabilities to move independently, increasing their participation, learning, and independence in educational and daily activities. These aids can also include specialized equipment such as pediatric gait trainers, adaptive strollers, and prosthetics.
Multidisciplinary Team (MDT)	A multidisciplinary team ("MDT") is a group of professionals from different specialties, such as a psychologist, teacher, and social worker, who collaborate to assess and support a student's educational and developmental needs.

Multiple Disabilities	Multiple disabilities is the presence of two or more conditions that as a combination are so severe they cannot be accommodated in a program designed to address only one of the conditions. The mere existence of two conditions is not enough to serve as the classification of multiple disabilities.
Norm-referenced Assessment	Norm-Referenced Assessment are tests provided to students that compare how students perform again other students who have taken the same test.
Perform Care	PerformCare is the Administrative Service Organization ("ASO") for the New Jersey Children's System of Care ("CSOC") that administers services for children with disabilities.
Positive School behavior	Positive school behavior are behavior that help create a supportive and focused learning environment.
Progress Monitoring	Progress monitoring is the process of frequently collecting and analyzing data to track student's progress toward academic goals and evaluate effectiveness of instruction.
Psychoeducational Evaluation	A psychoeducational evaluation is a comprehensive assessment to test a student's cognitive, academic, and social-emotional functioning to identify strengths and weaknesses and determine if accommodations or interventions are needed.
Pull-out Services	Special education services that are provided to students outside of their regular education classroom. Students are "pulled out" to another room to receive these extra services.
Push-in Services	Special education services that are provided to students directly within a general education classroom.
Scaffolding	Scaffolding is an instructional practice in education where an educator gradually removes guidance and support as students learn and become more competent.
Service Delivery Model	A service delivery model in education is the framework, or the specific way, that special education and related services are provided to students to meet their individual needs.
Social Stories	A social story is a short, personalized story with concrete language and visuals that describes a specific social situation, skill, or concept for students with autism, to help them understand expectations and navigate social challenges.
Standardized Testing	Standardized tests are assessments given to all students to measure their academic progress in core subjects like English language arts ("ELA"), math, and science.
Translated document	A document that is translated into the parent's primary language.

Universal Design for Learning (UDL)	The Universal Design for Learning ("UDL") is a set of principles for curriculum development that gives individuals equal opportunities to learn.
Visual Supports	Visual supports are tools like schedules, picture cards, and choice boards that use images, objects, or written words to provide clear, consistent information and help students understand expectations, learn new skills, and manage transitions.

ADVOCACY ORGANIZATIONS

EDUCATION LAW CENTER
60 Park Place, Suite 300
Newark, New Jersey 07102
973-624-1815
973-624-4618 (TTY)
edlawcenter.org [EXTERNAL LINK]

THE ARC OF NEW JERSEY
985 Livingston Avenue
New Brunswick, New Jersey 08902
732-246-2525
732-214-1834 (fax)
arcnj.org[EXTERNAL LINK]

RUTGERS SCHOOL OF LAW
Special Education Clinic
123 Washington Street
Newark, New Jersey 07102
973-353-5576
law.rutgers.edu/information-for/legal-help [EXTERNAL LINK]

SPAN PARENT ADVOCACY NETWORK
35 Halsey Street, 4th Floor
Newark, New Jersey 07102
1-800-634-SPAN (NJ Only) or 973-642-8100
973-642-8080 (fax)
spanadvocacy.org[EXTERNAL LINK]

DISABILITY RIGHTS NEW JERSEY
210 S. Broad Street, 3rd Floor
Trenton, New Jersey 08608
1-800-922-7233 (NJ only) or 609-292-9742
609-777-0187 (fax)
609-633-7106 (TTY)

DISABILITYRIGHTSNJ.ORG[DRNJ LINK]

DISABILITY RIGHTS NEW JERSEY
ADVANCING JUSTICE. ADVOCATING INCLUSION.