

# An Overview of Special Education in New Jersey

An Interactive Workshop for the West Orange Community



# Facilitators



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# Definition

The **Individuals with Disabilities Education Act** (federal law) **2004**— IDEA was amended by the Individuals With Disabilities Education Improvement Act of 2004, now known as IDEIA

**Special Education is specially designed instruction that addresses the unique needs of a student eligible to receive special education services.** Special education is provided at no cost to parents and includes the related services a student needs to access her/his educational program. Students are educated in a way that accommodates their individual differences, disabilities, and special needs. This involves planning, monitoring, teaching procedures, adaptive equipment and materials and accessible settings.

# Types of Special Education

**There are six main types of special education within most public-school settings.**

- **Push-in Services.**

Students with disabilities who require minimal intervention often receive “push-in” services as a first step. A specialist will come into the classroom to work with the teacher.

- **Pull-out Services**

Students who need a bit more focused help from a speech-language therapist, occupational therapist, or a special education teacher may be pulled out of the classroom for work in a one-on-one or group setting in a small classroom or resource center. Students who struggle in reading, writing, or speech are often placed within these types of programs.

- **Inclusive Classrooms**

These classes have a mix of children of varying abilities and co-teachers within the room that allows those who have special needs to get the additional help they require while remaining in a traditional classroom setting. Often, some of the students within the classroom may receive some pull-out services in addition to their assisted learning.

- **Exclusive Education**

Some students benefit from being placed in a smaller classroom of students who have similar educational needs. Though they may remain within a traditional school setting, the lower student to teacher ratio can help them to grasp educational concepts and overcome challenges that would hold them back in other classroom formats (often known as self-contained classes).

- **Specialty Schools**

Those who have severe cognitive challenges and certain physical disabilities may be placed into a specialty school where individual needs can be met by a very low student to staff ratio. These students can receive not only occupational, speech, and cognitive services but also have available other therapies to help improve their quality of life and prepare them for adulthood. These may include art therapy, aquatic therapy, job training, life skills, and other services as offered by the school.

- **Residential Program**

Residential special education programs are best for students who require around the clock care that is beyond the capability that their community can offer. These students often have medical needs beyond what can be managed at home or in even a specialty school. Students in these types of programs will often be transitioned into adult assisted living or residential care facilities as they mature out of the program.

Depending on the level of needs of a specific student, there are many different options to ensure that they have a quality education that expands on their strengths and helps them overcome their challenges.



**Learning Knows No Bounds**

## The IEP Process - Pre-Referral

There are 7 steps involved in the IEP process. The first one which is the **Pre-referral** involves observations of the child in different settings such as the classroom, art room, PE, music, lunch, recess and others.

### **The main objectives of the pre-referral are;**

- ▶ • Document and elaborate the challenges and difficulties exhibited by the child.
  - Evaluate the usefulness of classroom accommodations and changes.
  - Review the power of different instructional interventions.
  - Supervise the development of the student.
- ▶ The pre-referral process helps to determine whether behavioral and educational challenges exhibited by the child can be resolved in a general education classroom. To avoid unnecessary evaluations and placements, the assessments used at this stage are purely intervention-based. Typically completed in the general education class, this step is conducted with the use of observations. Examples include the use of time-outs by having the student go get a drink of water or take something to the office to avoid a misbehavior, use of headphones to decrease distracting noises or typing on the computer instead of writing.

## IEP Process

### Step 2 Referral

If the pre-referral interventions prove unsuccessful, the student is referred for special education services through the use of a referral. Referrals can come from parents, teachers, daycare professionals, public health nurses, doctors or social service agencies. Referral for special education services can happen at any time during a child's life and vary a great deal based on their individual needs. Often, poor academic performance, continued misbehavior or disruption of their learning environment are prerequisites to this stage.

### Step 3 Identification

Once a referral has been made assessments are carried out to determine whether the child has a disability that requires special education services. During this stage of the IEP process, the child's major life activities such as interpersonal relationships with adults and peers, performance in school and at home are used to assess the kind of services required.

- ▶ Multidisciplinary teams become involved to help determine the child's distinctive strengths and needs. This team includes parents and other family members, educational diagnostician, school psychologist, Members of the Child Study Team will decide which tests to administer and conduct interviews.
- ▶ If the final decision is that the child has a disability that requires special education, a baseline of performance is determined

## IEP Process

### Step 4: Eligibility

The information gathered during the assessment stage is used to categorize those who have a disability and are eligible for special education services based on IDEIA. The IEP team creates different elements of the services required to plan and deliver an appropriate education program. Students who do not meet the qualifications for special education services remain in the traditional classroom setting.





## IEP Process - Step 5 -Development of IEP

The IEP will consist of:

### 1. THE ELIGIBILITY SECTION

This is usually on the front page and explains **why your child qualifies for special education.** Make sure you agree with the disability category selected. Provide any additional information the school may need or ask questions if you do not understand the disability category.

### 2. THE PLAAFP SECTION

PLAAFP stands for Present Levels of Academic Achievement and Functional Performance. It is sometimes referred to as “Present Levels.” This may be the most important part of the IEP because it tells you how the school assesses your child’s skills. The PLAAFP will focus on your child’s needs to help direct his or her learning. The rest of the IEP is based on this section, so it’s important that you understand and agree with it.

### 3. THE GOALS SECTION

The goals outlined are what your child will work on during the school year. Make sure you are able to read and understand these goals. They list what your child will be learning and how his/her progress will be measured. Highlight any goals that you don’t understand. If you need more information ask your team, “Can you show me what this looks like at school and at home?”

### 4. THE ACCOMMODATIONS / MODIFICATIONS SECTION

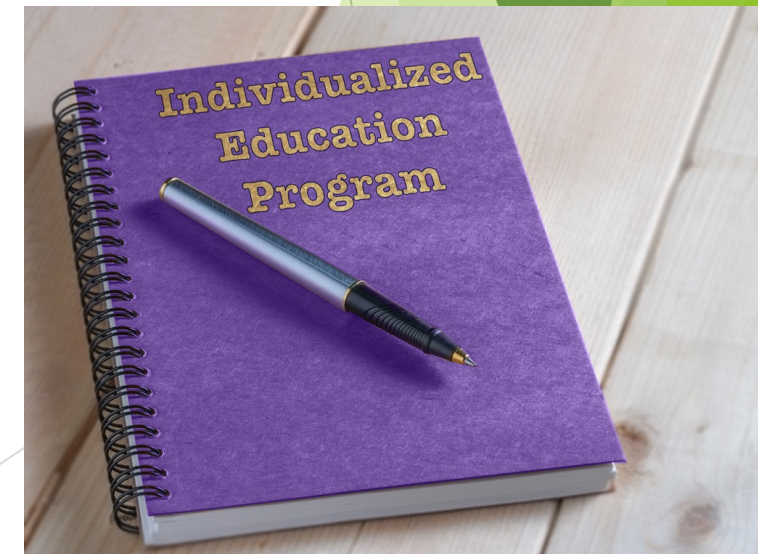
This is where you will find things like preferred seating, movement breaks, communication devices, and any adaptations your child might need for holding a paintbrush or pencil. Make sure you understand any recommended accommodations and modifications listed, and **speak up if you think your child needs others that are not listed.**

## IEP Process

### Step 6: Implementation of the IEP

### Step 7: Evaluation And Reviews

- ▶ Each IEP developed requires accountability and consistent follow up by the child's parents. A review is conducted annually or after every three years depending on the state. The purpose for these reviews is to determine whether the child is meeting their educational goals.
- ▶ If the goals are not being met, revisions are made in the IEP. In the event that the child is meeting and even exceeding their IEP goals, new milestones are determined. In some cases, the child may be moved back into the traditional classroom



## IEP Process - Child Study Team

### Child study team (CST)

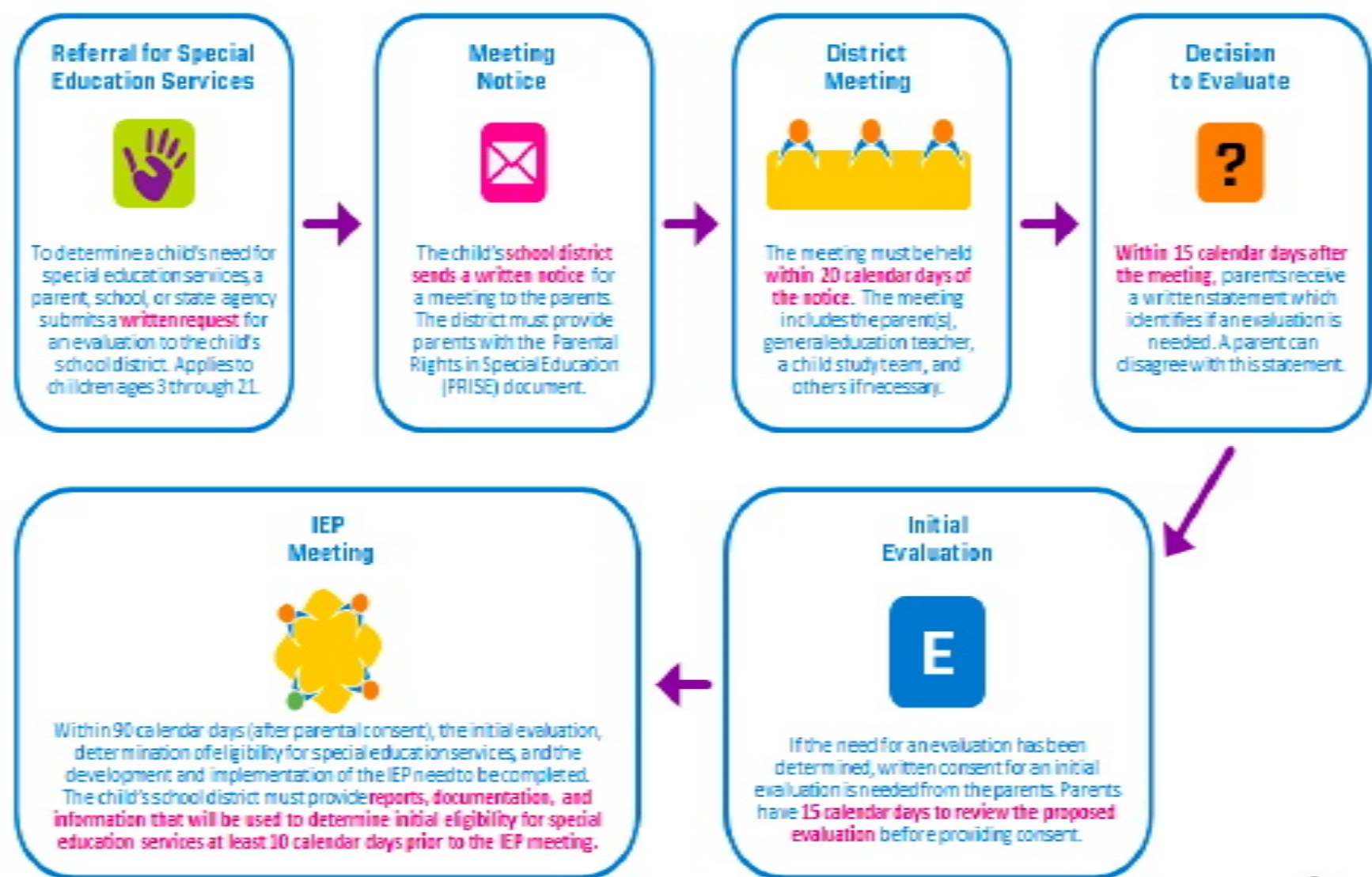
- ▶ School psychologist
- ▶ LDTC (learning disability teacher consultant)
- ▶ Social worker
- ▶ Speech Therapist
- ▶ Occupational Therapist (works on fine motor skills)
- ▶ Physical Therapist (works on gross motor skills)



Usually, the school psychologist, LDTC or social worker will be assigned as the case manager. At the initial meeting everyone that tested will present and explain their results.

The social worker will talk about any interviews conducted. The speech therapist, OT and PT do not always test and may not be present

# Timelines



Within 90 days (after parent's written consent to evaluate) the CST must complete all evaluations and if found eligible to initiate service. Parents/guardians are to receive copies prior to the IEP meeting to review.

An IEP can be revisited at any time when requested by the parent or guardian. These are called amendment meetings.

# Adaptations and Modifications

## Adaptations and Modifications

- ▶ Sometimes people get confused about what it means to have a *modification* and what it means to have an *accommodation*. Usually a **modification** means a *change in what is being taught to or expected from the student*. Making an assignment easier so the student is not doing the same level of work as other students is an example of a modification.
- ▶ An **accommodation** is a *change that helps a student overcome or work around the disability*. Allowing a student who has trouble writing to give his answers orally is an example of an accommodation. This student is still expected to know the same material and answer the same questions as fully as the other students, but he doesn't have to write his answers to show that he knows the information.

## 504 vs IEP

Section 504 of the Rehabilitation Act of 1973 requires public schools to offer accommodations for eligible students with disabilities.

Sometimes there is confusion about 504s and IEPs. 504s are not part of special education and they require a doctor's note. There is not any testing. Major life activities, as defined in the Section 504 regulations include functions such as **caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working**. 504s can also be granted for someone who broke an arm and needs a scribe or another student to help carry books.

- ▶ Section 504 ensures that students with medical or other disabilities have equal access to an education. Qualified students may receive accommodations and modifications planned by persons knowledgeable about the students, the meanings of evaluation data, and placement and accommodation options.
- ▶ To be protected under Section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

# Parental Rights

- Students with disabilities are protected under federal law, the Individuals with Disabilities Education Act (IDEA), as well as state law. These laws require school districts to provide a free, appropriate public education (FAPE) to eligible students. This means that children with disabilities are entitled to special education and related services designed to meet their unique needs. If parents believe that their child may need special education services, they can request that the local school district evaluate the child. Parents then become members of a team that will make decisions about the student's education through the creation of an Individualized Education Program (IEP). Parents' input and role in this process are important since they are involved in determining what action will be taken to address their child's needs. DOE has developed a booklet to assist parents in understanding their role and rights under the law so they can advocate for their child. The publication, Parental Rights in Special Education (PRISE)
- <http://www.state.nj.us/education/specialed/form/> , is available in multiple languages through local schools district or DOE's Web site.

## What to Do When You Disagree With a Special Education Decision

**Mediation** is a meeting involving you, the school and a mediator. A mediator is a neutral third party who will help you and the school reach an agreement about your child's education. If you come to an agreement, it will be put into writing. This agreement is enforceable. You cannot be required to attend mediation or enter into a mediation agreement. Anything you or the other side says during a mediation session is confidential.

**Due process** hearings are conducted by judges. At a due process hearing, you and the school district will have the opportunity to argue your positions regarding your child's education by presenting witnesses and evidence to support your argument. After hearing from both sides, the judge will make a decision in writing. If you do not agree with the judge's decision, you have the right to file an appeal in state or federal court within 90 days of the judge's decision.

To request due process and/or mediation write to the New Jersey Department of Education, Office of Special Education Policy and Dispute Resolution (formerly, Office of Special Education Programs, or OSEP).

- ▶ Director, Office of Special Education Policy and Dispute Resolution  
New Jersey Department of Education  
P.O. Box 500  
Trenton, New Jersey 08625-0500



For information regarding special education services in West Orange contact:

**Ms. Kristin Gogerty**

Director of Special Services  
West Orange Public Schools  
179 Eagle Rock Ave.  
West Orange, NJ 07052

Phone: 973-669-5400 x. 20530

Fax: 973-669-8601

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# Useful References

New Jersey Department of Education



## Parental Rights in Special Education

Revised December 2015

## The Six Pillars of IDEA

- Individualized Education Program (IEP). The roadmap of the student's educational program. ...
- Free Appropriate Public Education (FAPE). ...
- Least Restrictive Environment (LRE). ...
- Appropriate Evaluation. ...
- Parent and Teacher Participation. ...
- Procedural Safeguards.

advocacy blog  
<https://www.wrightslaw.com>

WO SEPAC link. <https://www.wosepac.com/>



NEW JERSEY

## IEP Reference Guide



Timelines, Templates, and Tips  
to Guide the IEP Process



# CHAT Conversations

