

NJSBA SPECIAL EDUCATION SYMPOSIUM

What Every Board Member Needs to Know about Special Education

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New Jersey School Boards Association

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School Funding Reform Act of 2008

Special Education Census

- **State Average Classification Rate, General Special Education Services – 14.92%**
- **Average Excess Costs, General Special Education Services - \$ 17,034**
- **State Average Classification Rate, Speech-Only Students – 1.63%**
- **Average Excess Costs, Speech Only - \$1,159**
- **2/3 Special Education Aid Equalized**



School Funding Reform Act of 2008

Additional State Aid

- **Extraordinary Special Education Aid**
 - **N.J.S.A. 18A:7F-55**
 - **Inclusion, in-district public, \$ 40,000, 95%**
 - **Separate, in-district public, \$ 40,000, 75%**
 - **Separate private providers, \$ 55,000, 75%**



Special Education by the Numbers

- 6.7 million sp ed students in US; spends \$11.9 billion or \$1777 per student. Represents 16% of national average per pupil expenditure. Feds promised to pick up 40% of that average.
- Aprox. 236,000 NJ spec ed students 3-21



What is the IDEA?

- Individuals with Disabilities Education Act--Federal statute that governs the federal funding and the state and local responsibilities to students with disabilities.
- Also describes the procedural and substantive rights of parents and their students under the law.



Purpose of IDEA

- Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.



What is FAPE in the LRE

- Under the IDEA, every special ed student entitled to receive a “Free Appropriate Public Education” in the “Least Restrictive Environment”
- Public education to be at no cost to parents. Students to be educated with non-disabled peers to the maximum extent possible given the disability



What's an IEP

- Individualized Educational Program is a written plan developed annually; with present levels of academic achievement and functional performance, measurable annual goals and short-term objectives; describes an integrated, sequential program of individually designed instruction and related services necessary to achieve the stated goals and objectives. Establishes rationale for the student's educational placement, serve as the basis for implementation to satisfy law.



Standard for IEP

- The IEP must provide a “meaningful benefit” to the student. Educational Program must be appropriately ambitious in light of circumstances, just as advancement from grade to grade is appropriately ambitious for most children in regular classroom. Goals may differ, but every child should have the chance to meet challenging objectives.



What is the IEP Team

- The parent; At least one general education teacher of the student; If no general education teacher, a teacher who is knowledgeable about the district's programs; Not less than one special education teacher of the student; At least one child study team member who can interpret the instructional implications of evaluation results; Case manager; Supervisor who has knowledge of special ed and general ed and is a member of child study team; At the discretion of the parent or school district, other individuals with special knowledge, and; the student where appropriate.



What is Section 504

- Section 504 is a non-discrimination law that includes any disability, long-term illness, or disorder that “substantially” reduces or lessens a student’s ability to access learning in the educational setting because of a learning-, behavior- or health-related condition. If a student has a 504 plan instead of an IEP it means that they did not meet specific definitions under IDEA.



Special Education and Discipline

- When special education students are disciplined that results in a change in placement, a manifestation determination is performed to see if behavior is result of disability; Behavioral Intervention Plan will be put in place.



Special Education and Ethics

- **Advisory Opinion A16-04(July 2004)**
Board Member may be involved in co-facilitation of Special Education Parent Discussion Group as long as member mindful of duty to keep board matters confidential.



Special Education and Ethics

- ***Advisory Opinion A30-04 (October 2004)***—Board Member may pursue Sec. 504 claim against district and may be reimbursed for tuition and/or attorney's fees if the child prevails. However, you must abstain from all board discussions and decisions involving the 504 determination.
Probably NOT VALID GUIDANCE NOW.



Special Education and Ethics

- *Board of Educ. of City of Sea Isle City v. Kennedy, 196 N.J. 1 (2008)*--
When a due process claim includes a request for specific monetary relief, we believe that a line has been crossed and a substantial conflict between a board member and the board can be found to exist. Board Member disqualified under 18A:12-2.



What's a SEPAG?

- A Special Education Parents Advisory Group Each district board of education shall ensure that a special education parent advisory group is in place in the district to provide input to the district on issues concerning students with disabilities. N.J.A.C. 6A:14-1.2(h)



Questions to Ask

- Just like any other group of students in the district, board members should be asking questions about the performance of this group of students:
- How are our students with IEPs doing on state and district assessments - achievement and growth from one year to the next?



Questions to Ask

- What outcomes do our students with IEPs achieve after high school? Higher Education, career education, employment; How are we helping them prepare for the post-secondary transition?
- How does our classification rate compare to the state average, or to other similarly-situated districts?



Questions to Ask

- Do we include special education as part of the district strategic plan or CSA goals?
- Have we had a board presentation from the child study team director or CSA on special ed in our district?
- What is the state of our SEPAG?



Questions to Ask

- Have we created and do we maintain a positive and supportive climate and culture for special education students and their families?



Further Reading

- **Special Education: A Service, Not a Place** (2014) report of the NJSBA Special Education Task Force
- New Jersey Task Force on Improving Special Education for Public School Students (2015)
<http://www.nj.gov/education/specialed/highlights/TaskForceReport.pdf>

