

Public Notice

Education

State Board of Education

Notice of Receipt and Action on Petition for Rulemaking

Special Education

District Eligibility for Assistance Under IDEA Part B

N.J.A.C. 6A:14-1.2

Petitioner: Maria Lorenz.

Take notice that on September 5, 2019, the New Jersey State Board of Education (State Board) received a petition for rulemaking from the above petitioner requesting the State Board of Education amend N.J.A.C. 6A:14-1.2(h) to provide clarity about eligibility to participate in a school district's special education parent advisory group (SEPAG).

The petitioner stated that N.J.A.C. 6A:14-1.2(h), which requires each district board of education to ensure that a SEPAG is in place in the school district to provide the school district with input on issues concerning students with disabilities, is vague, puts many parents at a disadvantage of nonparticipation, and allows district boards of education to create their own policies and control which parents participate in the SEPAG.

The petitioner also stated the rule is not specific as to whether the SEPAG is controlled by parents or the district board of education. The petitioner further stated that district boards of education are free to adopt policies allowing the district board of education to select parents to participate in the SEPAG, limit the parents selected to those whose children have individualized education programs (IEPs), and exclude parents of students with 504 plans. The petitioner stated that excluding parents of students with 504 plans is discriminatory.

The petitioner requested that the rule be amended and include consequences for school districts that do not comply with the rule. The petitioner's request did not include specifics on how the rule is to be amended. The Department of Education (Department) sought clarification from the petitioner on September 9, 2019, as to how the petitioner would like to see the rule amended. The Department has not received a response from the petitioner and has been unable to determine what language the petitioner would like deleted from, or added to, the rule.

Therefore, the petitioner's request is hereby denied.