



New Jersey Department of Education

Special Education Ombudsman Annual Report to the State Board of Education

July 1, 2023 to June 30, 2024

Background

The Special Education Ombudsman was created in 2016 pursuant to N.J.S.A. 18A:46-2.4. The Special Education Ombudsman serves as a neutral resource to provide information and support to parents/caregivers, advocates, educators, and students with disabilities regarding special education rights and services. The statute requires the Special Education Ombudsman to make an annual report to the State Board of Education and the Commissioner of Education that includes a summary of the services the Special Education Ombudsman provided during the year, along with recommendations concerning the state's implementation of special education procedures and services. This document serves that function for State Fiscal Year (SFY) 2024, covering the period from July 1, 2023 through June 30, 2024.

Role and Responsibilities

The duties of the Special Education Ombudsman, as set forth in the statute, include the following:

- Serve as a source of information for parents, students, educators, and interested members of the public to help them better understand State and federal laws and regulations governing special education;
- Provide information and support to parents of students with disabilities in navigating and understanding the process for obtaining special education evaluations and services;
- Provide information and communication strategies to parents and school districts for resolving a disagreement regarding the identification, evaluation, classification, placement, provision of a free, appropriate public education, or disciplinary action, of a student with a disability; and to educate parents on the available options for resolving such disputes, including due process hearings, mediation, and other alternative dispute resolution processes;
- Work neutrally and objectively with all parties to help ensure that a fair process is followed and that the special education system functions equitably and as intended;
- Identify any patterns of complaints that emerge regarding special education rights and services, and to recommend strategies for improvement to the Department of Education;
- Assist the Department of Education in creating public information programs designed to acquaint and educate parents and the public about the ombudsman's duties; and
- Serve as a resource for disability-related information and referrals to other available programs and services for individuals with disabilities, including early intervention and transition to adult life.

Key Terms and Acronyms

Approved Private School for Students with Disabilities (APSSD) – Entity approved by the Department of Education to provide special education and related services to students with disabilities placed by the district board of education responsible for providing their education.

Child Study Team (CST) - A multidisciplinary group of professionals, consisting of a school psychologist, a school social worker, a learning disability teacher-consultant, and often a speech-language specialist, dedicated to identifying and helping students with special needs.

Classification – A determination of whether a child is eligible for special education and related services.

Complaint Investigation - A complaint is an allegation that a local education agency has violated federal or state special education law. A complaint may be initiated on behalf of an individual child or on behalf of a group of children. A complaint may be filed with the New Jersey Department of Education for an independent review of the alleged violation(s).

Due Process Hearing - A due process hearing is a legal process in which the resolution of a disagreement between a parent and the school district is decided by an administrative law judge (ALJ) from the Office of Administrative Law (OAL).

Evaluation - The tests and other assessment procedures, including a review of information, used to decide whether a child is eligible for special education services.

Extended School Year (ESY) - A program which may provide a student with a disability special education and related services when the school is not normally in session, for example, during summer or holiday breaks.

Facilitated IEP meeting (FIEP) - A program offered by the Office of Special Education (OSE) where a state-sponsored, specially trained IEP facilitator assists the parties in the development of an appropriate IEP that is student-centered. This program is designed to minimize state-level procedural protections and interventions that often result from ineffective IEP meetings.

Free, Appropriate Public Education (FAPE) - Special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet state and federal requirements; include preschool, elementary school, or secondary school education; and are provided according to an IEP.

Identification - The decision to evaluate a child to determine whether special education services are needed.

Individuals with Disabilities Education Act (IDEA) – The statute enacted by the United States Congress that ensures that students with disabilities are provided a free, appropriate public education.

Individualized Education Program (IEP) - A written plan that sets forth present levels of academic achievement and functional performance, measurable annual goals and short-term objectives or benchmarks and describes an integrated, sequential program of individually designed instructional activities and related services necessary to achieve the stated goals and objectives. This plan shall

establish the rationale for the student’s educational placement, serve as the basis for program implementation and comply with the mandates set forth in applicable law and regulations.

Least Restrictive Environment (LRE) - To the maximum extent appropriate, children with disabilities are educated with children who are not disabled and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature and severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Local Education Agency (LEA) - A school district; an entity that operates local public primary and secondary schools in the United States.

Mediation – A voluntary meeting conducted by a qualified and impartial mediator, who is trained in effective dispute resolution techniques, and assists parties in reaching an agreement.

New Jersey Department of Education (“NJDOE” or “the Department”) – The State agency that administers State and federal aid programs affecting more than 1.4 million public and non-public elementary and secondary school children in the state of New Jersey.

Office of Special Education – The Office within the NJDOE that administers the special education dispute resolution system, which includes requests for Facilitated IEP meetings, due process hearings, mediation conferences, and complaint investigations. The Office coordinates the scheduling of mediation conferences.

Parent – The natural or adoptive parent, the legal guardian, foster parent when willing to so serve, or surrogate parent who has been appointed according to N.J.A.C. 6A:14.2.2(a) through (i), a person acting in the place of a parent (such as a grandparent or stepparent with whom the student lives or a person legally responsible for the student’s welfare). Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights under this chapter. The term “parent” shall include the adult student.

Parental Rights in Special Education (PRISE) - A document prepared by the OSE that describes the state and federal laws affecting the provision of special education and parental rights in the special education process.

Related Services – Any supportive service a student with a disability needs to benefit from special education. Examples of related services include: counseling; speech-language therapy (SLT); occupational therapy (OT); and physical therapy (PT). Transportation is also a related service. This list is not exhaustive.

Special Education – Defined in accordance with the term's definition set forth in IDEA and its implementing regulations and those governing special education in New Jersey, set forth at N.J.A.C. 6A:14.

Special Education Ombudsman – A neutral resource to provide information and support to parents/caregivers, advocates, educators, and students with disabilities regarding special education rights and services.

Student – A person aged three through 21 who is entitled to receive educational programs and services in accordance with state and federal laws or regulations.

Student with a Disability: A student determined to be eligible for special education and related services according to N.J.A.C. 6A:14–3.5 or 3.6.

Transition - Transition refers to the process of a student moving from school into the adult world. New Jersey regulations require that transition planning begins to be addressed in the IEP that will be in a place for the school year in which a child reaches 14 years of age, or younger if determined appropriate by the IEP team.

Summary of Services

During SFY 2024, the Special Education Ombudsman responded to over 900 inquiries. Throughout the school year, emails and telephone calls were received from parents, guardians, caregivers, advocates, attorneys, educators, students with disabilities, individuals who work in the field of special education, and members of the public. The table below compares the number of inquiries over the past four years.

Figure 1

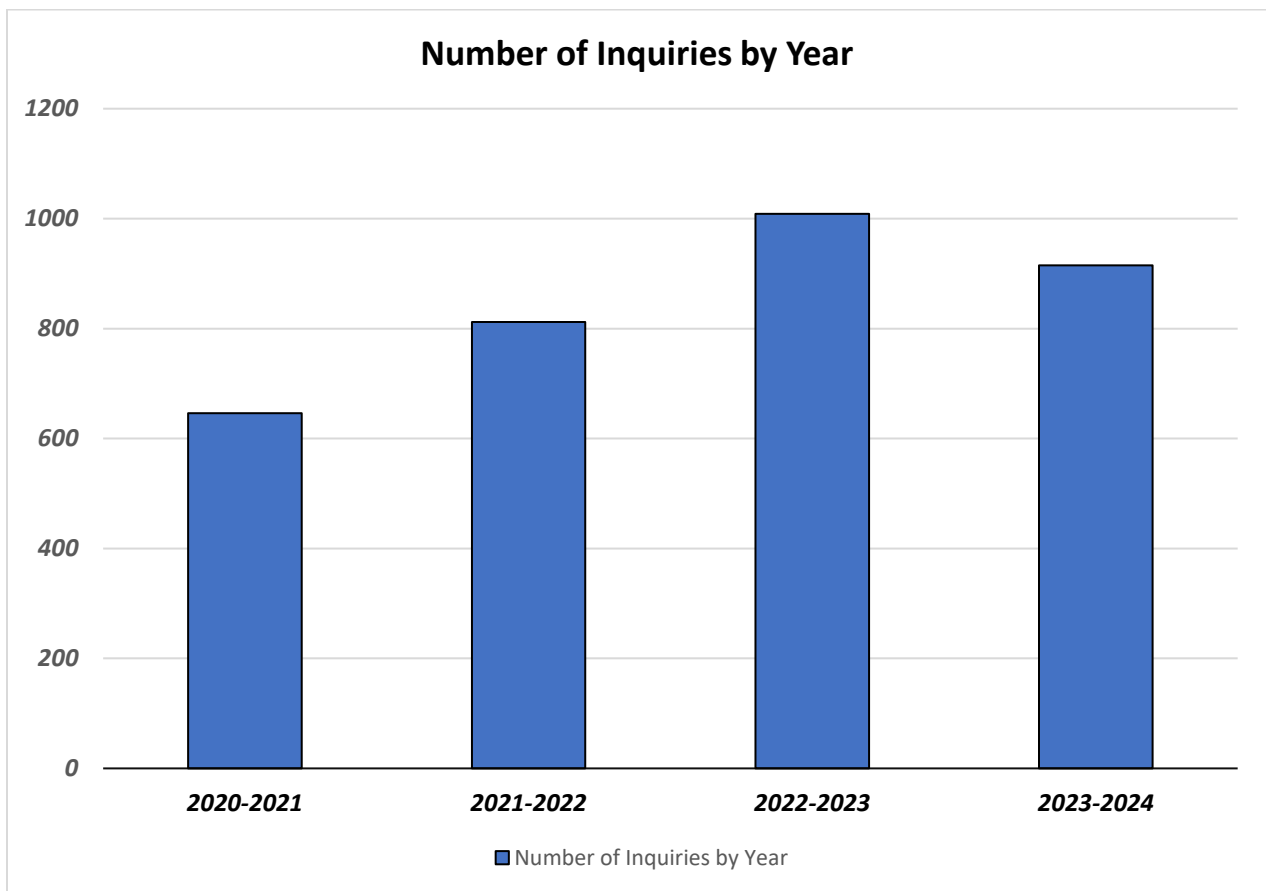


Figure 2 below illustrates the number of inquiries received from each representative group between July 1, 2023, and June 30, 2024. The graph shows that the majority of inquiries continued to come from

parents or guardians of students with disabilities, with the remaining categories maintaining similar percentages compared to the previous year. The "Other/Not Specified" category includes a variety of individuals, such as those who preferred to remain anonymous, or who initially contacted the Ombudsman via phone or email but did not respond to follow-up messages. This category also encompasses friends or relatives, private and non-profit organizations, out-of-state agencies, in-state agencies, social service agencies, and members of the public.

Figure 2

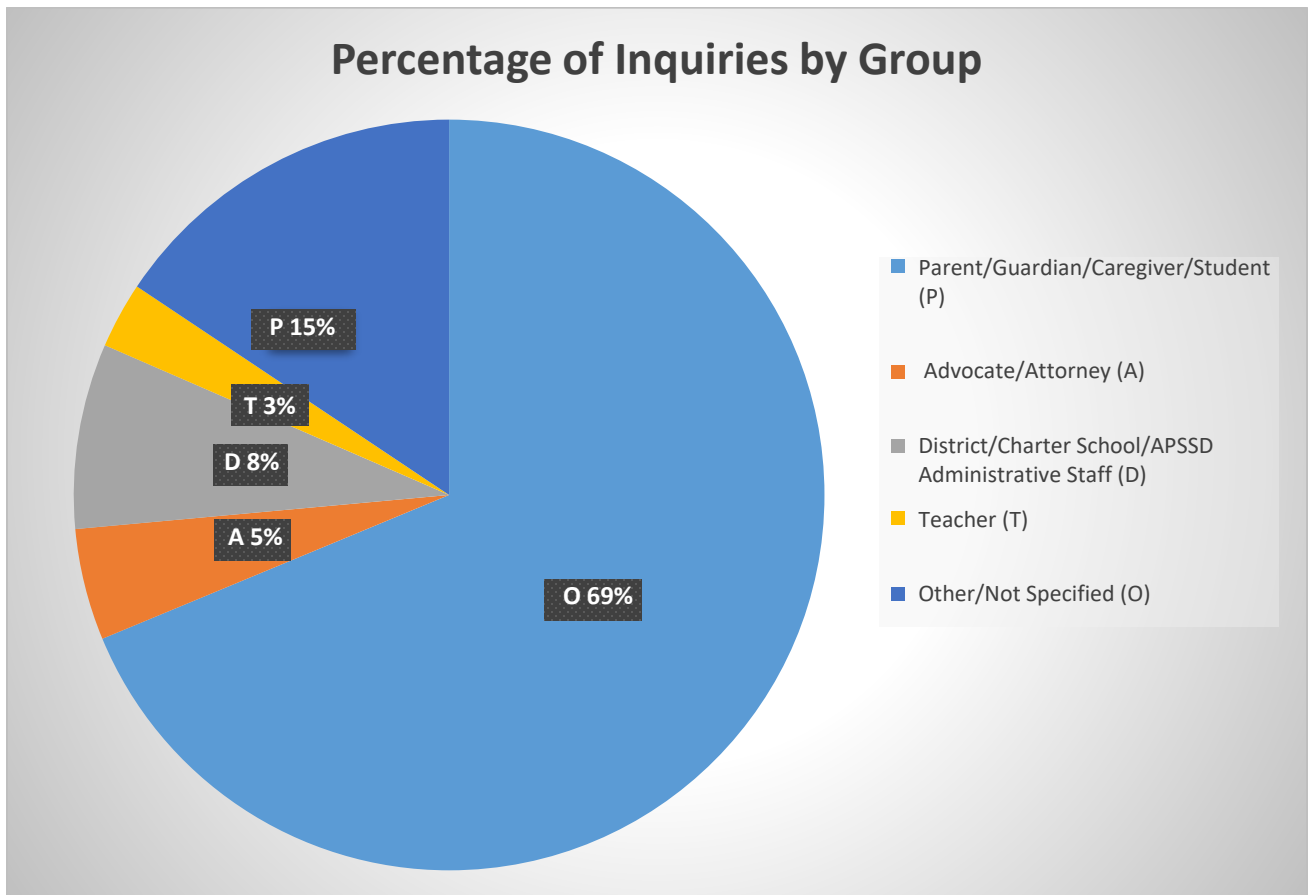
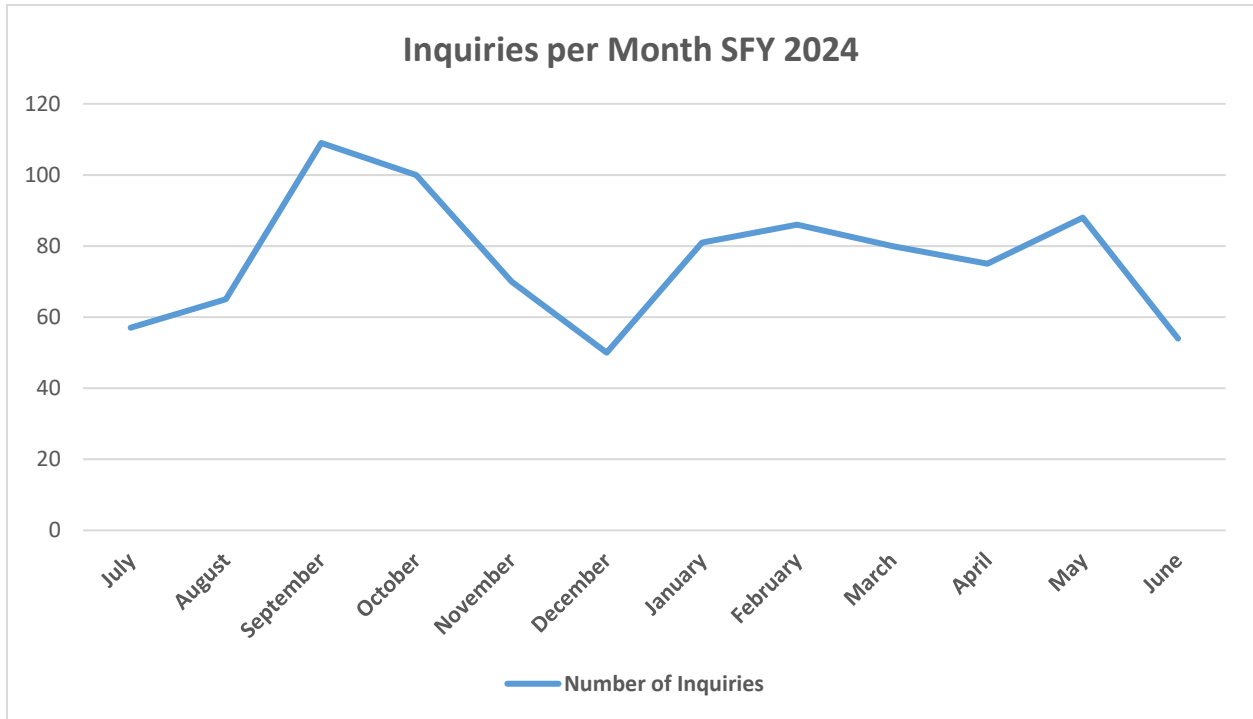


Figure 3 below shows the monthly distribution of inquiries received by the Special Education Ombudsman. In September and October, there was an increase in calls, coinciding with the start of the school year when students encounter new classrooms, teachers, schools, or placements. Throughout SFY 2024, the number of inquiries varied each month. From January through March, there was a higher and more consistent volume of inquiries, with another peak in May. This pattern is consistent with previous years, with many IEP meetings taking place in the Spring to review programming and placement for the upcoming school year, as well as extended school year services.

Figure 3



Most monthly inquiries focused on the following topics:

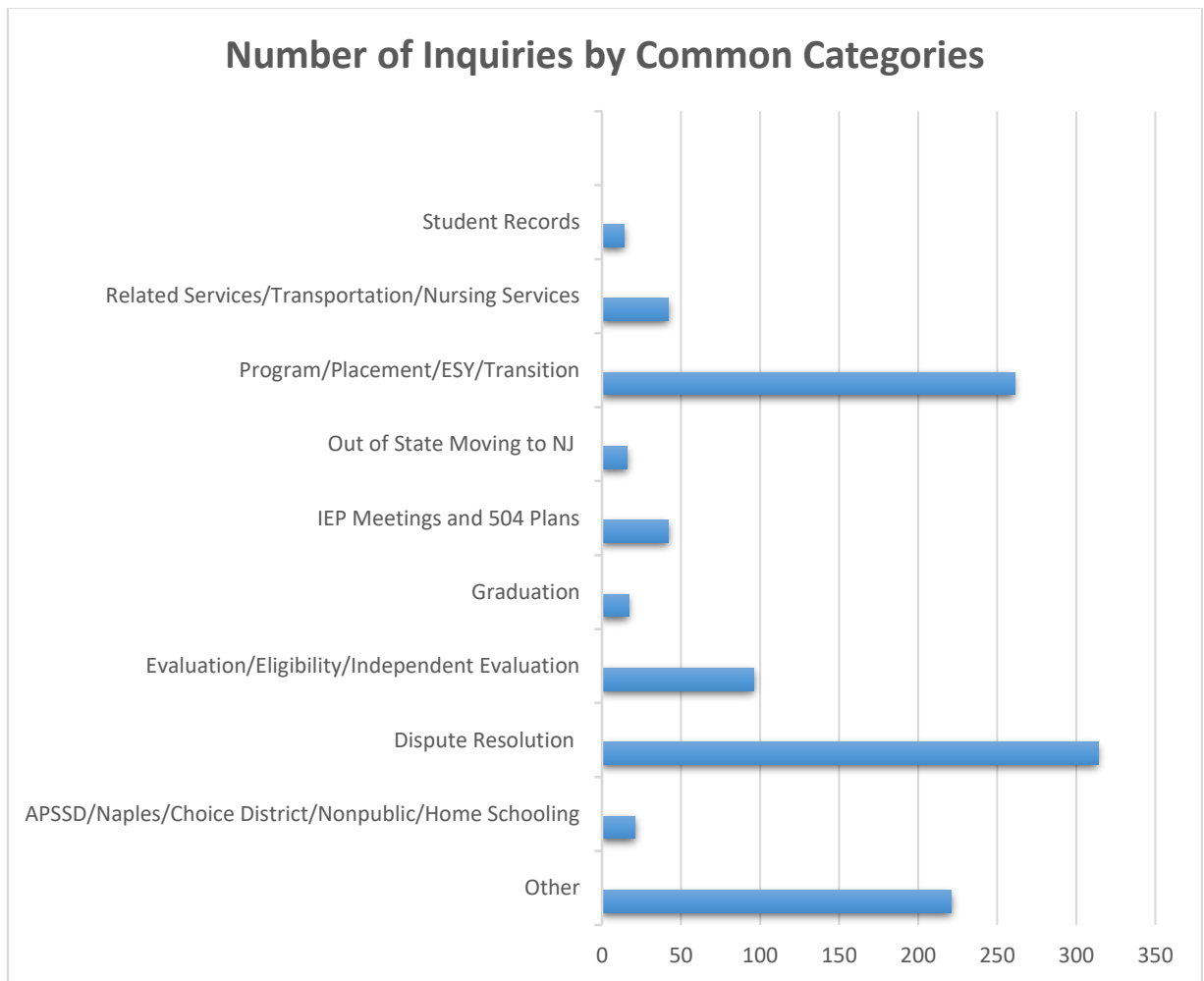
- The process for initiating an evaluation to determine a student's eligibility for special education services;
- The development and implementation of Individualized Education Programs (IEPs) for students;
- Program and placement options for students;
- The delivery of related services, including speech-language therapy, occupational and physical therapies, and transportation services;
- Understanding the special education dispute resolution process and the options available to parents or guardians;
- Understanding the complaint investigation process and procedures; and,
- Guidance for families relocating to New Jersey with a student with a disability.

Student transportation remained a prominent topic of discussion and gained increased attention due to the establishment of the Office of School Bus Safety within the New Jersey Department of Education. Inquiries and concerns about transportation services and requirements were often forwarded to this office when appropriate. Additionally, concerns about the staffing of teachers and paraprofessionals/classroom aides continued to be voiced by families and guardians statewide. There were frequent requests for information on staffing and certification requirements for both special education and general education classrooms. Schools and families were encouraged to collaborate on

solutions as districts and schools worked to recruit and fill positions throughout the year. Despite these efforts, staffing challenges persisted in many districts and schools across the state.

The table below depicts the most common issues raised and the approximate number of inquiries related to each issue. It should be noted that some inquiries involve multiple issues related to special education; therefore, one inquiry may be categorized into multiple categories.

Figure 4



During SFY 2024, the most frequent inquiries were related to dispute resolution options, including mediation, due process, and special education complaint investigations. This is expected, given that New Jersey receives approximately 1,500 requests for mediation or due process annually and ranks among the top five states nationally for the number of cases filed. Dispute resolution topics, along with issues related to student program and placement, accounted for over half of the total inquiries. Inquiries in the dispute resolution category often sought clarification on the rights of parents or guardians of students with disabilities and the process for filing a formal special education complaint if a school fails to adhere to an IEP or comply with special education laws and regulations. These discussions frequently focused on resolving issues by communicating with the appropriate district staff before pursuing formal actions,

while also ensuring that parents or guardians were fully informed about their rights and the procedures for filing a formal complaint.

The Special Education Ombudsman also receives numerous inquiries that are unrelated to special education. For instance, questions often arise about teacher certification requirements, general education services, personnel and building operations, as well as navigating the NJDOE website or contacting specific offices within the Department of Education or other state agencies on unrelated matters. Regardless of the inquiry's nature, the Ombudsman remains dedicated to connecting each caller with the appropriate office or state agency.

Resolution

The assistance provided by the Special Education Ombudsman varies based on the nature of each inquiry. Since calls and emails are often time-sensitive, they must be addressed promptly and effectively. Actively listening to parents and others to fully understand their concerns is a crucial aspect of the Ombudsman's role. Resolving questions and concerns related to individual students or specific situations may require time and additional research. Conversations frequently involve guiding parents and guardians on navigating specific issues or concerns regarding their child, and understanding the chain of command within a school when issues have not been resolved. It is equally important to ensure that parents and others are aware of their legal rights and how to exercise them when necessary.

Assistance provided by the Special Education Ombudsman included:

- Providing the individual with resources to assist with their inquiry, including:
 - The [Parental Rights in Special Education \(PRISE\)](#), a document prepared by the OSE that describes the state and federal laws affecting the provision of special education and parental rights in the special education process;
 - State and/or federal special education laws and regulations
[New Jersey Special Education Regulations;](#)
[Individuals with Disabilities Education Act;](#)
 - [New Jersey Department of Education](#) website. Specifically, the [Special Education](#) website, which includes information specific to: Transition Services, Autism, Dyslexia, Positive Behavior Supports and Special Education Opportunities for Action, Learning and Collaboration. The website also includes forms and resources to be used when requesting a Facilitated IEP meeting, filing for special education mediation, due process, or complaint investigation;
 - [New Jersey Department of Education Broadcast memos;](#)
 - Other relevant guidance and information posted on the Department of Education's website along with links to other specific offices within the Department; and
- Contacting the local education agency to discuss the concerns raised and help the parties facilitate a resolution, including providing communication strategies to parents and districts to help resolve disagreements;

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- Assisting with finding current district staff or district/school website links to help address specific questions/issues they may have with the district or school;
 - Assisting parents/guardians who are new to New Jersey to access and navigate the school registration process to ensure a smooth transition of services for a student with a disability who moves to a New Jersey school;
 - Assisting parents/guardians who have a child transitioning from Early Intervention to school district level programs for students with disabilities to ensure a smooth transition for when the child turns three;
 - Providing information about the Facilitated IEP [program](#) (FIEP), a program offered by the NJDOE where a state-sponsored, specially trained IEP facilitator assists the parties in the development of an appropriate IEP that is student centered. This program is designed to minimize state-level procedural protections and interventions that often result from ineffective IEP meetings;
 - Where there is a dispute between the student’s parents and the local education agency concerning the education of a student with a disability, referring the parent to the formal dispute resolution procedures offered by the NJDOE, which include:
 - Requests for [Complaint Investigation](#)
 - Requests for [Mediation](#)
 - Requests for [Due Process Hearings](#)
 - Parents may also be referred to an agency that can help provide advocacy or be provided with resources for [Free and Low Cost Legal Representation](#);
 - Connecting callers with specialists from the Office of Special Education or other New Jersey Department of Education offices such as:
 - The [County Offices of Education](#)
 - The [Office of Controversies and Disputes](#)
 - The [Office of Student Transportation](#)
 - The [Office of School Bus Safety](#)
 - The [Office of Standards](#)
 - The [Office of Assessments](#)
 - Referring the individual to other federal and state agencies and resources, including:

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- [Office for Civil Rights](#)
 - [New Jersey Division on Civil Rights](#)
 - [Division of Development Disabilities \(DDD\)](#)
 - [Ombudsman for Individuals with Intellectual or Developmental Disabilities and Their Families](#)
 - [Early Intervention](#)
 - [Division of Vocational Rehabilitation Services \(DVRS\)](#)
 - [Commission for the Blind and Visually Impaired](#)
 - [Division of Deaf and Hard of Hearing](#)
 - [New Jersey Office of Institutional Abuse Investigation Unit](#)
 - [Catastrophic Illness in Children Relief Fund](#)
 - [NJ Children's System of Care](#)
 - [Statewide Parent Advocacy Network](#)
 - [Disability Rights of New Jersey](#)
 - [Approved Clinics and Agencies](#)
 - Providing information on NJDOE programs such as [New Jersey Tiered Systems of Support \(NJTSS\)](#), the [Learning Resource Centers](#), and the Office of Special Education [E-Learning Opportunities](#).

Recommendations

The NJDOE can enhance existing high-quality resources and expand support for families of students with disabilities by:

- **Expanding accessibility:** Continuously disseminating information about the Special Education Ombudsman's Office through public media, direct correspondence, and translated materials.
- **Fostering collaboration:** Strengthening partnerships between the Ombudsman's Office, the Office of Special Education, and other state agencies to provide comprehensive support.

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- **Enhancing family support:** Developing additional resources, such as translated webinars on IEP facilitation, mediation, and due process, to empower families and address common concerns.
 - **Promoting effective practices:** Actively participating in relevant statewide and countywide initiatives to share expertise and support for students with disabilities.
 - **Prioritizing the Facilitated IEP program:** Continuing to promote this proactive approach to resolving IEP disputes and improving communication between families and districts.
 - **Building on successful partnerships:** Expanding collaborations for professional development initiatives like the Summer Learning Institute to share best practices and support educators.

Conclusion

The Special Education Ombudsman serves a crucial role in offering information and support to parents, students, and educators on special education rights and services. The steady number of inquiries over the years highlights the Ombudsman's ongoing value as a key resource for parents, students, advocates, attorneys, educators, and the public. Special education issues are often time-sensitive, and every effort is made to address the immediate needs of families who require timely assistance.

However, it is important to understand that New Jersey is home to over 650 individual school districts and charter schools, each with its own special education staff, including child study teams, individualized education program (IEP) teams, and related service providers. In total, over 225,000 students in New Jersey's public schools have IEPs, and more than 12,000 students in private schools have Service Plans. The inquiries received by the Ombudsman are almost always unique and specific to individual students and family situations, making it difficult to identify widespread patterns of noncompliance.

As the recent data in this report shows, certain topics consistently arise, including programs and services for students with disabilities, dispute resolution options and procedures, special education evaluations, and related services such as transportation for students with disabilities. Each interaction with parents, guardians, and others underscores the importance of communication in fostering positive relationships between families and schools, ensuring the focus remains on the student.