



State of New Jersey
DEPARTMENT OF EDUCATION
STATE SPECIAL EDUCATION ADVISORY COUNCIL
P.O. BOX 500
TRENTON, NEW JERSEY 08625-0500

RICHARD J. CODY
ACTING GOVERNOR

WILLIAM L. LIBRERA
COMMISSIONER

August 8, 2005

Mrs. Barbara Gantwerk
Director
Office of Special Education Programs
P.O. Box 500
Trenton, NJ 08625-0500

Dear Mrs. Gantwerk:

The recent adoption of IDEA 2004 by the federal government provides an opportunity to make substantial changes to the New Jersey State Special Education Code with the express purpose of providing quality special education to students with disabilities in our state. We believe it is important to consider some changes to our code that will potentially improve how we deliver special education services. Currently, the process is exhaustingly burdensome for all and often places both districts and parents in a quagmire that focuses attention on the process rather than the delivery of appropriate educational programs to our students.

With the above understanding, the State Special Education Advisory Council has collectively discussed several of the federal regulations and requests the following considerations:

- With regard to participants in IEP meetings, we agree that team members can be exempt from attending a meeting as long as the parent agrees AND provides informed written consent. We ask that the Department consider guidance or regulations that would address the need for training of staff and parents to ensure that sufficient time is provided by districts for informed consent and that parents understand that they may object to having a team member(s) not attend the meeting.
- We strongly agree with exceeding the requirements for transition in the federal code. We strongly support continuing the requirement that transition services begin at age 14 for all students with disabilities.

- The Council believes that the paperwork requirement for special education is burdensome and often does not appropriately address the students' needs or desired outcomes. Often team members and teachers get so "bogged down" with a plethora of short-term objectives that they lose sight of the long-term outcomes and growth of the student. We would support the requirement of annual goals, without benchmarks and short-term objectives, except for students requiring Alternative Proficiency Assessments. The annual goals MUST be clear, measurable and directly linked to the Core Content Curriculum Standards with observable outcomes.
- We do NOT agree with the three-year IEP option and strongly suggest NOT applying for any pilot program in this area.
- With regard to amending an IEP without a meeting, we agree and support this option as long as there is an agreement between the parties and notice is provided. We suggest that written documentation be required in order to maintain a clear understanding of subsequent changes to any IEP.
- The concept of "response to intervention" for learning disabilities is an area of concern for the Council. The fact that there are no standards and/or a general parameter (model) for districts to use, leaves the concept as adopted by the federal government open to interpretation by multiple districts, resulting in a potential inequity of service. We recommend that the Department clearly define in code the specific standards or evaluation model if there is to be any consideration for this option. Parameters and use need to be consistent for all districts.
- With regard to program options, the Council recommends the development of consultative models for service delivery. In addition, it would like to see greater flexibility offered in choosing program options to permit the combination of supports and/or programs (i.e., support and replacement programs can crossover within stated guidelines).
- Preschool program options need to be further developed to include guidelines for inclusive programming, including participation in community non-disabled programs.
- We ask the Department to revisit the number of students in self-contained programs versus the number in less restrictive program options. The number ratios for serving students in district may sometimes lead districts to more restrictive options.
- We ask that the Department consider the case management responsibilities with regard to the number of students that one case manager may service. More options should be considered in this area.
- The use of an aide in programs for students should be a related service rather than a supplemental service. Protocol for one-to-one aides should be defined. The terminology for use of aides should be uniform, focusing on the level of service required (i.e. personal care assistant or paraprofessional).

- In the area of discipline and behavior, the Council requests the state consider a clear definition of what violates the "code of conduct" for a student with a disability because each district develops its own "code of conduct" for students.
- The Council would like to have the regulations address unique circumstances for students requiring accommodations and changes to and/or exemption from the district's code of conduct. We suggest an additional step in the manifestation of disability language that would require a review to determine if a Behavior Intervention Plan (BIP) was developed and implemented. We are concerned with the language that permits removal of a student with disabilities for disciplinary actions and would like this to be clearly defined for students with disabilities, reducing individual district interpretation.
- Finally, the Council recommends no change in the due process section.

Should you have any questions, please contact me.

Educationally yours,

Dr. Sharon L. Maricle
Acting Chairperson, Rules and Regulation Committee