

What is PRISE?

Parental Rights In Special Education

Children with disabilities are ensured a **free, appropriate public education (FAPE)** in the **least restrictive environment (LRE)** under New Jersey State Law and federal law (IDEA).

An important part of these laws provides parents the **right to participate in their child's education**

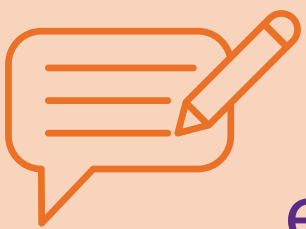
PRISE describes the laws regarding special education in New Jersey and how parents can participate in this process

DECISION MAKING/ PARTICIPATION IN MEETING

You are considered a **member of the Child Study Team (CST)**, a **multidisciplinary team** of qualified persons that make decisions about your child's education



The school district **must notify parents of an upcoming meeting in writing**, early enough to ensure that you will have an opportunity to attend



When sent a written notice for a meeting, it means the **school requires parental informed consent** before they can continue

Parents have the right to participate in meetings regarding:

Identification

Evaluation

Classification

Development of child's individualized education plan (IEP)

Educational placement of child

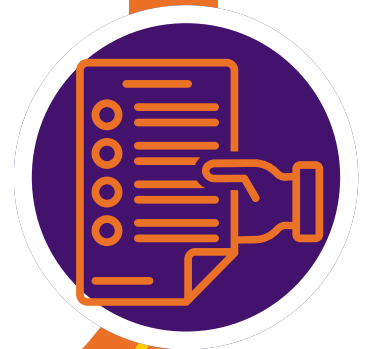
Reevaluation of child



STEPS TO SPECIAL EDUCATION

1 IDENTIFICATION

"How can I request
Special Education services
for my child?"



2 EVALUATION

"What are my child's strengths and
what do they need help with?"



3 CLASSIFICATION

"Is my child eligible for
Special Education
services?"

4 DEVELOPMENT

"What will my child's
IEP be?"



5 PLACEMENT

"What will my child's
education environment
look like?"

1. Identification: Write a Referral

Write a **written request** to refer your child for an evaluation for services



Can be written by **parents, school personnel**, or any agency **concerned with the welfare of students**

Address referral to **school principal, director of special education, child study team supervisor, case manager**, or other appropriate school official



Schools must hold a meeting within **20 calendar days** (not including school holidays) of receiving referral

This meeting decides **whether the school will accept** the referral and conduct an evaluation

Reminder!
Parents have the right to be communicated in their native language, both in writing and an interpreter at the meeting

2. Evaluation

Determining What's Needed

Parents have the right to participate in meetings that decide the assessments used in the evaluation and discuss the results of the evaluation

When will evaluations need to be completed?

The school district has **90 calendar days** from date of parental consent to complete evaluation

Who conducts evaluations?

At least **two child study members** must participate in the evaluation; Including but not limited to speech language specialists, occupational therapists, physical therapists and

What is in an evaluation?

Relevant data, including observations and/or formal assessments from parents, educators, medical professionals, and other related service providers

A **minimum of two assessments** based on relevant data

Common Assessments (**Not exhaustive list**): Behavior Assessments, learning assessments, psychological assessments, medical assessments

What will evaluations cost?

No cost!
The school district will pay at public expense for evaluations and one independent evaluation

If parents don't agree with evaluation results, they can request **one independent evaluation** that consists of any assessment the parents wants done or re-done

Reminder!
Parents have the right to be communicated in their native language, both in writing and an interpreter at the meeting

3. CLASSIFICATION:

DETERMINING ELIGIBILITY

Parents have the right to participate in meetings that determine **whether their child is eligible for special education** and related services, and they have the right to **agree or disagree** with this determination

To be eligible for special education and related services:

- A student must have a disability according to one of the eligibility categories
- The disability must adversely affect the student's educational performance
- The student must be in need of special education and related services.

At least 10 days prior to this meeting, the school district must provide a copy of the evaluation report(s) and documentation to be used to make a determination of eligibility to the parent

Reminder!

Parents have the right to be communicated in their native language, both in writing and an interpreter at the meeting

4. DEVELOPMENT: INDIVIDUALIZED EDUCATION PLAN (IEP).

Who is required at IEP meetings

- Student, if appropriate or if over age 14
- Parents
- No less than one general education teacher if the student is or will be participating in regular education
- No less than one special education teacher (or special education provider where appropriate)
- At least one child study team member
- Case manager
- School district representative
- Others at the discretion of the parent or school district
- Interpreter, if needed
 - Any of these individuals can be excused from IEP meetings with parental consent

Parents have the right to:

- Have copies of your child's IEP
- Bring others with you to the meetings
- Tape record IEP meetings if you inform the other persons orally or in writing, prior to the meeting starting that you intend to record the meeting
- Have the IEP implemented within 90 days of the school's receipt of your consent for the first evaluation
- Have the IEP implemented as soon as possible following an IEP meeting
- Have the IEP reviewed at least annually
- Have extended school year services considered by the IEP team.

When the IEP is first presented, parents have 15 days to consent to it

- During that time, parents request any changes they feel are needed to the IEP
- If parents do not consent by the 15 day mark, the child will not receive any services that school year

Reminder!

Parents have the right to communication in their native language, both in writing and with an interpreter at the IEP meetings

What's Discussed in an IEP meeting?

**Discuss and identify
present levels of
academic
achievement &
functional
performance**

**Determine
education
al goals
and
objectives**

**Identify specific
tasks the
student has
difficulty with or
can't perform**

**Consider if any
accommodatio
ns and/or
modifications
are necessary**

**Include but not limited
to: Preferred seating
Adapted materials,
Alternative assignments
Educational setting**

**Consider if
any assistive
technology.
(AT) devices
and/or
services are
necessary**

**Document
AT
device(s)
and
services in
the IEP**

Types of Related Services

***Not an Exhaustive
List***

Daily Life

**Interpreter
and
Translation
Services**

- Mobility
Services**
- Transportation to school
 - Transportation in school setting

**Transitional
Services
that help
students
transition to
adult life**

Therapy

Speech Therapy

Physical Therapy

**Occupational
Therapy**

**Behavior
Supports**
Applied Behavior Analysis
(ABA)

Positive Behavioral
Interventions and Supports
(PBIS)

Health Care

**Counseling
services for
child and/or
parent**

**School health
services**

- Medication
- Feeding services

Transition to Adult Life

New Jersey regulations require that transition planning begins to be addressed in IEP when child is 14 years old (could be younger if deemed appropriate)

Is included in IEP until child graduates or exits from high school



After age 14 the child must be invited to IEP meetings and is considered a part of the IEP team



TRANSITION PLANNING FOR CHILDREN TURNING 14 OR OLDER

- A statement of the child's strengths, interests and preferences
- Identification of a course of study (course titles for the duration of the IEP and beyond)
- Identification of strategies and/or activities that are intended to assist the child in developing or attaining postsecondary goals
- A description of the need for consultation (information and/or advise) from other agencies (such as the Division of Vocational Rehabilitation Services, Children's System of Care, Division of Developmental Disabilities, etc.)
- A statement of any needed interagency linkages and responsibilities

TRANSITION PLANNING FOR CHILDREN TURNING 16 OR OLDER

- The child's postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, if appropriate, independent living.
- The transition services needed to assist the child in reaching those postsecondary goals (a coordinated set of activities/strategies that includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation).

When a child reaches age 18, all rights under special education law will transfer to the child unless a court has appointed a legal guardian for the child



PLACEMENT: WHERE A CHILD LEARNS

Based on evaluation and IEP, your child will be placed in a least restrictive environment (LRE) determined by CST

THINGS TO CONSIDER

"Who will be my child's classmates?"

"What are my child's teachers certifications?"

"How big will the classes be?"

"Will it be one-on-one and/or group learning?"

Parents must give consent before placement is finalized

POSSIBLE PLACEMENTS



General Education Classroom



Self-Contained Classroom



Resource room

Out of District Placement

I.E. School in another district, private school, or special education residential program



Home

Re-Evaluation: How to Make Changes

A child must be re-evaluated every 3 years unless:

- Parents consent to waive the 3 year evaluation (Next evaluation will happen within 3 years from the date parents provide on the written consent to waive form)
- Parents or child's teacher request a re-evaluation before 3 year mark (School may deny this request if it's made within a year of last evaluation the parents did not waive)

A child **must be re-evaluated** before school decides they no longer have a disability or are no longer eligible for special education and related services

The IEP team must meet to **review the current data** and decide **whether additional testing is required** to determine your child's eligibility for special education and related services should be continued.

The IEP team **may decide that no additional information is needed** to determine a child's continuing eligibility for special education.

As a member of the team, parents may disagree with the decision and they may **request that the school district conduct an assessment** of your child.

Parents have **15 days**, starting from the re-evaluation meeting, to consent to the IEP

If parents do not consent by the 15 day mark, the proposed IEP will be implemented

Reminder!

Parents have the right to be communicated in their native language, both in writing and an interpreter at the meeting

Special Education

Timeline

0 days – School Receives Referral

● Identification meeting occurs **within 20 days** of parents submitting referral

20 days

● Evaluation occurs **within 90 days** of school accepting referral

● Parents must receive **evaluation results** at **least 10 days** prior to eligibility meeting

● Eligibility meeting occurs **within 90 days** of school accepting referral

90 days

● If child is classified, the school has **30 days to implement an IEP**

● Parents have **15 days** to **sign off on child's IEP**

● – If parents **do not sign** off by 15 day mark, their child **will not receive any services**

120 days

● Children are entitled to re-evaluation within **3 years** of the date of the child's initial evaluation. If parents **waive re-evaluation**, next re-evaluation will happen **within 3 years of the date of waiver**

● – If requested by parents or child's teacher, re-evaluation can occur **before 3 year mark if school approves**

● Parents have **15 days** to sign off on any changes to IEP

● – If parents **do not sign off** by 15 day mark, the **IEP as is will be implemented**

3 years

Confidentiality: Who has access to my child's educational records?

Parents have the right to **access their child's educational records** unless their parental rights are terminated through state law

Other people who have access

- Certified school district personnel involved in child's education
- Certified educational personnel employed by agencies approved by Department of Education, or approved agencies investigating child welfare

Parents have the right to see **who** else has accessed these records, **when** they accessed them, and **why**

If people or agencies outside of those legally authorized to see these records request them, the school district **must obtain parental consent before releasing them**

Reminder!
Parents have the right to be communicated in their native language and receive requested documents translated in their preferred language

PARENTAL RIGHTS IN EDUCATIONAL RECORDS

Parents have the right to...

Ask to see a list of all the types of records kept regarding your child and where the records are kept

Look at any of your child's educational records which are kept or used by the school district:

- Without unnecessary delay
- Before any IEP meeting or hearing
- Within 10 days after asking to see the records. (If possible, this request should be in writing.)

Ask for an explanation and interpretation of the records

Obtain copies of the records. A school may charge a reasonable fee for copying if that fee does not prevent you from reviewing the records. The school may not charge a fee to search for or retrieve the records

Be notified before information in your child's record is destroyed

Give consent or refuse to give consent to share your child's records with any one who does not have an educational or legal purpose in seeing them

Ask the school district to change your child's educational records if you believe the records:

- Are irrelevant
- Are inaccurate
- Do not protect privacy or other rights of your child
- Are otherwise improper.
- The school district may decide to make the change and inform you of the change in writing; otherwise, the school district must meet with you within 10 days to determine whether the change will be made.

Resolution Process

Parents, the school district, and all members of the child's CST and IEP team want the best available education and services that benefits the child the most

Parents have **the right to agree or disagree** with decisions or conclusions made by the school district regarding their child's education and have **the right to give or not give consent**

Disagreements will occur and there are many ways to resolve them

Levels of Resolving Disagreements

1. Talking directly to school personnel, CST, or IEP team
2. Voluntary Mediation
3. Due Process Hearings

1. Resolving Disputes From Within

Parents and school district are **part of the same team**

- Parents should **communicate** their priorities and concerns to the school
- Parents should **listen** to the priorities and concerns of the school



Most disputes can
be resolved during
CST and IEP
meetings

How to reach a compromise

Here are some suggestions
that parents can say to help

"WHAT WILL IT TAKE FOR
US TO REACH AN
AGREEMENT ON THIS
ISSUE?"

"I JUST DON'T SEE THIS
AS BEING APPROPRIATE
FOR _____. THERE HAVE
TO BE OTHER OPTIONS
WE HAVEN'T LOOKED AT?"

"I UNDERSTAND THAT YOU
CAN'T SAY YES TO THIS
REQUEST. CAN YOU TELL ME
WHO DOES HAVE THE
AUTHORITY? HOW DO WE GET
THAT PERSON HERE?"

"WHY DON'T WE
TRY THIS FOR SIX
WEEKS AND SEE
HOW IT WORKS?"

2. Voluntary Mediation

Either **parents or the school district** may ask for mediation if there is a disagreement with a written request to the Office of Special Education Policy and Dispute Resolution (SPDR).

A request for mediation must:

- State the issue (problem)
- Specify the relief (solution) sought
- Show that a copy of the request was sent to the school district.

A meeting is held between **parents**, the **school district**, and an impartial third person known as the **mediator**



Provided at **no cost** to parents or the school district

The meeting will be scheduled **within 15 days** of SPDR receiving a written request

Outcomes of mediation meeting include:

Agreement reached between parents and school district, and the agreement is written by mediator and signed by both parties



Agreement is not reached, and both parties do not agree to extended mediation



Agreement is not reached, but **both parties agree that more time** is needed to obtain more information or explore more options; Mediator **may extend mediation** for an appropriate period of time



3. DUE PROCESS HEARINGS

A formal, legal procedure in which the resolution of a disagreement between parents and the school district is decided by an <u>administrative law judge (ALJ)</u> from the <u>Office of Administrative Law (OAL)</u>	Either parents or the school district may ask for an impartial due process hearing if there is a disagreement over the identification, evaluation, program, placement or provision of a free, appropriate public education to the child.
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Recommended

Parents should consult with a lawyer or legal professional before requesting a due process hearing to determine if they have a case	If due process hearing is determined unwarranted by the judge, the school district can seek legal fees from parents
Within 15 days of SPDR receiving the request, parents and school district must participate in a resolution meeting (if not tried, can be substituted with mediation)	Parents and school district have 30 days to resolve the dispute with resolution meetings If dispute is not resolved in 30 days, it moves on to a due process hearing

- **The request for Due Process must:**
 - Give the name and age of the child
 - Give the child’s address
 - Identify the school the child is attending
 - Describe the problem and facts relating to the problem
 - Propose a solution to the problem
 - Show that a copy of the request was sent to the school district. In the case of a homeless child, available contact information for the child and name of the school the child is attending.

Parental Rights in Due Process Hearings

Parents have the right to:

Ask for and receive, from their school district, a list of any free or low-cost legal and other advocacy services available. The SPDR sends them this list when they submit a request for a due process hearing

See the list of the ALJs and their qualifications which is maintained by the OAL

Have the hearing open to the public

Have their child present at the hearing

Have an interpreter present, if needed, at no cost to them

Have the hearing held at a time and place reasonably convenient to them

Both parents and the school district have the right to:

Be advised and accompanied at the due process hearing by legal counsel and by individuals with special knowledge or training regarding children with disabilities

Present evidence, require the attendance of witnesses and cross-examine witnesses

Ask the ALJ to stop the introduction of any evidence, including any evaluations or recommendations based upon those evaluations, that has not been exchanged at least five days before a due process hearing or at least two days before an expedited due process hearing

Get a written or electronic verbatim record of the hearing and the findings of fact and decision at no cost

TIMELINE

Resolving Disagreements

Parents or school district submits
written request for mediation

Meeting is scheduled within **15 days** of
SPDR receiving written request

1

If mediation fails, parents or school district
can submit written request for due process
hearing

- If parents submit request, the school
district must **file necessary response**
within 10 days of receiving request

Within **15 days of SPDR receiving written
request**, parents and school district must
participate in **resolution meeting** (if not
done already, can be replaced by
mediation)

3

The **resolution period**, where resolution
meetings and mediation take place,
lasts **30 days**

4

If agreement is not reached by
end of 30 day period, it
becomes a **due process**
hearing run by OAL

5

The due process hearing must be
completed and a copy of the decision
made must be mailed to the parents and
school **within 45 days, unless AIJ grants**
time extensions

6



Important Reminders

Parents are vital members of CST and IEP teams. Their input on their child's education has the same importance as any professional on these teams



Parents have the right to have an interpreter present at all meetings and have the right to receive all written documents translated to their preferred language

Disagreements will happen. That does not mean they can't be resolved



Exhaust all options before going to court

Communicate

Compromise Within Reason

Mediate

Glossary

Administrative Law Judges (ALJ): Executive judges for official and unofficial hearings of administrative disputes

Applied Behavior Analysis (ABA):
A psychological intervention that uses empirical methods such as respondent conditioning, operant conditioning, and reinforcement

Assistive Technology (AT): Any item, piece of equipment or product system, whether acquired commercially off the shelf, modified or customized that is required to increase, maintain, or improve the functional capabilities of any person with disabilities, be it for school, work and/or for play. AT ranges from low-tech to high-tech devices or equipment. Examples include: computer, glasses, reacher or grabber, pencil grip, closed captions, wheelchair, ramp.

Child Study Team (CST): A multidisciplinary group of professionals typically employed by the board of education to provide parents and teachers with a variety of learning related services. These services include consultative, evaluative and prescriptive services for students who are experiencing academic difficulties. A typical CST consists of a psychologist, a learning disabilities consultant, social worker and oftentimes, a speech/language therapist alongside the student's parents. Ideally, they will meet before any special education testing is conducted and will continue to meet periodically if the student requires special services.

Classification: A process that determines if a child is eligible for special education and related services

Confidentiality: When information is intended for or restricted to the use of a particular person, group, or class

Glossary

Evaluation: The process used to determine whether your child has a disability. This process includes a review of any relevant data, and the individual administration of any tests, assessments and observations of your child; Assessment can include but not limited to psychological assessment, behavior assessment, medical assessment, or learning assessment

Free, Appropriate Public Education (FAPE): A civil right for people with disabilities, rooted in the 14th amendment and guaranteed by the Rehabilitation Act of 1973 and Individuals with Disabilities Act; An educational program and related services that are individualized to a specific student and meet the standards established by the state, provided at public expense and without charge

General Education Placement: An educational setting where a disabled student is educated with nondisabled students and given the same coursework as them; a disabled student can still have modifications and accommodations in this setting, such as preferred seating, assistive technology, or one-on-one support staff

Independent Evaluation: An evaluation by a qualified person who is not employed by your school district

Identification: The process of submitting a writing referral and determining if evaluation for special education and related services is warranted

Individualized Education Program (IEP): A written document that describes the education plan for a student with a disability. It lists the educational goals and the special education services a child will receive, based upon his or her individual needs

Glossary

Individuals with Disabilities Education Act

(IDEA): A federal law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children; governs how states and public agencies provide early intervention, special education, and related services to eligible infants, toddlers, children, and youth with disabilities; Enacted in 1990 and reauthorized in 2004

Informed Consent: Means that all the information necessary to make an informed decision about the proposed activity has been given; also means that you understand and agree in writing to the proposed activity

Least Restrictive Environment (LRE): A principle outlined in IDEA that children with disabilities should have the opportunity to be educated with non-disabled peers, to the greatest extent appropriate; this includes but is not limited to general education classrooms, extracurricular activities, and afterschool programs

New Jersey Administrative Code for Special

Education: The regulations and procedures in place in New Jersey that ensure special education and related services are properly implemented, and that children with disabilities have equal educational opportunities

Occupational Therapy: A therapy based on engagement in meaningful activities of daily life (such as self-care skills, education, work, or social interaction) especially to enable or encourage participation in such activities despite impairments or limitations in physical or mental functioning

Office of Administrative Law (OAL): A Executive Branch agency in the New Jersey government that conducts administrative hearings, thus promoting due process, expediting the just conclusion of contested cases, and improving the quality of administrative justice; Run by Administrative Law Judges (ALJ) and is where due process hearings are conducted

Glossary

Office of Special Education Policy and Dispute Resolution

(SPDR): An office in the Department of Education that operates a system of general supervision that monitors the implementation of the IDEA by local education agencies; Handles all request for mediation and due process hearings

Out of District Placement: An out-of-district placement is a specialized school or program outside your local school district for kids whose educational needs can't be met by their local schools; Students may be placed in public or private schools, or at a residential school where they live full time

Parental Rights In Special Education (PRISE): A document developed by the Department of Education's Office of Special Education Policy and Dispute Resolution (SPDR) that describes the state and federal laws affecting the provision of special education to help parents understand their rights in the special education process; Sent to parents before first special education meeting (Usually about a referral)

Positive Behavioral Interventions and Supports (PBIS): An evidence-based three-tiered framework for supporting students' behavioral, academic, social, emotional, and mental health; Can improve a student's social emotional competence, academic success, school climate, teacher health and wellbeing. It is a way to create positive, predictable, equitable and safe learning environments where everyone thrives

Physical Therapy (PT): A type of therapy used for preservation, enhancement, or restoration of movement and physical function, impaired or threatened by disease, injury, or disability. Physical Therapy uses Therapeutic Exercise, Assistive Devices, and Patient Education and Training

Referral: A written request for an evaluation that is given to the school district when a child is suspected of having a disability and might need special education services

Glossary

Resource Room: A separate setting, either a classroom or a smaller designated room, where a special education program can be delivered to a student with a disability, individually or in a small group; Typically used by students with disabilities placed in a general education classroom for instruction, homework assistance, meetings, or representing students' alternative social space; Should only be used if a student's education in Gen Ed is not satisfactory despite accommodations and modifications

Self-Contained Classroom: Also known as special education classrooms, an educational setting where a student with disabilities is educated only with other students with disabilities; Number of students in classroom is typically less than Gen Ed and has a lead teacher that is certified in special education with multiple paraeducators and helpers

Speech Therapy: Also called speech-language therapy, a type of therapy that aims to improve clients communication skills; this includes spoken language, writing challenges, and reading challenges

Transition Planning: A formal, long-range cooperative process that will assist your child to successfully move 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 your child reaches 14 years of age, or younger if determined appropriate by the IEP team