

Action Alert

June 5, 2009

On June 2, the New Jersey Department of Education released proposed rules for fiscal accountability. These rules include language that will have an effect on special education and IEP decision-making in New Jersey.

Thanks in large part to active parent advocacy efforts at hearings before the state legislature and through a statewide letter-writing campaign, the new rules are a **significant improvement** over the rules now in place. They reflect an effort to focus development of special education services and support at the local district level.

There are still several major areas of concern. Among them:

- 1) The rules *STILL require* the IEP team to notify the Executive County Superintendent (ECS) each time they are considering an out-of-district placement to get a referral.
- 2) The rules *STILL* require local districts to write a letter of explanation to the ECS each time they place a student in a program other than one identified by the ECS.

In late May, The Commissioner of Education sent a memo to school leaders to clarify that the ECS is *not* part of the IEP team and is *not* permitted to approve or disapprove placements. **We believe this type of direct oversight on a student-by-student basis will have a chilling effect on IEP decision-making.**

The attached issue summary provides background information you may use in your letter or comments.

The proposed rules can be found on the Department's website:
<http://www.nj.gov/education/code/current/title6a/chap23a.htm>

They will also appear in the June 15, 2009 New Jersey Register.

Advocates for students with disabilities are encouraged to submit written comment or attend one of the hearings scheduled by the Department.