

ELC EDUCATION LAW CENTER

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New Jersey Special Education Taskforce
c/o Office of Special Education Programs
New Jersey Department of Education
P.O. Box 500
Trenton, New Jersey 08625-0500

Re: Comments to the Taskforce

Dear Task Force Members:

Education Law Center (ELC) is a non-profit law firm that provides direct legal services to students with disabilities, and other disadvantaged students, in public school cases. For over 40 years, ELC has worked to secure the legal to high quality education under state and federal laws rights for New Jersey's 1.3 million public school children, particularly our state's at-risk students, students with disabilities, and students of color. ELC submits these comments on behalf of the students whose interests we represent.

Please note that ELC supports, and incorporates by reference, the comments of New Jersey Special Education Practitioners (NJSEP), of which ELC is a member, and Disability Rights New Jersey (DRNJ). Given the importance of procedural protections in ensuring a free appropriate public education to students with disabilities, ELC urges the Task Force to maintain all existing procedural protections for families. Moreover, we cannot overstate the importance of having the State fully implement its current funding formula and then undertake a meaningful analysis of that census-based system to determine whether it adequately addresses the needs of all New
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Jersey students with disabilities. The State took its first step toward the in-depth evaluation necessary when it contracted with Augenblick, Palaich, and Associates (APA) in October 2011, but, unfortunately, it has failed to follow up on the APA recommendations. ELC urges the State to follow the APA recommendations, especially the recommendations to conduct an in-depth study of its special education funding system and fully fund the formula.

In addition, ELC recommends that the Task Force address the need for reform in the following critical areas. First, the Task Force should focus intensive efforts on improving collaboration and partnership between general education and special education, particularly in the areas of response to intervention (RTI) and inclusion. Frankly, this type of collaboration in these areas is so important, that ELC recommends that the Task Force seek additional time and schedule additional public input to examine how to achieve an effective general-special education partnership in the areas of RTI and inclusion. We concur with NJSEP and DRNJ that the Task Force cannot adequately fulfill its legislatively-mandated charge in the time allotted, and we wish to emphasize that the Task Force needs to come up with a plan for the in-depth study of this and other critical areas where reform is needed.

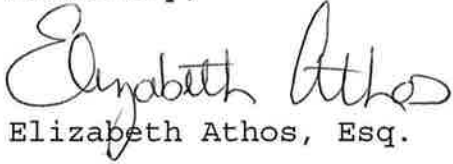
Second, reforms are required to ensure that parents who do not speak English, or who speak limited English, are able to participate in special education proceedings. Although school districts are required to send special education notices to parents in their native language, there is no explicit requirement that IEPs or evaluations be translated. Access to written translations of these documents would enable parents to more fully prepare for, and participate in, IEP meetings, and would facilitate truly informed consent. Districts should also develop criteria and procedures to ensure that the oral interpretation provided in special education meetings, which is legally required unless it is infeasible, is adequate to facilitate parental participation.

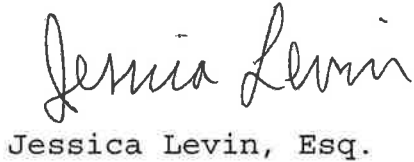
Third, English Language Learner (ELL) students face myriad barriers to receiving appropriate and effective special education services. The Task Force should investigate the need for reforms to ensure that these students receive proper referrals, evaluations, and services from qualified personnel. Such reforms would aim to ensure that: the referral process does not over- or under-identify ELLs for special education due to their language-acquisition needs; ELLs are evaluated for special

education eligibility in the correct language by personnel qualified to administer tests in that language; there are adequate numbers of teachers with dual certification (or other appropriate training) in both special education and bilingual education or ESL; and ELLs with special education needs receive both the language acquisition and special education services to which they are entitled.

Thank you for your consideration of these comments.

Sincerely,


Elizabeth Athos, Esq.


Jessica Levin, Esq.