

## Major Changes to Special Education Regulations

### Highly Qualified

All personnel serving students with disabilities shall be highly qualified and appropriately certified and licensed, where a license is required in accordance with state and federal law.

*ABCD is in full support of this regulation.*

### Excusal from IEP Meetings

Under IDEA '97 and current NJ law, all IEP Team members, including a parent, a general education teacher, a special education teacher, and a case manager, must be present at each IEP meeting. To make attendance more convenient, the law permits the participants to meet via teleconference. An important change in IDEA 2004 is that members of the IEP Team may be excused from attending an IEP meeting if the parent and the school district agree. If the IEP meeting involves a modification to or discussion of the member's area of the curriculum or related services, that Team member may be excused only if s/he "submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting."

*ABCD believes the proposed regulations fail to describe what an excused IEP Team member's input should consist of and improperly limit the scope of the input to that person's area of instruction.*

At an IEP meeting, each IEP Team member is expected to provide information about the child, and the interactions of Team members often lead to discussions of strategies that may be implemented across curriculum. *For that reason, ABCD believes that it is not beneficial to excuse IEP Team members from annual IEP meetings.*

*If an excusal is permissible at the very least ABCD believes that the Team member provide a written report objectively describing the child's present levels of academic achievement and functional performance in their areas of instruction, explain the extent to which the child has progressed, indicating what strategies worked and what didn't work.*

### Students who Transfer from Another District

For a student who transfers from one NJ school to another NJ school and the district board of education does not agree to implement the current IEP, the district shall conduct all necessary assessments and within 30 days of the student's enrollment, develop and implement a new IEP for the student.

If the student transfers from an out-of-state district, the district board of education shall conduct any assessments determined necessary and within 30 days of the date the student enrolls in the district, develop and implement a new IEP for the student.

The district board of education shall take reasonable steps to promptly obtain the student's records, including the current IEP and supporting documentation, from the previous school district.

*ABCD supports the provision for students who transfer from another school district.*

#### Amending IEP without a Meeting

The IEP may be amended without a meeting of the IEP team if the parent makes a written request to the district board of education for a specific amendment to a provision of the IEP and the district agrees; or an amendment can be made if the district board of education provides the parent with a written proposal to amend a provision of the IEP within 15 days from the date the written proposal is provided to the parent, the parent consents in writing to the proposed amendment.

*ABCD believes that the decisions regarding placement and classification or declassification or significant change in programming are too important to be made without an IEP meeting, and therefore, should not be permitted under this Code provision.*

#### Special Education Parent Advisory Groups

*ABCD supports the Department's inclusion of a new provision which mandates that a special education parent advisory group is in place in each school district. This will be a positive addition, providing parents with an organized and official means to share their thoughts and concerns with their district. ABCD believes both the districts and families will benefit from this type of committee.*

#### Elimination of Short-Term Objectives and Benchmarks

IDEA '97 required each IEP to contain measurable annual goals and objectives. IDEA 2004 continues to require measurable goals for all students, but requires the IEP Team to develop short term objectives/benchmarks only for child with disabilities who take alternate assessments aligned to alternate achievement standards. The change in federal law only sets a floor for what a state may do; a state may continue to impose additional requirements that are beneficial to children. Therefore, NJ is not obligated to eliminate short-term objectives and benchmarks for the majority of children with disabilities.

*Similarly to parents, teachers and related service providers, ABCD strongly objects to eliminating short term objectives because we feel it is detrimental to logical educational*

*planning, and offers no method for measuring progress toward annual goals. At the very least, short-term objectives should be required for all functional goals for which there are no core curriculum standards, and IEP Teams should be given the discretion to determine whether short-term objectives or benchmarks are appropriate for any other goals set for any child for whom an IEP is developed.*