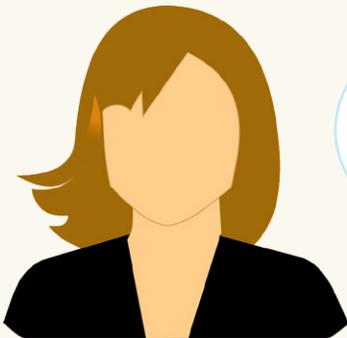


New Jersey Special Education Practitioners

Related Services and Private Special Education Schools in New Jersey: What Parents and Other Advocates Need to Know



“HELP!

My child has been placed at a private school for students with disabilities and is doing well. My district has been providing related services outside of the school day. Now, I am being told that I must choose: either my child can stay at the private school or I must agree to give up important related services in the IEP.”

THE SITUATION: Recently, the New Jersey Department of Education (NJDOE) issued a memo related to the cost and delivery of related services (including counseling, occupational therapy, physical therapy, school nurse services, recreation, social work services, and speech-language services) for students placed in private special education schools. The memo requires private schools to provide ALL related services in a student’s IEP as part of tuition, at no added cost to the school district. The only exception to this is for so-called “extraordinary services,” defined by the Department as a one-to-one aide or one-to-one nursing.

THE PROBLEM: For decades, IEP teams - which must include the parents - have developed IEPs that might involve services from multiple agencies or providers. For example, the district and parent might agree that the XYZ private school is appropriate, and also agree that the student needs Applied Behavioral Analysis (ABA) services or a level of therapies (for example, 5x/week) that are not provided as part of the private school’s program. In these situations, the child would attend the private school and receive the related services from the district directly, or through other providers with which the district contracts.

NJDOE is now saying that this is no longer allowed. And many private schools are saying they cannot cover the added costs, or are not able to recruit, hire, and supervise providers in remote locations. Private schools are also limited by state code as to how much they can pay for such services – and the rates are much lower than what public schools are allowed to pay. Advocates and private schools are challenging NJDOE’s position, but in the meantime, more than 10,000 students are at risk of losing their placement, losing their related services or losing both.

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What Parents Need to Know:

- Placements and related services must be provided at no cost to parents. You cannot be asked to pay for services in your child's IEP.
- Related services must be described in the IEP and provided as written in the IEP. Duration, intensity and type (individual, group) must be described, along with start and stop dates. The services must be provided by appropriate, certified professionals.
- The IEP must be individualized to describe the needs of YOUR child, not to conform to the services offered by a particular school or program. You cannot be asked to cut services from your child's IEP if your child needs them.

WHAT TO DO TO SAVE YOUR CHILD'S SERVICES:

If you are told that you must eliminate related services from your child's IEP, or risk losing your child's placement at the private school, you must take action **IMMEDIATELY**:

- 1) CALL Disability Rights New Jersey at 800-922-7233.
- 2) WRITE a letter to request due process and to invoke the "Stay Put" provision of IDEA. This will temporarily "freeze" your child's program and services. No changes can be made while the disagreement is being settled, unless you agree to the changes. This request:
 - a. Must be made in **writing** (use the form letter attached)
 - b. Must be received by NJDOE **within 15 days** of your school district's notice of proposed change in placement
 - c. Two copies must be **mailed** to NJDOE Office of Special Education Programs
 - d. Must also be **mailed** to your school district's Superintendent

If you DO NOT initiate due process, the district's proposed program (a new school and/or reduced or eliminated related services) will be put in place.

The New Jersey Special Education Practitioners (NJSEP) is an association of attorneys and other advocates who practice in the area of special education in New Jersey. NJSEP focuses on matters related to the representation of parents and children under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act.

The information in this notice is provided as a public education service to help explain laws in New Jersey. It does not constitute legal advice, which can only be given by an attorney with whom you consult.

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Sample Letter:

DATE

John Worthington, Acting Director
Office of Special Education Programs
NJDOE
PO Box 500
Trenton, NJ 08625-0500

Dear Mr. Worthington:

I am writing to request due process so that I can preserve my child's placement and program. With this letter, I wish to invoke the "Stay Put" provision of IDEA.

My child (name) _____ is (age) _____ years old. My child lives at (full address) _____. My child is currently attending (name of private school) _____ located in (town) _____. My child receives related services through the IEP, which include (list related services) _____. This placement and the related services in my child's IEP are appropriate and are meeting my child's needs.

Here is the problem: My school district (name of district) _____ has recently informed me that my child can no longer attend (name of school) _____ because my child requires related services that are not offered or provided by that school. Until now, my district has provided those related services outside of school hours, but now, they are not willing to do that. I have been told that either I must remove related services from the IEP, or we must seek alternative placement. Again, I stress, the program and placement are both appropriate.

I am asking for relief as follows: I would like my child to remain at the (name) _____ school, and I would like my child to continue to receive the related services in the IEP.

Thank you,
NAME
ADDRESS
TOWN, STATE, ZIP
Phone ##

COPY: Send a copy to your school district's Superintendent.