

New Jersey Public Charter Schools Association: Special Education Quick Guide

Each NJ charter school is responsible for providing an equitable and legally compliant education to students with disabilities. The purpose of this guide is to provide school and LEA leaders with easy access to resources that can support the creation of special education policies and practices for their school in the following areas¹:

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LEGAL COMPLIANCE

Each New Jersey charter school is their own local education agency (LEA) and is required to comply with state and federal guidelines. Below you will find links to key resources that describe your school's legal responsibilities.

- Eligible students with disabilities are entitled to protections and services outlined in an Individual Education Program (IEP) under the [Individuals with Disabilities Education Act](#) (IDEA).
- See this [comparison of federal disability laws](#) including IDEA, Section 504, and the Americans with Disabilities Act (ADA). Find also the NJ special education laws: [N.J.A.C. 6A:14](#) and [N.J.A.C. 6A:31](#).
- To stay abreast of evolving policy, special education directors should review the weekly [DOE Broadcast](#).

STAFFING

NJ Code: 6A:14-3.1 General requirements

Every member of your staff plays a role in ensuring that students with disabilities have a high quality educational experience. The school leadership team should be intentional about leveraging the strengths of individuals for maximum benefit to students.

- Define roles and responsibilities in the IEP process. Consult this guide on [roles and responsibilities](#), and review [NJ specific guidance](#) to clarify team member participants.
- Use this sample Child Study Team (CST) Secretary [job description](#) to ensure all administrative functions are assigned to relevant team members.
- Leverage best practices from the [CEEDAR Center Shortage Toolkit](#) to address staffing shortages in special education.
- Consult this resource on [Student Centered Staffing](#) systems.

¹This resource is provided as a guide and practical support. It is not offered as nor does it constitute legal advice. If you seek to develop policies or take action in these areas, please consult an attorney.

ACADEMIC PROGRAM

NJ Code: 6A:14-1.1 General requirements

Your core academic program should provide high impact instruction to all students. The resources below provide guidance on how to ensure your academic model is intentionally designed to meet the needs of students with disabilities.

- Leverage these foundational systems to develop a strong instructional program: **multi tiered systems of support** (MTSS), **positive behavior intervention systems** (PBIS), **mental health, progress monitoring**, and **universal design for learning** (UDL).
- Develop a manual for your LEA to ensure that all educators are informed about your school's approach. Consult with an attorney or have one review your program policies and procedures manual before publishing. Consult these resources for examples: **Service Manual, quick reference, evidence-based PBIS** and **MTSS schedule guidance**.
- Ensure that your teachers are leveraging evidence-based **high-leverage practices**.
- Reference this series of **training sessions** for intensive data-driven student interventions.
- Use a rigorous **program review** process to routinely evaluate your academic program.
- Review state guidelines on Home School and Out-of-School instruction (**Code 6A:14-4.8, 14-4.9**).

OPERATIONS

NJ Code: 6A:14-1.1 General requirements

Students with disabilities participate in every aspect of your school, and there are some specific systems and processes that apply only to students with disabilities. The resources below provide guidance on how to ensure you are designing smart, legally compliant systems.

- Collect and report school data on the timelines listed in **NJDOE Homeroom**.
- Develop a budget that leverages accurate information about special education funding sources: **NJ Charter School Estimated Per Pupil, Information for LEAs Contracting for Services, Special Education Finance 101** to understand the formula for special education funding, and the **Application for Special Education Extraordinary Aid** which is updated annually.
- Use this **guide** with the **NJ SMART** system to report data for students with IEPs and their processes.
- Reference these **model state forms** to develop templates for IEP functions and this **Medicaid reimbursement handbook** for an example of ways to track services that may be eligible for Medicaid Reimbursement through the NJ SEMI program.

IEP PROCESS

NJ Codes: 6A:14-2.3 Parental consent, notice, participation, and meetings;
6A:14-3.7 Individualized education program

The development and implementation of the Individual Education Program (IEP) is where all aspects of your school's systems intersect, including legal compliance, academic program, operations, family collaboration and staffing. Having clear protocols and best practices related to IEPs is core to a successful program.

Best Practices for IEP Development

- **Guidance** to Child Study Teams to develop assessment and referral processes for culturally and linguistically diverse students as well as these tip sheets to **develop evaluations, IEPs, and services**.
- Review **graduation** and **transition** guides to prepare for independent living.
- Build your understanding of **accommodations** to assist with decisions related to educating students who require more significant support as well as team members needing assistance to participate in meetings.
- Consult this guidance on **how to amend IEPs without a meeting** and what does **not classify as a specific learning disability**.
- Leverage this **CST overview, student data review guide**, and model **referral letter** for evaluation processes.
- Use an **evaluation tracker** to record contacts and steps of testing.
- **Meeting location and participant** suggestions to maximize engagement with all stakeholders.
- **IEP Agenda and note-taking templates** to facilitate meetings.

Placement Decisions

- Determining which services and placements will ensure that a student is set up to achieve their individualized goals should be a data-driven, collaborative and highly intentional process. Consult this **placement decision framework** to guide your discussions.
- NJ charter law assigns districts of residence financial responsibility for charter school students with disabilities who require a **private school placement**. However, the manner in which this is operationalized has led to some contentiousness between charters and district schools, most notably related to the determination reached by the IEP team and when district personnel are informed of the charter school IEP team's decision. Charter personnel should work with their district of residence to understand how the district makes placement decisions internally, and should develop processes and tools to support placement decision making in their charter to ensure uniformity between students and to present the district of residence with a comprehensive request packet. Consult the **placement decision framework** for additional guidance.

Understanding NJ Procedures

- Review **guidance from the NJ DOE on IEP development**.
- Review this NJ FAQ for **extended year services**.

FAMILY COLLABORATION

Strong school-family partnerships are central to any effective school, but families play a unique role in the education of students with disabilities. The resources below provide guidance on how to establish smart systems for collaborating with families of students with disabilities.

- Review these resources ([Parental Rights in Special Education \(PRISE\)](#) and [IEP Reference Guide](#)) for information about the rights of parents/legal guardians including versions in various languages. Reference these [parent group](#) counseling and training modules to provide required support for parents/legal guardians to understand the needs and services for their children with disabilities (6A:14-3.9 Related services).
- Provide translation services as needed to families. See these [translation requirements](#), [vendors to provide](#) translation [services](#), and FAQ about [referrals](#) for non-Native English speakers to access IEP functions (6A:14-2.4 Native language).
- Use this information about parent/legal guardian rights for [independent evaluations](#) to get outside expertise (6A:14-2.5 Protection in evaluation procedures).
- Familiarize yourself with [parental rights in New Jersey](#).
- Use [communication](#) logs to ensure the school and families have the same information.

DUE PROCESS

NJ Code: 6A:14-2.7 Due process hearings; 6A:16-7.1 Code of student conduct

A key aspect of legal compliance is due process; the specific steps that a school/LEA must undertake to ensure that a student and family's rights are upheld.

- Review these steps in the [school discipline process](#) and learn about [Interim Alternative Educational Settings](#).
- Use this guidance for complex cases involving suspensions, expulsions and due process hearing requests with these [resources](#), [mediation quick reference](#), and [hearing decisions](#).
- Reference this [list of alternative placements](#), these [procedural steps](#), and Scenario 21 in this [NJ START Reporting Responsibilities](#) as a starting place for considering alternate program options.
- County special education offices sometimes function as agents of the NJ DOE in resolving disputes, conducting investigations, and taking on other tasks to ensure that the needs of students with disabilities in their respective counties are met. Charters should collaborate closely with their [county Special Education Specialist](#).

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