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Inside this issue:

A New IDEA	1
News from the Web	2
A New IDEA (continued)	2
Baja Fresh Fundraiser	In- sert
Prevent Child Abuse	In- sert
A New IDEA (continued)	3
Up Coming Events	4

The Advocate

The Advocate is the free public newsletter of the Special Education PTA of South River.

Published monthly from August to June of each year by the Executive Board Members of the SEPTA - this newsletter is mailed directly to families of classified students of the South River Public School District from the Office of Special Education. Additional copies are available at the South River Public Library. Past editions of the Advocate can be downloaded from our website. Interested individuals may sign up for our electronic newsletter and a listing of other newsletters related to special education issues by visiting our website at:

www.specialeducationpta.org

Questions related to the Special Education PTA as an organization, the services we provide, and our calendar of events can be answered by telephone at (732)651-7157 or by email at info@specialeducationpta.org

If you would like to submit letters or articles, post information or contribute pictures to be included in future editions of the Advocate please contact our newsletter by email at SRPTAAvocate@aol.com

The **Advocate**

*“Every Child is Born with Wings...
 Make it a Choice to Educate
 and Advocate for the Chances for
 All Children to Learn to Soar”*



A New IDEA: IDEIA 2004

(Reprinted From IDEA Now, January 2005 : NJ Council on Developmental Disabilities)

On December 3, 2004, President Bush signed the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA). The nation’s new special education law has changes that will affect how services are delivered to students with disabilities.

Some of the most critical changes affecting children with disabilities and their families center on the IEP process, due process and the discipline provisions. How these changes affect children and families will depend, in part, on how the U.S. Department of Education interprets them through policies and regulations and how they are implemented at the state, district and school level.

Fewer Federal Rules & Regulations

A new provision in the Act authorizes the Secretary of Education to issue *only* regulations necessary to secure compliance with the statute, thereby limiting the Secretary’s authority to issue regulations that could clarify ambiguities. A new section of the Act also suggests that states minimize the number of rules, regulations and policies to which school districts

are subject. Congress specifically allow states to develop rules to allow students with disabilities to meet state performance standards.

No Mandatory Full Funding

This law, as amended by the 2004 changes, will not provide mandatory full funding. Although the annual amounts now authorized (permitted) to be spent on IDEA would achieve full funding in six years, that assumes these amounts will actually be appropriated (spent). Just, two days after Congress passed the IDEA Conference Report with its “guide path to full funding,” it appropriated significantly less funding for special education than it had just promised.

Highly Qualified Teachers

IDEIA 2004 draws heavily on No Child Left Behind to set out requirements for teachers, para professionals and other school staff to be highly qualified for the positions they hold.

More Explicit Monitoring, Enforcement and Data Collection.

IDEIA 2004 lays out a clear system of federal monitoring and enforcement of IDEA. Each state must complete a

state performance plan that evaluates its effort to implement IDEA and describes how it will improve implementation, with measurable targets. If the state’s annual progress reports are not acceptable, the Secretary of Education must select from a hierarchy of enforcement actions. The new system identifies three priority areas: FAPE (free and appropriate public education) in the LRE (Least restrictive environment); State exercise of general supervisory responsibility; and, the disproportionate representation of racial and ethnic groups.

IEPs

Consistent with No Child Left Behind, ***special education and related services*** must be based on peer-reviewed research to the extent possible.

Advocacy Tip: Parents can question the IEP members about the research-basis of each aspect of the specific program of instruction proposed for a student.

Short-term objectives are no longer required, except for the very small percentage of children with significant

(Continued on page 2)

NEWS FROM THE WEB:

www.idonlilne.org

Learning Disabilities Online

This wonderful online resource organization offers parents

- Facts about learning disabilities
- What you can do as a parent of a child with learning disabilities.
- Common warning signs / Seeing the signs of learning disabilities.
- Informative resources:

Organizations to contact / Books resources list and more...

<http://rwjms.umdnj.edu/bogscenter/resources/index.htm>

The Elizabeth M. Boggs Center

on Developmental Disabilities, part of the Robert Wood Johnson Medical School offers parents a four page reference list of organizations and direct links to information on medical, government and private organizations.

Links off their home page will also supply parents with workshop information, projects, and What's New at the Bogg's Center.

www.addup.org

ADD UP

Website and searchable database of national ADD programs, including University Centers, P & A Programs and DD Councils

A New IDEA (Continued from page 1)

cognitive disabilities (less than 1%) who are taking alternate assessments aligned with alternate achievement standards.

Advocacy Tips: Parents can still request that the IEP specify short-term objectives. Short-term objectives help parents and teachers measure a student's progress in achieving annual goals and provide a guide to the intervening steps that should be taken toward achieving those goals.

IEP progress reports must still describe the progress a child is making toward meeting the annual goals, but there is no longer the requirement that the report reference "the extent to which the progress is sufficient to attain the goal by the end of the year."

Transitions. IDEA 2004 eliminates the requirements that an IEP tie a student's course of study to a statement of student's transition service needs beginning at age 14 and identify the interagency responsibilities or linkages needed to provide transition services. The new law focuses instead on establishing specific, appropriate, measurable post-secondary goals when the student turns 16 and identifying the services the student will need to achieve those goals.

Advocacy Tip: Parents can request transition planning at age 14 in terms of course selection and interest identification to ensure that there is a basis for goal-setting and service selection prior to age 16. They can also request that a statement of interagency responsibilities and any needed linkages be included.

IEP attendance and participation IDEA 2004 expressly permits IEP team members to be excused from attendance if their area is not being discussed (if the parent and the school district agree); expressly allows alternate means of meeting participation (e.g. conference calls); and allows consolidation of reevaluation meetings

and other IEP meetings.

Advocacy Tip: Parents who want to preserve the cross-fertilization of ideas and the interdisciplinary nature of IEP meetings can request that all team members be present throughout the meeting. Parents can also take advantage of the opportunity to meet by telephone on the event they are unable to attend in person.

Pilot program for multi-year IEP's Up to 15 states will be allowed to let local school districts offer, with parental consent, a multi-year IEP, not to exceed 3 years. The new IEP's will contain multi-year goals. The federally required elements for the multiyear IEPs are not as inclusive as for annual IEPs, however, states may include these as required elements in the multi-year IEPs.

Advocacy tip: Parents in states with a multi-year IEP option who want a traditional annual IEP should not feel pressured to agree to a multi-year IEP.

Pilot program for paperwork reduction. Waivers of statutory and regulatory requirements, for a period not to exceed 4 years, may be granted to 15 states proposing to reduce excessive paperwork and non-instructional time burdens.

IEP team transition.

Parents of a child transitioning from Part C services (early childhood) to Part B services (school-age) can request that an invitation to the initial IEP meeting be sent to representatives of the Part C system to assist with a smooth transition of services.

Transfers between school districts

A new provision will help parents of transferring students know what

A New IDEA (Continued From Page 2)

they can expect from their new schools. Services comparable to those described in the IEP in effect before a child's transfer must be provided by the new school district until the previous IEP is adopted, or a new IEP is developed, adopted and implemented.

Due Process

Procedural safeguards notice. Once a parent files a complaint with the school district and the state, the school district must respond within 10 days, unless the district notifies a state hearing officer that it is challenging the sufficiency of the parent's due process complaint notice. That notice must be filed within 15 days of the complaint. The State hearing officer then has 5 more days to make a finding.

The resolution session. Parents must go through a mandatory "resolution session" before due process. The school district may not bring an attorney to this session unless the parent does so. Attorneys' fees are not reimbursed for work related to the resolution.

Qualification for hearing officers.

There are now explicit qualification requirements for Hearing Officers.

Discipline

"Stay put" has been eliminated. Under the new law, while an appeal is pending, the student will remain in the placement prescribed by the school district. Previously, the law denied students with disabilities 'stay-put' rights only for charges relating to drugs, weapons or other dangerous behavior.

Services to be received in an interim alternative educational setting.

A child is entitled to receive programming and services necessary to enable him or her to receive a free appropriate public education during the period in which he/she is in an interim alterna-

tive education setting. Services must enable him or her to continue to participate in the general education curriculum and to progress toward meeting the goals in the IEP.

Manifestation determination review.

The burden of proof for the manifestation determination review has been shifted to the parents, who will now have to prove that the behavior was caused by or had a direct and substantial relationship to the disability. Language requiring the IEP team to consider whether the disability impaired the child's ability to control or to understand the impact and consequences of the behavior has been deleted.

Special circumstances. School authorities can now unilaterally remove children for 45 days for "inflicting serious bodily injury" (involving a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.) In determining whether to remove a child because maintaining his/her current placement is substantially likely to result in injury to self or others, a hearing officer is no longer required to consider whether the school district's proposed change in placement is based on a preponderance of the evidence. In addition, IDEA no longer requires the hearing officer to consider whether the school has made reasonable efforts to minimize the risk of harm, including the use of supplementary aids and services.

The 45 day limit on the removal for these offenses has been changed to 45 school days, increasing the time of removal from 6 weeks of school to 9 weeks of school.

Case by Case determination. School personnel can consider unique circumstances on a case by case basis in discipline based placements.

The SEPTA of South River

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"Every Child is Born with Wings....
Make it a Choice to Educate and
Advocate for the Chances for
All Children to Learn to Soar"

*The SEPTA of South River was founded by a group of parents who
wished to promote the education and advocacy rights of the special needs
children of their community..*

By providing parents with the tools and effective advocacy skills ~

We endeavor to keep this goal a reality so that

***Every Child Will Fulfill Their Dreams
and Learn to Soar.***

Interested in
obtaining a copy of the

**SEPTA of
South River's
S. E. Resource CD-Rom?**

Contact SEPTA

At (732) 651-7157

Or Email us at:

info@specialeducationpta.org

Cost: \$7.50

(includes ship/handling fees)

Help Wanted:

Would you like to help with our
Newsletter, or Website?

Have you come across an inter-
esting book, article or website
that deals with education, special
ed., or parenting that you'd like to
share with others?

Write a short summary and we'll
love to put it in our newsletter
and web page.

Up Coming Events:

March:

March 2

SEPTA Meeting

South River Public Library

(downstairs meeting room)

6:30pm Parent Forum

7pm : Free Workshop

"Learn How Your Child Can Benefit from Assistive Tech- nology"

**Presentation by Jeannette
Van Houten United Cere-
bral Palsy of New Jersey**

Join us for a hands on presenta-
tion utilizing assistive devices and
technology.

April:

April 6

SEPTA Meeting

South River Public Library

(downstairs meeting room)

6:30pm Parent Forum

7pm : Free Workshop

"Preventing Child Abuse"

**Presentation by Arline
Oberst—Prevent Child
Abuse-New Jersey**

Learn how to prevent child
abuse. Know the symptom
behaviors. Special consid-
erations for children with
disabilities.

April:

April 14th:

BAJA FRESH FUND RAISER

**Eat at Baja Fresh on this day
and they will donate 15% of
the proceeds to the Special
Education PTA of South
River.**

**Get together with family and
friends to help us, while you
help yourself to some great
food-with an event like this,
everybody wins!!**