

# NJPTA Advocacy Day

What does the law mean to you and your  
child.

Geoffrey Dubrowsky Parent

# My Story

---

❧ My son was diagnosed with autism just after 2 yrs of age following a significant noticeable regression. Today at the age of 20 he is in his 6<sup>th</sup> special needs program, a wonderful residential school in Frankfort Ky. He will reside there at the direction of the court as a result of a due process hearing until the end of his 21<sup>st</sup> school year. He will continue to reside there on a private pay basis as long as it meets his needs and we can afford it. This is a polite way of saying the adult system here in NJ is a failure but that is a different conference.

# July 2015

---

Dan's first week in Kentucky



# December 2015

---

Dan back in KY  
42 lbs lighter



# Our Journey

---

∞ I say our journey because it is not one that I made alone. It was not one that I made with just my wife and our son. It was not one just made with family members although I must acknowledge that my late sister was Robin Sims, one of the smartest, most relentless parent advocates this state has ever seen. Her disabled children were already in their teens when my son was first diagnosed. That is a head start that we had to our benefit, but not a blessing I would wish on anyone else. Google her name and watch the videos because no one has ever fought harder for her children and the disabled children of NJ.

# Your not alone

---

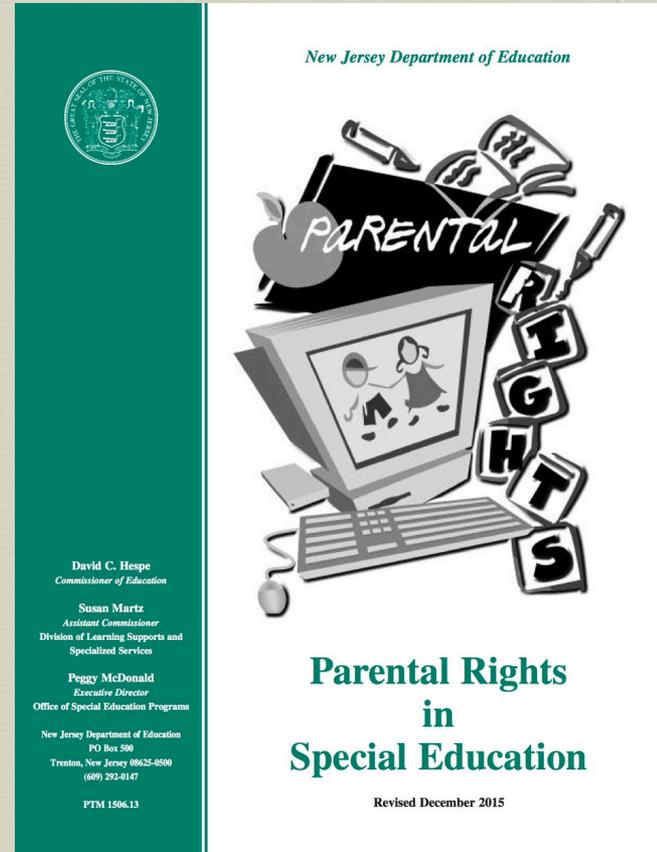
- ☞ You will be better off if you realize there are many other people who are on this journey with you and the key is to realize who they are so you are not overwhelmed when you realize my child is not typical.
- ☞ So before you even think about what the law means to you and your child identify and seek out these people.

# Early Intervention

---

- ☞ The reason why I say all this before I start getting into the law is because I have seen so many people get caught up on the fight that they expect to have with their school districts that they may miss signals of what the child's immediate developmental needs are. This can lead to lost time in the crucial developmental phase and also lead to the establishing of goals for your child that are inappropriate. I bang my head against the wall every time I hear a parent say “we are waiting on an evaluation”.

Annually a book is released with all the rules and regulations regarding special education in NJ. Since it was revised in December and I am not a lawyer I will not represent to know any specific changes to the law in 16 days. I do have a pdf copy of the 48 page booklet entitled Parents Rights in Special Education and you can email me at [trotts19@mac.com](mailto:trotts19@mac.com) for a copy. Your district should make it available to you and may already have it on your districts website.



# IDEA

---

- ❧ The New Jersey Administrative Code for special education and the federal Individuals with Disabilities Education Act of 2004 (IDEA 2004) are laws that ensure children with disabilities a free, appropriate public education in the least restrictive environment.
- ❧ I am not a fan of the term least restrictive environment because I have seen it used as a cost savings phrase. I understand why it is in the law but have seen it abused more than properly used.

# IDEA - IEP

---

- ❧ An important part of these laws provides parents with the right to participate in their children's education as a team member responsible for developing an appropriate Individualized Education Plan or IEP.
- ❧ District's have an obligation to develop an IEP that addresses the student's individualized needs. The IEP should be designed to address much more than academic goals.

# IEP GOALS

---



- ❧ It is very important that the IEP goals and objectives are measurable. It is very difficult to establish that a child has not made progress with vague wording. When the goals are specific, observable and measurable, the IEP team that **includes** the parent can measure the student's progress. IEPs should serve as goal-oriented roadmaps for our children that are geared towards achieving success.

# Measurable Goals

---

## ∞ A) VAGUE GOAL

Danny will act in a socially appropriate manner.

## ∞ MEASURABLE GOAL

Danny will initiate a conversation with a same aged peer in the classroom setting three out of five opportunities to do so as measured by **collected data.**

# More on the IEP

---



- ❧ The IEP must also state how the child's parents will be informed of their child's progress towards the annual goals and what criteria will be set for the child to have “mastered” each goal by the end of the year.
- ❧ If you are not comfortable or confident after your child's IEP has been written at the meeting, **DO NOT SIGN IT.** The IEP members may pressure you to do so, but you don't have to. And shouldn't if you are feeling uneasy.

# District Pitfalls

---



- ❧ Districts will often try to deny services to a student by saying “we don’t offer that here” or “this is all we offer.” They may also state that the child's grades are fine so the student is not eligible for a particular program. However, if the student has academic, social/emotional or behavioral needs that impact his/her educational performance, the student is entitled to services and supports to meet that particular need. This is where you must be proactive and have the options you want for your child available. If you know where the services exists and who provides the support the district

# Districts Pitfalls

---

- ❧ Moving forward it is important to remember a Child Study Team may not change a child's program if the parents request a Mediation with the Office of Special Education Programs ("OSEP") within 15 calendar days of receipt of the final written notice. Notifying the district of your disagreement is not sufficient unless the district is giving you a draft IEP. If the IEP is final, then parents **MUST** file a Petition for Mediation with OSEP to prevent the proposed IEP from going into effect. This most frequently applies to (but is not limited to) (a) changes in placements/programs; (b) related services being reduced or eliminated; (c) the duration of the "extended school year" program is reduced; and/or (d) eliminating or changing "extended school day" programs.

# Evaluations

---

- ☞ Once a student has been classified, the district's Child Study Team has a legal obligation to administer a reevaluation every three years or more often if deemed necessary. Upon completion of an evaluation, parents may request an IEE at public expense if they disagree with the results of the district's evaluation. The district must pay for the IEE unless it requests a Due Process hearing within 20 Days.

# Transition Services

---

- ☞ IEPs must include transition services when the student reaches age 16 or younger as deemed appropriate by the IEP team. Appropriate transitions plans are designed to help the student learn academic and functional skills that they will need to be successful in the post secondary environment . The plan should include instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

# Things I Value

---

- ☞ IEP meetings can be recorded
- ☞ If the district brings up cost as a factor document it.
- ☞ Know what your child needs.
- ☞ Find Out in Advance where your child will be best served
- ☞ Have a good attorney or at least an advocate.

# Never Give Up!

---

