

INFORMATION ON THE LRE SETTLEMENT:

Disability Rights New Jersey et al., v. New Jersey Department of Education , et al., Civil Action No. 07-2978 (February 19, 2014)

What is the “Special Education Settlement” which has been mentioned recently?

A lawsuit was initially filed in federal court, District of New Jersey, on June 27, 2007, by the Education Law Center, New Jersey Protection and Advocacy, Inc., the Statewide Parent Advocacy Network of New Jersey, and the ARC of New Jersey, on behalf of children with disabilities in New Jersey Public Schools. The lawsuit was filed against the New Jersey State Board of Education, the New Jersey Department of Education (“NJDOE”), then-Commissioner of Education, Dr. Lucille E. Davy, and the individual members of the State Board of Education seated at the time the lawsuit was filed. The complaint alleged that children with disabilities in New Jersey public schools, ages three to twenty-one, were being denied a free, appropriate, public education (“FAPE”) in the least restrictive environment (“LRE”). Plaintiffs sought an order compelling the defendants to provide a free, appropriate, public education in the least restrictive environment to all students enrolled in New Jersey public schools.

Who won the lawsuit?

The lawsuit did not result in a judgment for or against any of the parties. Instead, the parties reached a “settlement agreement” in which the parties agreed to perform specific measures to ensure that students with disabilities are provided with a free, appropriate, public education in the least restrictive environment.

What are the terms of the settlement?

United States District Court Judge Mary Little Cooper approved a settlement amongst the parties to the litigation, consisting of the following components:

1. Needs Assessment – From September 2014 to December 31, 2014, the NJDOE will embark upon a needs assessment of the identified school districts.
2. From January 2015 to June 30, 2018, the NJDOE will implement an Annual Training and Assistance Plan based upon the needs identified in the prior Needs Assessment phase regarding the identified school districts.
3. State Inclusion Facilitators -- During the three-year training and technical assistance phase, the NJDOE will provide facilitators for “non-compliant” school districts to assist in the training, monitoring and technical assistance phases of the settlement.
4. Annual Webinars – The NJDOE shall create at least one interactive, web-based training session of not less than one (1) hour’s duration for viewing by educators statewide.

5. Professional Development Evaluation – The NJDOE will administer a survey to each school district participating in the LRE Training and Technical Assistance to determine the quality of assistance and training.
6. Annual Compliance Monitoring – In years one and two of the Training and Technical Assistance, the NJDOE will implement compliance monitoring to determine how well the participating districts are implementing LRE.
7. Final Monitoring – In year three of the Training and Technical Assistance, the NJDOE will provide the Stakeholder Committee (see number 10, below), with a report summarizing the progress of the participating school districts.
8. District LRE Facilitators – So-called “Non-compliant” districts must designate at least one teacher, child study team member or administrator to be a resource person for and provide technical assistance to, other district staff members regarding LRE during the settlement period (3 years).
9. Training of Complaint Investigators – Prior to the commencement of the 2015-2016 school year, the NJDOE will provide one full day of mandatory LRE training to all complaint investigators employed as of the date of the training.
10. Stakeholder Committee – The parties to the litigation have formed a seven-member “Stakeholder Committee” which is a sub-committee of the IDEA-mandated “Stakeholders Group.”
11. Parental Input – When the NJDOE monitors the designated Districts as part of the settlement, it will contact each District and will offer to talk to a random sample of parents of students who represent a variety of placements, disability categories, racial/ethnic groups and grade levels.

The settlement requires that NJDOE complete a needs assessment and provide training programs and monitoring to identified districts, including Irvington Board of Education.

Irvington has been working diligently for many years to ensure that students with disabilities are provided with a quality education in the least restrictive environment, and that struggling students receive the support they need to be successful. Among the initiatives which the District has undertaken to fully integrate special education students and improve special education services is the expansion and refinement of inclusion services in every school at every grade level.

The Department of Special Services will be collaborating with the NJDOE during the 2014-2015 school year to improve the services offered to our students. You are welcome to contact Patricia Dowd, Director of Special Services, or Nicole Gilmore, Supervisor of Special Services at 973-399-6800 ext. 1920 or pdowd@irvington.k12.nj.us/ ngilmore@irvington.k12.nj.us if you have any questions.

Thank you.