

The Need for Special Education Services

What is the current process of identifying and delivering special education services?

Special education law in New Jersey is derived from a complex, overlapping array of procedures based on federal and state statutes and regulations. At the core is the goal of providing children with disabilities the opportunity for a free and appropriate education (FAPE) in the least restrictive environment. It is the New Jersey Department of Education's responsibility to administer such laws and to define, articulate and enact a coherent set of regulations that clearly meet federal requirements and provide the necessary structure and processes that meet a statewide standard of equity and quality. Of equal importance is our legal, moral and ethical responsibility to provide every child with programs and services that meet their unique educational needs in a cost-effective manner.

Free and Appropriate Public Education IDEA (20 U.S.C. §§ 1400 *et seq.*) and state regulations (*N.J.A.C.* 6A:14) define the central tenets of FAPE.

Under IDEA, every child with a disability is entitled to a free appropriate public education in the least restrictive environment. FAPE is defined as “special education” and “related services” that are provided at public expense, without charge to the parent, under public supervision and direction; meet the state's educational standards (as contained in state regulations and statutes for special education, as well as general education, when applicable); and comply with the child's IEP, which is developed by a multi-disciplinary team and includes the parent/guardian.

While IDEA does not entitle children to the best educational program available, it does require school districts to provide them with planned educational programs that account for their disabilities, offer the opportunity for significant learning, and allow the children to make meaningful educational progress. In addition to FAPE, the federal education statute requires related services which are developmental and corrective, as well as other supportive services necessary to help a child benefit from the education program (Education Law Center, 2008).

Least Restrictive Environment and Inclusion IDEA requires that children be educated in the least restrictive environment (LRE) possible, given their individual needs. This means that they must have the opportunity to interact with, and be educated with, children who do not have disabilities, to the maximum extent appropriate. The Education Law Center, in its publication, *The Right to Special Education in New Jersey*, states, “There is a strong preference for educating children with disabilities in the general education classroom, with appropriate aids and services” (p.5)

A school district must have a full continuum or wide range of alternative placements available for children with disabilities, starting in the general education classroom with supplementary aids and services. More restrictive placements include “pull-out” or “resource” programs for some academic subjects; “self-contained” classes within the public school; schools for children with disabilities; and, in some very limited situations where children are too ill or impaired to attend school, home or bedside instruction. In all situations, placement must be provided in an

appropriate educational setting as close to home as possible

(www.edlawcenter.org/assets/files/pdfs/publications/rights_SpecialEducation, p.7).

Current Special Education Population and LRE In 2012-2013, New Jersey public school enrollment stood at 1,373,182. According to the NJDOE Office of Special Education Programs, 202,850 of the state's public school students received special education and related services that year. In terms of inclusion, more than 96,309 were included in the general education classroom over 80% of the time; 55,031 were in the general education classroom between 40% and 80% of the time, and 35,483 were in the general education classroom less than 40% of the time. Students with specific learning disabilities make up the largest proportion of special education students, 74,923 students. (See chart on the following page.)

From 2008-2012, classification rates ranged from 15.42% to a high of 15.87%.

Special Education: A Service, Not a Place
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Eligibility Category	Included in General Education Classes			Public Separate & Private Day School **	Public & Private Residential School ***	Home Instruction	Correctional Facilities	Total
	More than 80%	Between 40 and 80%	Less than 40%					
Autism	3,480	2,122	4,972	3,819	82	27	0	14,502
Deaf Blindness	5	2	4	1	1	0	0	13
Emotional Disturbance	2,574	1,714	1,868	1,855	102	133	108	8,354
Hearing Impairments	735	269	213	201	25	3	0	1,446
Multiple Disabilities	2,705	3,686	5,841	5,675	185	149	39	18,280
Intellectual Disabilities	249	1,119	2,889	843	14	9	5	5,128
Other Health Impairments	19,369	11,053	4,862	1,285	47	146	26	36,788
Orthopedic Impairments	268	94	45	21	0	7	0	435
Specific Learning Disabilities	37,861	26,824	9,429	623	37	87	62	74,923
Speech Language Impairment *	28,598	7,880	5,133	213	5	13	11	41,853
Traumatic Brain Injured	238	184	190	125	5	8	1	751
Visual Impairments	227	84	37	29	0	0	0	377
Total	96,309	55,031	35,483	14,690	503	582	252	202,850

* Due to a change in data collection starting in 2008, the eligibility categories Speech Only and Language Impairments are combined into the new category, Speech Language Impairments.

** Due to a change in data collection starting in 2008, the placement categories Public Separate and Private Day School are combined into a single category, Public Separate and Private Day School.

*** Due to a change in data collection starting in 2008, the placement categories Private Residential and Public Residential are combined into a single category, Public & Private Residential School.

Source: N.J. Department of Education, Office of Special Education Programs

Support for Least Restrictive Environment The New Jersey Department of Education, Office of Special Education Programs (NJOSPEP), offers resources to support local school districts in meeting the legal requirements and the monitoring and evaluation of inclusionary practices. One resource is “An Array of Supports for Including Students with Disabilities in the General Education Classroom. Published in 2008, this resource is available at www.doe.state.nj.us. It provides guidance on the identification of students with disabilities and promotes strategies that foster collegiality and collaboration and build teacher capacity. In New Jersey, children are provided a full continuum of educational services and delivery models—for example, in-class support, resource center pull-out, special class, and in-school or out-of-district placements—based on their needs as identified in their IEPs. The majority are in the general education classrooms for a large percentage of the school day.

A Service, Not a Place Special education programs and the related services and supports are the mechanisms and processes that influence student outcomes. These programs and services use a range of resources, or ingredients, as inputs. For example, special education teachers are a key input in a school’s special education program. Programs and services, however, can vary considerably in the type and quality of education and support they provide students. These delivery systems also can use very different quantities and combinations of resources in their programming. In considering special education costs, it is important to consider this type of variation (Kolbe, McLaughlin, and Mason, 2007, p.26).

Recently, the NJOSPEP through the Department of Education’s monthly publication for school districts, *The Bridge*, reinforced the importance of viewing special education as a “service,” not a “place” (November 2013). This distinction is critical in reframing our societal view and beliefs regarding the support and services provided to students with disabilities.