

What Should Parents Be Aware of at the Start of a School Year?

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for **ADVOCATES**[®]
CHILDREN OF NEW JERSEY



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About Advocates for Children of New Jersey (ACNJ)

ACNJ is an independent, non-partisan non profit policy organization. We advance policies and programs that give every child in New Jersey an equitable opportunity to grow up safe, healthy and educated.

The Kidlaw Resource Center focuses on Child Protective Services, Kinship Care, Family Care, and Education Rights. Regarding education issues, we provide legal information to parents and professionals who work with children, direct advocacy assistance to parents through consultations, record reviews, assistance at school meetings, mediations and settlement conferences. We do not attend hearings. We publish fact sheets, guides, and provide video and in person presentations.

You can learn more at www.acnj.org



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What School Services are Available to Support Children?

For General Education Students:

- Multi-tiered system of supports
- Intervention and Referral Services Plan
- Health Plan
- Behavior Plan
- Safety Plan

For Students with Disabilities that don't need special education instruction but need accommodations and related services :

504 Plan

For Students with disabilities that need special education instruction, possibly in a different setting, possibly related services, other supports and accommodations.

Individualized Education Program (IEP)



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School Staff Responsibilities: Who can a parent contact with concerns?

Principal: school safety, discipline, harassment, intimidation, and bullying, retention, attendance

Nurse: first aide/emergency care, administer medicine, create health plans, mandated health screenings, facilitate implementation of doctor orders by referring requests to district's physician.

Anti-Bullying Specialist/ Coordinator: specialist in each school, coordinator at board of education

Child Study Team Case Manager: oversees evaluation, IEP process and implementation

504 Team Coordinator: oversees evaluation, 504plan process, and implementation

Superintendent: as part of role, as lead administrator, reviews decisions made by district staff including principals (ex: HIB/discipline, retention, attendance, residency)

Director of Special Education: oversees special education programs and policies and can review CST decisions.

Annual Review of Student Handbook

Parents should annually familiarize themselves with school policies and rules:

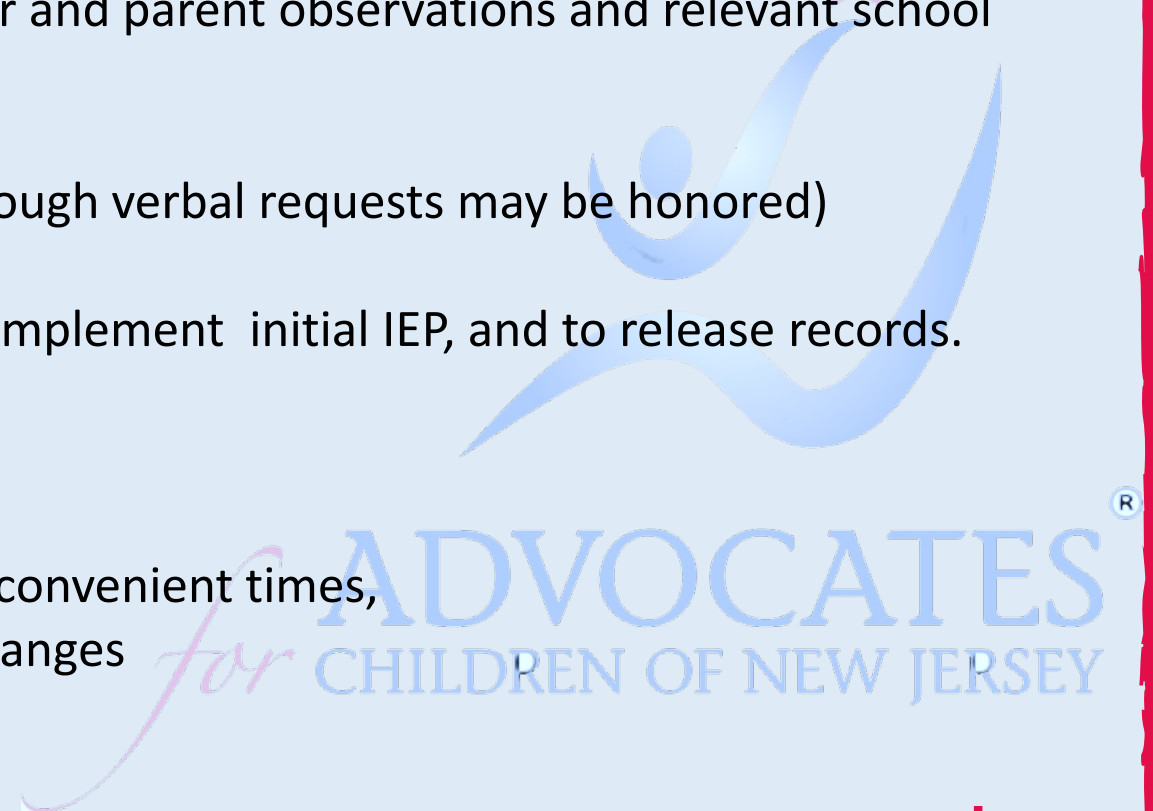
- Discipline rules and protections
- Attendance
- Harassment, Intimidation, and Bullying
- High school credit requirements



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Special Education Basics

- A Free and Appropriate Education (FAPE) for Students from 3rd birthday through age 21:
 - **who have a disability that requires special education instruction as identified through school evaluations, parent-obtained evaluations, teacher and parent observations and relevant school written data.
- The laws protect written requests for services (although verbal requests may be honored)
- Written parent consent needed for evaluations, to implement initial IEP, and to release records.
- Parent Participation Rights include:
 - Prior Written Notice of CST proposals
 - Participation in meetings scheduled at mutual convenient times,
 - IEP meetings to discuss important proposed changes



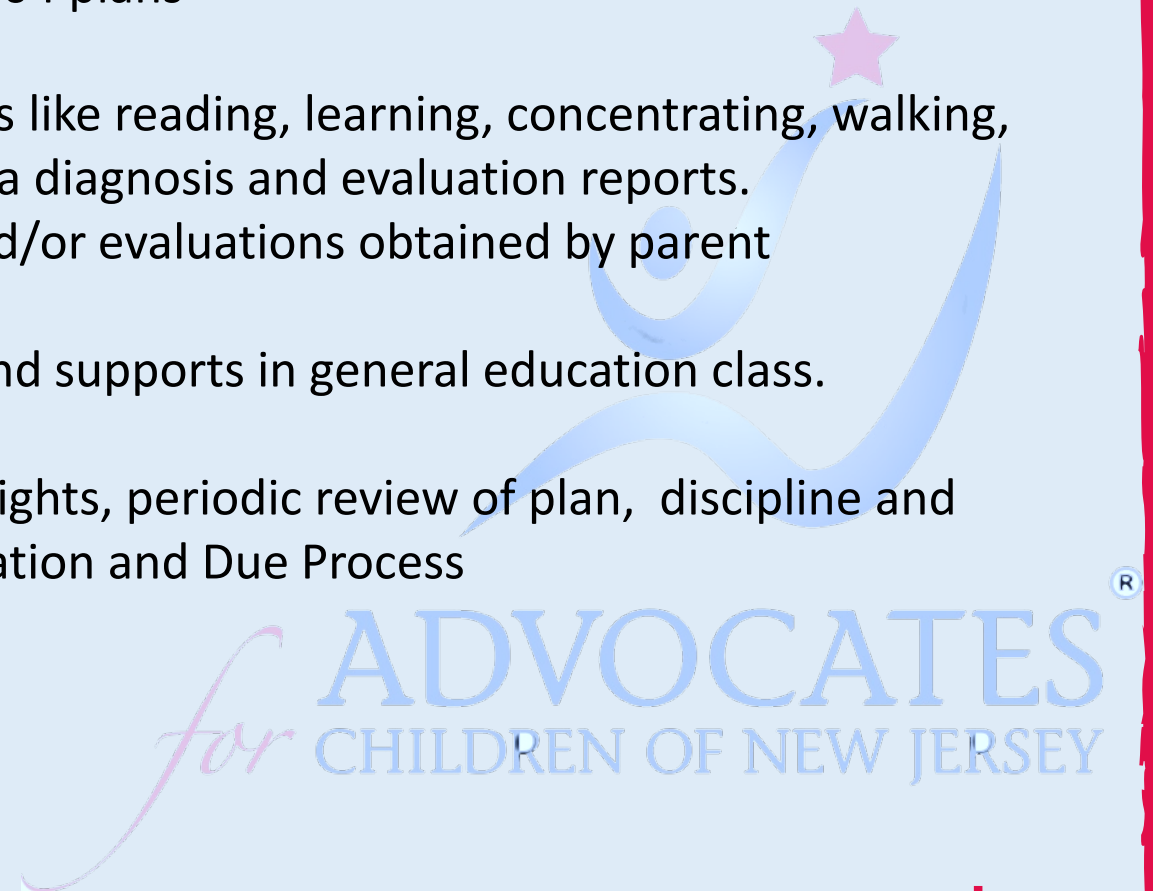
Special Education Basics

- Initial IEP TIMELINE is 110 days:
 - 20 days from a written request for CST evaluations: meeting with a parent/guardian to discuss whether evaluations are warranted.
 - 90 days to evaluate, develop and implement the IEP.
- Annual review on anniversary of initial IEP date
 - **2 business days notice** for annual review with summary of present levels and explanation of rights
 - Meetings can occur more frequently to review and/or change the IEP
 - Meetings are required for important IEP proposed changes
- Triennial evaluations (minimum - every 3 years with 60-day timeline to complete re-evaluations)
- While parents have participation rights – districts have final say and parents have appeal rights through Mediation and Due Process
 - **Stay-Put and Compensatory Education Services**



504 Plan Basics

- For students between kindergarten and high school graduation (also available in college).
 - **Districts who have universal pre-k must offer 504 plans
- Must have a disability which impacts major life activities like reading, learning, concentrating, walking, seeing, hearing or caring for oneself as proven through a diagnosis and evaluation reports.
 - ** 504 plan may be based on CST evaluations and/or evaluations obtained by parent
- Students are entitled to reasonable accommodations and supports in general education class.
- Protections include: written plan, parent participation rights, periodic review of plan, discipline and discrimination protections, appeal rights through Mediation and Due Process



Tips for Parents with Students who Currently Have an IEP or 504 Plan

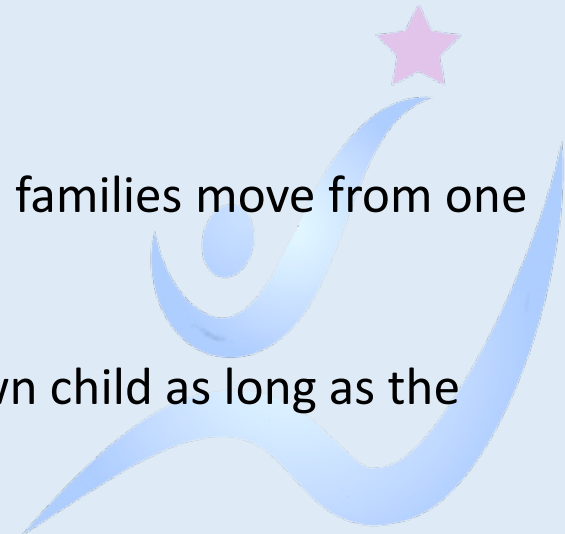
- Review the current plan and evaluations before or at the start of the school year
- Share important information and/or modification pages with current teachers
- Request 30 day review if student at new school or trying out new program/ strategies



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Rights Regarding School Records

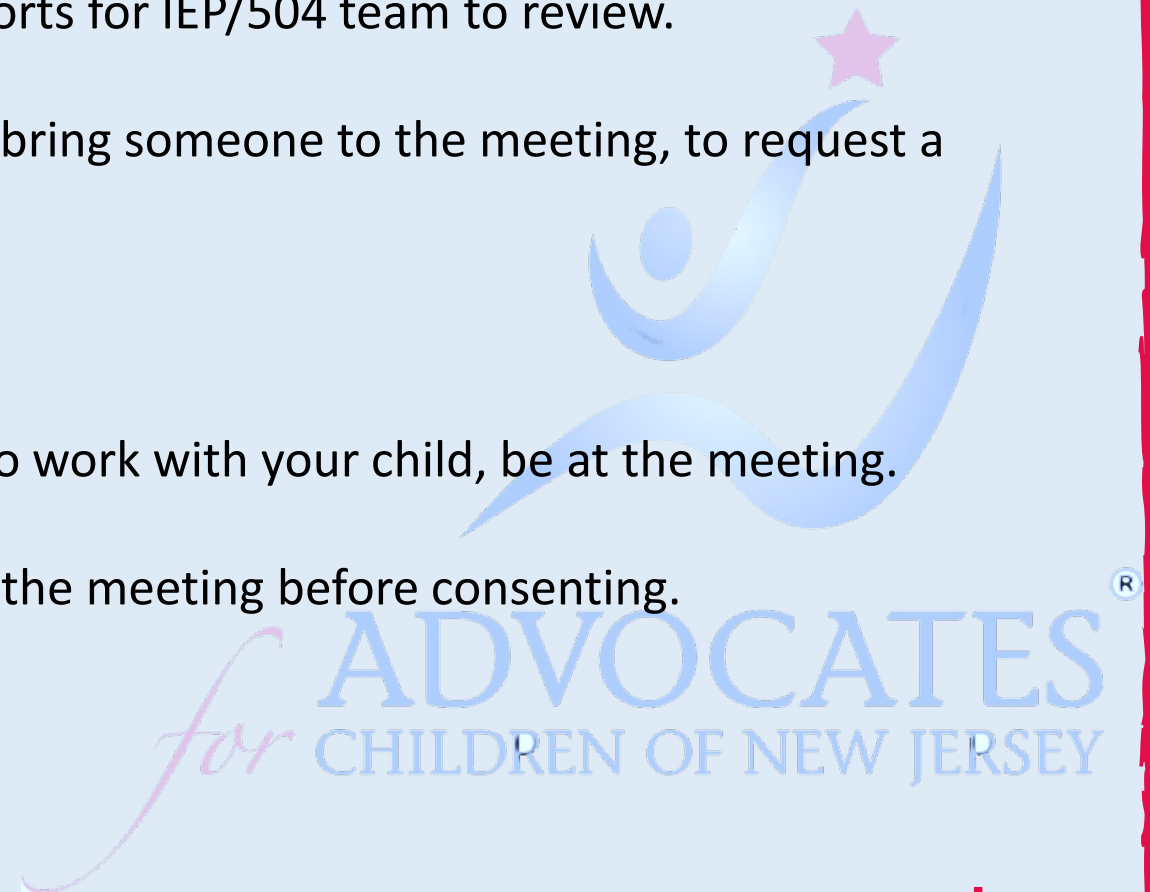
- Parents have right to review and receive copies of all student records within 10 days of a written request:
 - For IEP records, the request goes to CST
 - For general education records, the request goes to Principal
- Parents must sign Release before districts share records, however when families move from one district to another, the sharing of school records is mandated.
- Parents can request an appointment to review school videos of their own child as long as the confidentiality of other students are not violated.
- If school district staff do not provide requested records, contact Superintendent/ Dir. of Sped.
- Parents can appeal their child's discipline record through the district superintendent and seek removal or modification for reasons of inaccuracy, irrelevancy, or other improper information.
 - Parents can submit a statement to add to an existing record.



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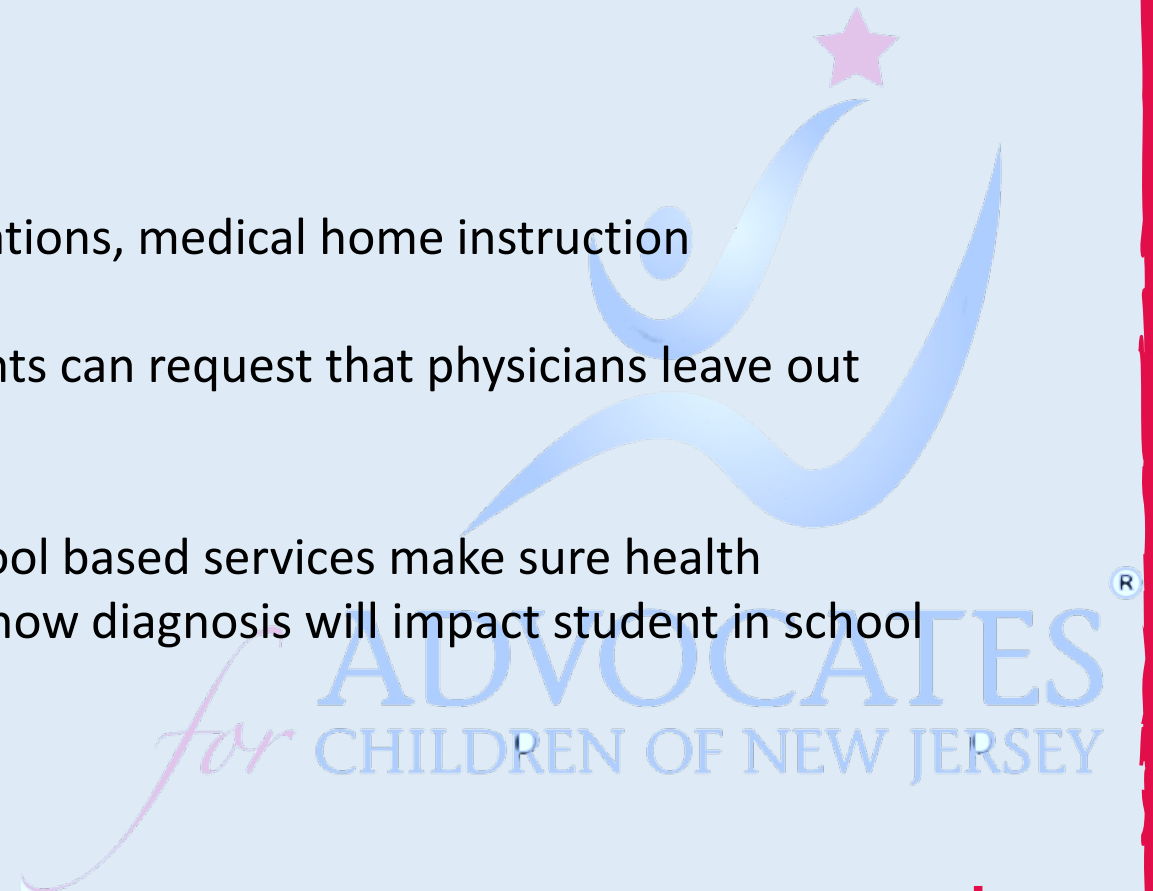
Tips Regarding Attending a School Meeting

- Prior to a meeting: review IEPs/504 plans, current evaluations and progress data.
 - **Request these records from the school several weeks ahead of time if you don't have them.
 - **Provide new privately obtained evaluation reports for IEP/504 team to review.
- Let the CST/504 team know, in advance, writing, to bring someone to the meeting, to request a translator or to record the meeting.
- Write down a list of questions that you want to ask.
- Make a written request that all the school staff, who work with your child, be at the meeting.
- It is best to review the proposed IEP/504 plan after the meeting before consenting.



What Information Should Parents Consider Sharing with School Staff

- New diagnosis/ new medication
- Renew doctor orders/letters:
 - ** to request health plan, 504 or IEP accommodations, medical home instruction
- When providing physician evaluation reports, parents can request that physicians leave out confidential information
- When relying on health professional letters for school based services make sure health professional explains: diagnosis, basis for findings, how diagnosis will impact student in school and recommendations for school based services.



Considerations for 8th Graders

For any student:

- Vocational High Schools
 - ** 4 year and 2 year high school programs available including for students with disabilities
 - ** application deadlines can be in the fall or early winter
 - ** parents are responsible for submitting applications but school staff can facilitate

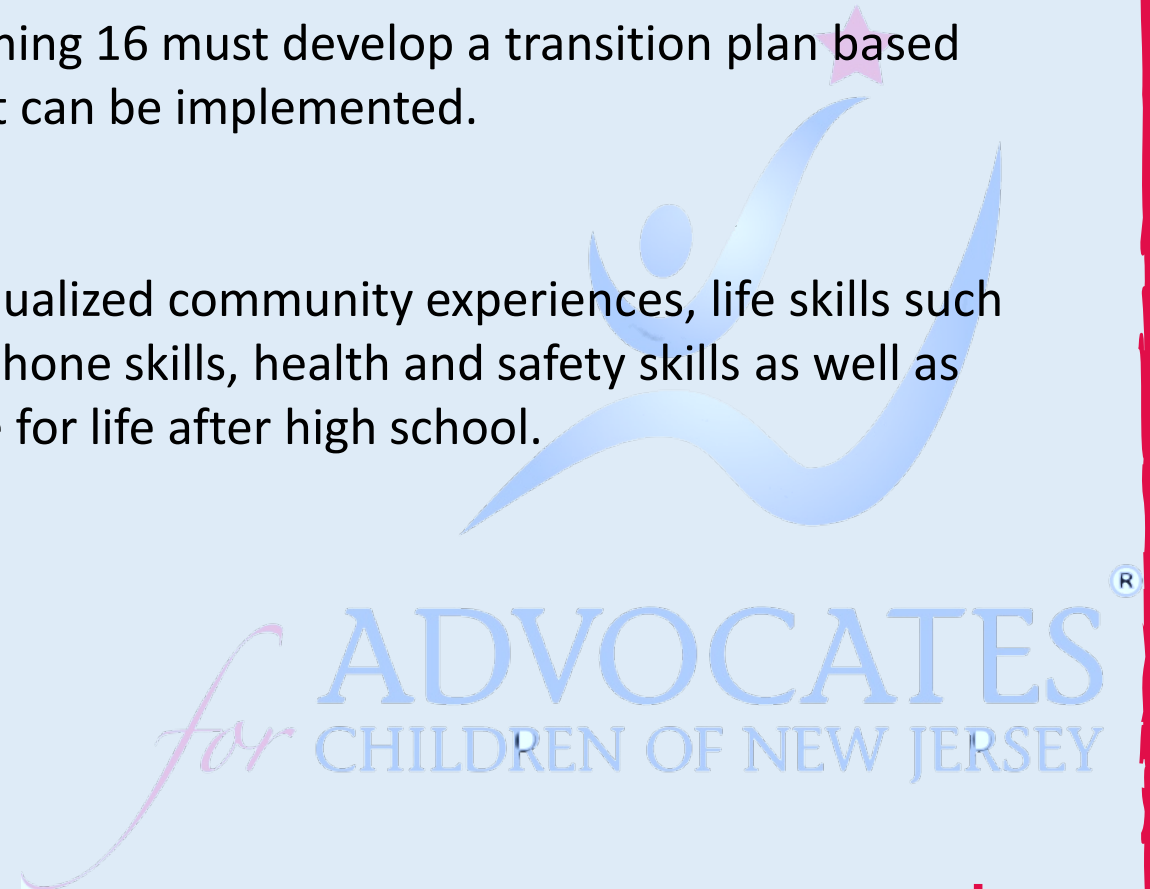
For students with IEPs:

- Transition planning begins at age 14 to help prepare the student for life after high school
- IEP meeting can include student if appropriate during transition discussions
- Planning can include services such as: interest/skills inventory, specialized instruction in academics and skills



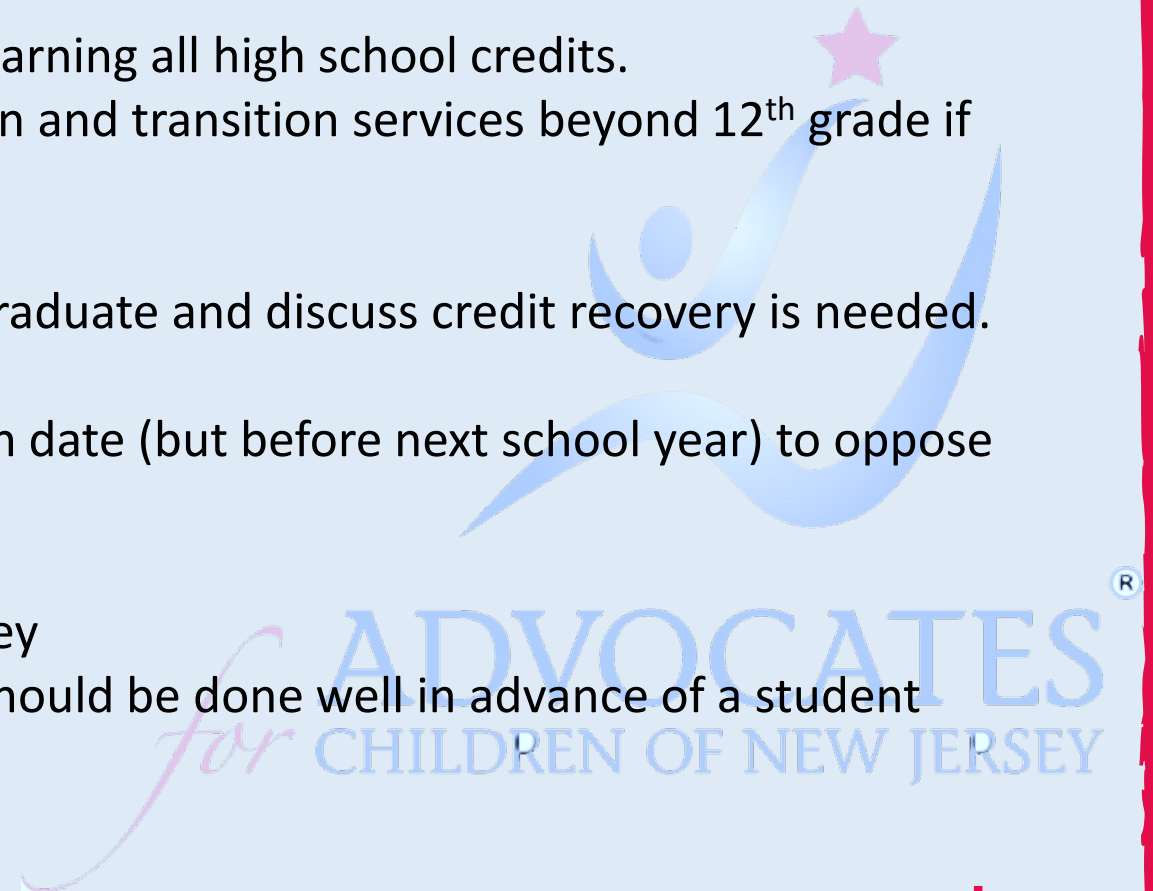
Considerations for Special Education Students Turning 16 – Transition Services

- The IEP meeting scheduled prior to the student turning 16 must develop a transition plan based upon individual needs and goals of the student so it can be implemented.
- Students can receive specialized instruction, individualized community experiences, life skills such as travel training, computer skills, interview skills, phone skills, health and safety skills as well as ongoing academic instruction to help them prepare for life after high school.



Considerations for High School Seniors in Special Education

- Parents must receive written notice of district's intention to graduate student prior graduation.
 - High school graduation is not based solely on earning all high school credits.
 - Students have the right to additional instruction and transition services beyond 12th grade if they are not ready to graduate.
- Check credit status to ensure student on track to graduate and discuss credit recovery is needed.
- Mediation/ due process before (or after) graduation date (but before next school year) to oppose graduation.
- If relevant, consider: guardianship/power of attorney
 - ** These processes take time to put in place so should be done well in advance of a student turning 18



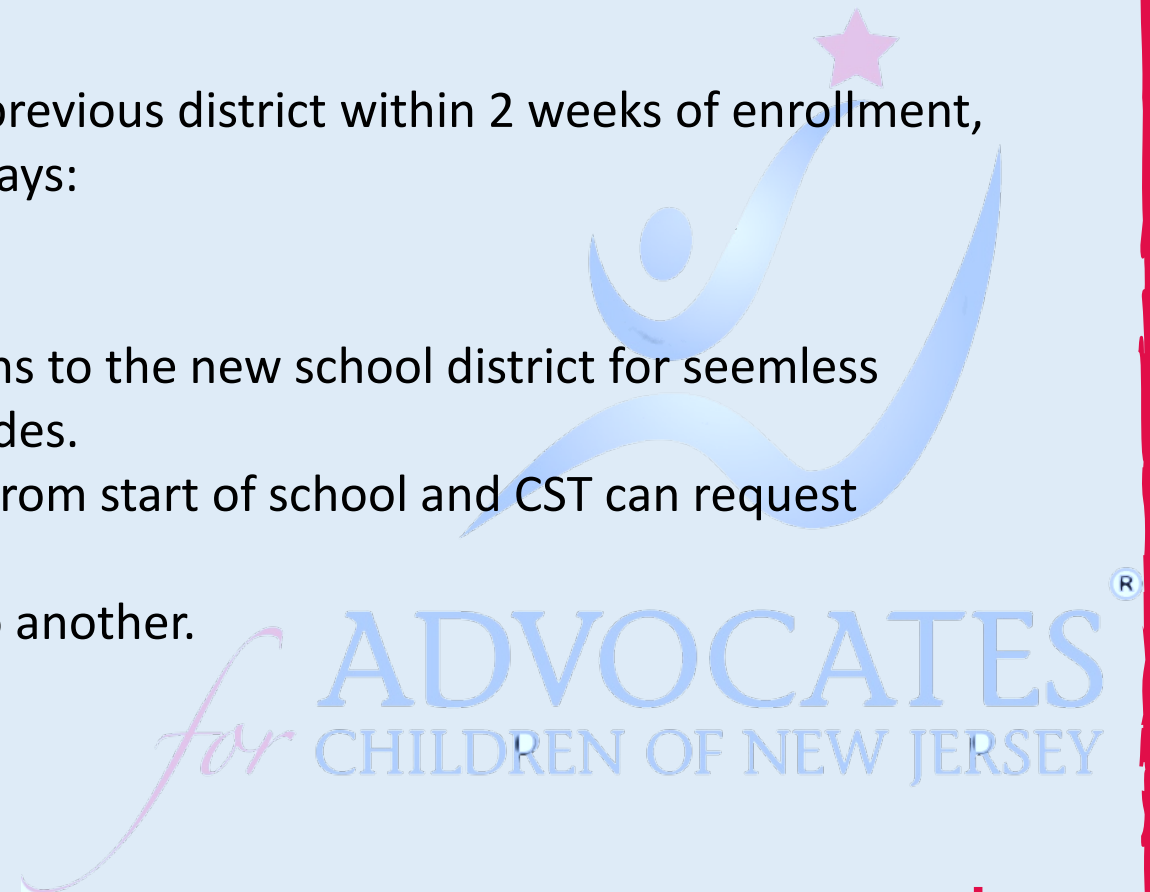
What to know About Moving to a New District

For all students:

While the new district sends a record request to the previous district within 2 weeks of enrollment, which must be sent to new district within 10 school days:

For students with IEPs:

- **best practice:** bring current IEP and evaluations to the new school district for seamless transition and other important records like grades.
- Students with IEPs must have a 30 day review from start of school and CST can request additional evaluations.
- NO STAY PUT when moving from one district to another.



New Jersey Department of Education Resources

New Jersey Department of Education: <https://www.nj.gov/education/>

Special Education Ombudsman: oseinfoe@doe.nj.gov or 609-376-9060

Facilitated Individualized Education Program:

www.nj.gov/education/specialed/policy/facilitatediep/

Discipline and Conduct:

<https://www.nj.gov/education/specialed/policy/documents/DisciplineSWDGuidebook.pdf>

Restraint and Seclusion:

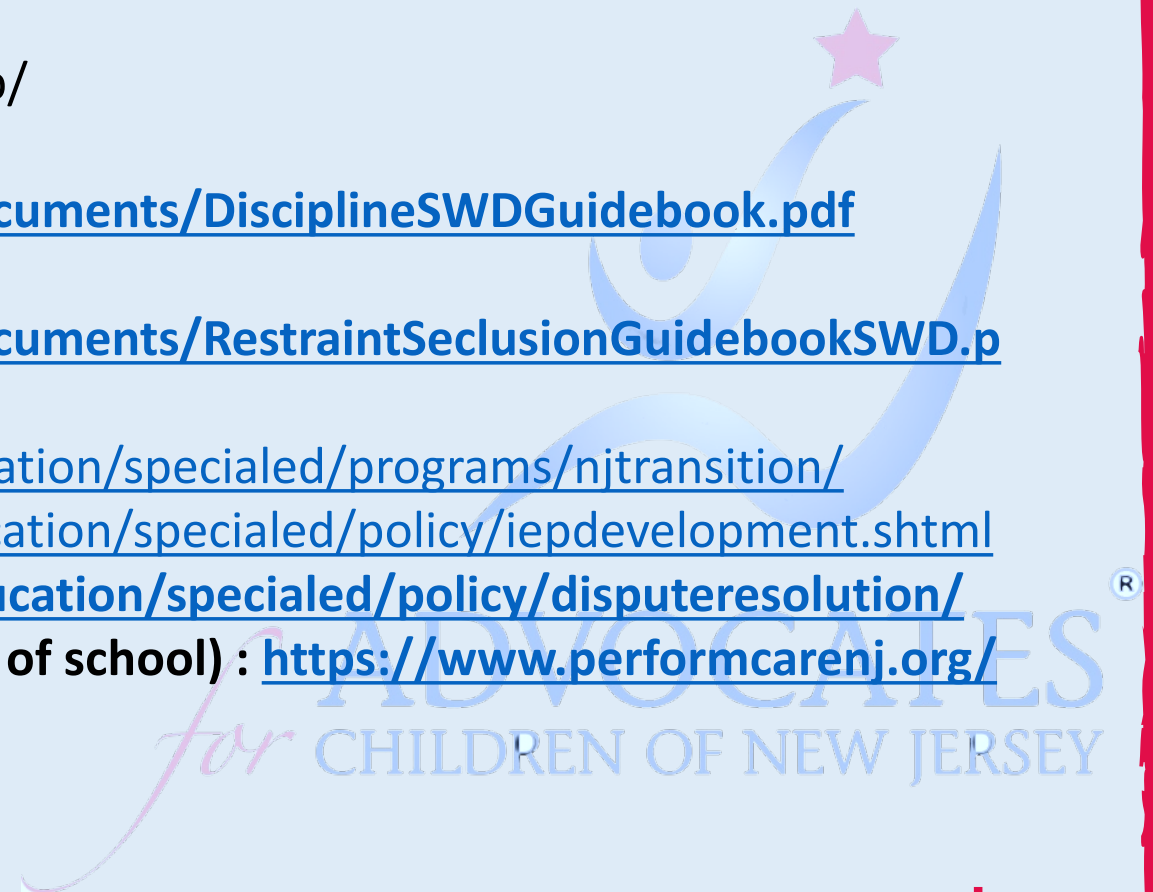
<https://www.nj.gov/education/specialed/policy/documents/RestraintSeclusionGuidebookSWD.pdf>

Transition Resources: <https://www.nj.gov/education/specialed/programs/njtransition/>

Sample Special Ed forms: <https://www.nj.gov/education/specialed/policy/iepdevelopment.shtml>

Dispute Resolution Forms: <https://www.nj.gov/education/specialed/policy/disputeresolution/>

PerformCare (for behavioral health services outside of school) : <https://www.performcarenj.org/>



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Advocates for Children of New Jersey Resources

For fact sheets, videos, blogs and guides regarding education law-related topics:

<https://acnj.org/kidlaw/education/>

For other information regarding ACNJ policy initiatives and information including current topics of interest and data visit: www.acnj.org

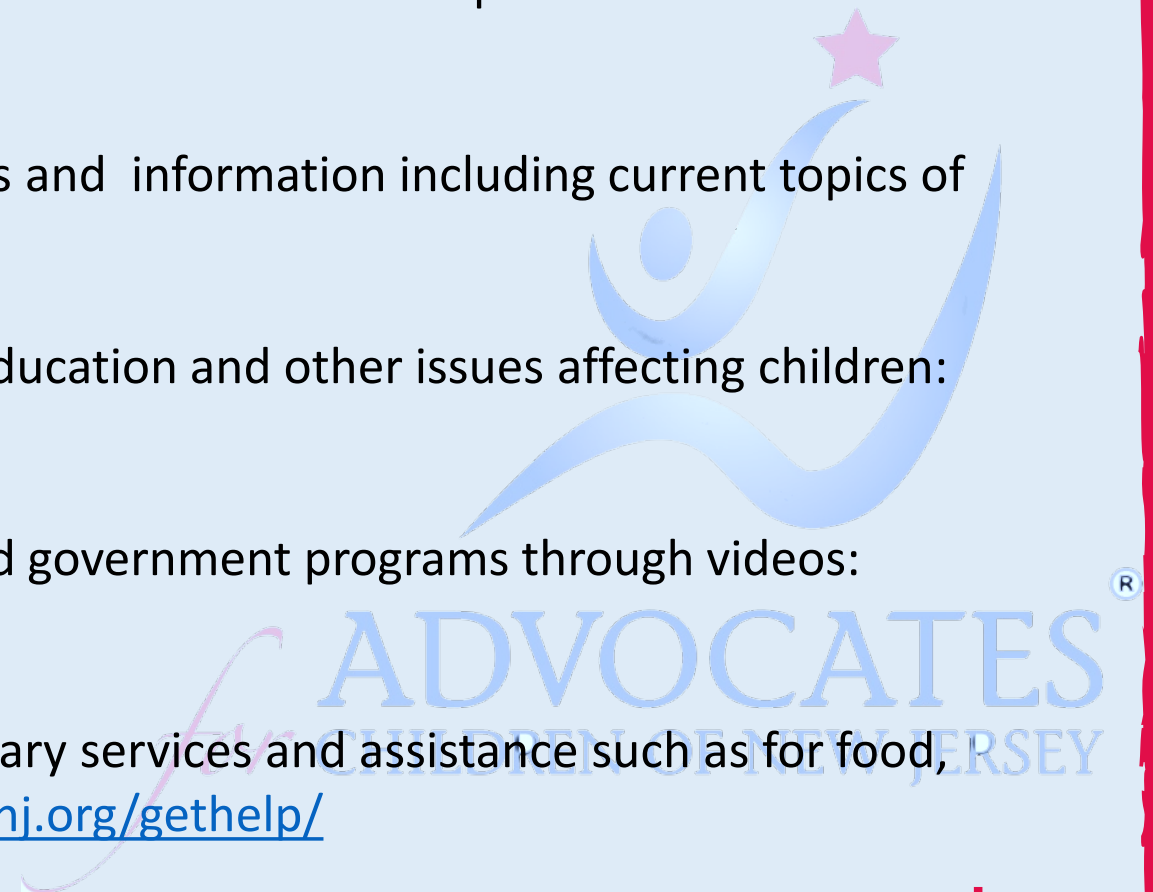
For other legal information and resources including education and other issues affecting children:

<https://kidlaw.org/>

For clear short summaries of case law, regulations and government programs through videos:

<https://www.youtube.com/@KidlawACNJ>

For links to resources that help families obtain necessary services and assistance such as for food, housing, mental health, child care, health: <https://acnj.org/gethelp/>



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THANK YOU FOR ATTENDING!

For more information, you may contact:

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