

# common GROUND



Increasing the dialogue among stakeholders in New Jersey's special education system

## Major Reforms Ahead for New Jersey's High School Education

**T**he New Jersey Department of Education has released a policy paper outlining major reforms for high school graduation. "NJ STEPS: Re-Designing Education in New Jersey for the 21st Century," calls for sweeping changes in standards and high school graduation requirements, new testing requirements, better training and support for teachers and school leaders, and aligning instruction from preschool through college. The report's recommendations are the result of a multi-year effort to help align New Jersey high school standards and graduation requirements to college and workforce entry requirements.

The report has major implications for all students in New Jersey, including the state's 233,000 students with disabilities.

The report calls for establishing course requirements for high school graduation so that all students learn Algebra I, Algebra II, Geometry, Biology, Chemistry, and Economics, along with other state requirements, to earn a high school diploma. Currently, New Jersey's local graduation requirements vary widely in that the state does not require students to complete a college and work-ready curriculum in order to graduate.

New Jersey's higher education and business communities expressed support for the proposal, but some educators have voiced concern that the plan's approach fails to address the diverse needs and goals of the full range of students in New Jersey' schools, particularly those with disabilities and those for whom college is not a goal. They have urged a strategy to improve high school standards through an approach that includes higher standards with "multiple paths to graduation."


Leaders from New Jersey's twenty-one vocational-technical schools have expressed concern that the plan's standardized requirements will squeeze out career-related activities and electives that attract students to vocational programs. Urban advocates raised concerns both about capacity issues and the ability of some schools to meet the new requirements according to the timeframes outlined in the proposal (see page 6). Currently only 35 percent of New Jersey districts require Chemistry; less than 45 percent require Algebra II; and less than 70 percent require Algebra I, Geometry, and Biology. Moving these numbers up to 100 percent within eight years, as the "NJ Steps" report proposes, would require major increases in educational investment, teacher recruitment, and retention. The proposal does not directly address the issue of funding, other than to suggest reallocation.


Advocates argue that the plan's use of high-stakes end-of-course testing could have negative effects on New Jersey's graduation and dropout rates. As stated by Education Week, the state's high school graduation rate is the second highest in the nation. Graduation rates for African American and Hispanic students are also among the highest, despite significant gaps with white students.


The plan would allow students the option of learning course content within the context of their required coursework, and invites educators to use real-world applications in career and technical education to make classes, such as Algebra II more compelling to students.

*The NJ STEPS Report and its recommendations are the result of a multi-year effort to help align New Jersey high school standards and graduation requirements to college and workforce entry requirements.*


*continues on page 6*


 ■ **Pennsylvania Special Education Funding Formula Challenged**  
page 2

 ■ **Graduation Ceremony Participation**  
page 3

 ■ **Vocational Technical Schools**  
page 4

 ■ **Compensatory Education**  
page 6

 ■ **Your IEP IS a Transition Plan**  
page 7

 ■ **SnapShot: Students with Disabilities in County Voc-ed Schools**  
page 8

**Fall 2008**



# From the Courts

## Pennsylvania's Special Education Funding Formula Challenged in Federal Court

Pennsylvania's special education funding formula has been challenged in a federal lawsuit claiming the state shortchanges needy school districts with large numbers of students with disabilities.

The Community Justice Project (CJP), a Harrisburg-based legal advocacy group, wants the state Education Department to revise the census-based funding formula, which assumes that 16 percent of all students in each of Pennsylvania's 501 school districts need special-education services.

CJP argues that the State's funding scheme ignores factors such as the actual number of special-education students, the cost of providing needed services, and a school district's ability to pay for special education with local property-tax dollars, resulting in "a systemic failure to distribute special-education funds in an equitable fashion." Because the formula applies the same assumption of special-education enrollment statewide, districts with lower enrollments are more richly rewarded by the state on a per-pupil basis. The funding formula, in place since 1994, is similar to the one New Jersey adopted this year.

The organization filed the lawsuit in 2006 on behalf of seven special-education students and their parents in the Reading and Lancaster school districts. The suit claims that the students have been deprived of needed services such as tutoring and teachers' aides. Special education students make up about one-quarter of the public-school enrollment in Lancaster and about 15 percent in Reading.

The Pennsylvania Department of Education tried unsuccessfully to have the suit dismissed on grounds that students and parents failed to seek administrative hearings to resolve disputes before going to court.

## Compensatory Education Required for Girl with Disabilities

An Administrative Law Judge has ordered a New Jersey school district to provide continued special education and transition services to an 18-year-old graduate, in spite of the fact that her school transcripts show that she completed her academic work.

The case involves a girl with psychiatric and learning disabilities, now age nineteen. She was absent most of her junior year and 55 days of her senior year, due to hospitalizations and recuperations related to her disability. The girl's parents alleged an improper high school graduation determination and the absence of transition services, as well as insufficient tutoring or accommodations for anticipated chronic absences.

The judge found that the girl's Individualized Education Program (IEP's) and their implementation were defective on many levels: They failed to deal

with her disabling condition and its consequence of frequent and extended hospitalizations and extensive absences; they did not attempt to offer grade-level work with accommodations; they did not provide objective criteria to evaluate progress toward IEP goals; and, there was no analysis of required transition needs or services.

Finding that the evidence 'overwhelmingly' supported the conclusion that the girl was denied a free, appropriate education, the Judge ordered that the girl's graduation be set aside and that the school district provide the girl with one year and five months of compensatory education.

## Federal Court Refuses to Dismiss Special Education Segregation Case

A Federal District Court Judge has issued a decision allowing a New Jersey special education law reform action to proceed. Filed by the Education Law Center, New Jersey Protection and Advocacy, and others, on behalf of the Arc of New Jersey, the Statewide Parents Advocacy Network, and others, the case asks the New Jersey Department of Education to implement broad systemic reforms to help address the high rates of segregated special education placements. The complaint charges that the department has violated both the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act by systemically placing students with disabilities in segregated, disabled-only classrooms. New Jersey has been cited by the U.S. Department of Education for failing to ensure the provision of special education services in the "least restrictive environment."

Attorneys for the State of New Jersey had asked the court to dismiss the case on a number of grounds, but all were denied.

Because of the high percentage of students with disabilities in segregated classrooms, the judge found that the plaintiff organizations had members with standing. She also found that named plaintiffs were not needed because the suit alleges systematic failures, not individual damages.

The judge refused to require the plaintiffs to exhaust administrative remedies because, she found, individual due process hearings would be futile: "[T]he administrative process is powerless to address Plaintiffs' claims here, which concern New Jersey's policies and practices ... and ... require structural relief."

In a far-reaching ruling, the judge also determined that IDEA does not "preclude private rights of action against the state for failure to comply with any IDEA provision, including the monitoring obligations imposed on each state ..."

The ruling will allow the plaintiffs to have their complaint heard in court.



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# From the Capitol

## Students with Disabilities May Participate in Graduation Ceremonies

New Jersey Governor Jon Corzine has signed a bill that clears the way for a student with disabilities to participate in graduation ceremonies, even when the student's Individualized Education Plan (IEP) calls for additional instruction.

Federal law allows students with disabilities to continue to receive special education and related services through age 21, if such services are needed. The new law requires New Jersey school districts to allow special education students whose IEPs call for continued special education beyond the fourth year of high school to participate in commencement ceremonies with the graduating class, and to receive a certificate of attendance. The bill does not preclude that student from receiving a high school diploma when the IEP is completed, and graduation requirements have been met.

Advocates have long argued that students with disabilities who have been included with age peers should be allowed to participate in the ceremony—an important rite of passage and social experience—even when they would return to school the following year to complete transition services in their IEP. In 2003, the New Jersey Department of Education issued a memorandum to clarify that local school districts had the discretion to allow such students to participate in graduation ceremonies, but many districts elected not to allow it.

## Study Finds Students with Disabilities Benefit from School Choice

A recent study shows that Florida's special education voucher program has improved the education that public schools provide to students with disabilities.

The McKay Voucher program, the first and largest of its kind, offers vouchers to any student with a disability in a Florida public school. Students can use these scholarships to pay tuition at a public or private school willing to admit them. The amount of the voucher is either the tuition at a private school or the amount that the public school would have spent on the child if he remained in public school, whichever is less. Participation in the program has grown rapidly since it was launched as a pilot in 1999. It has grown to include 18,273 students with disabilities, making it the largest school voucher program in the country.

While studies have found that students benefit when they use vouchers to attend a private school of their choice, much of the

public debate over school choice centers on the impact it has on the public school system. Some worry that vouchers harm public schools by depriving them of resources, while others contend that vouchers improve public schools by forcing them to compete for students.

In the first quantitative evaluation of a voucher program for students with disabilities, the Manhattan Institute found that students with relatively mild disabilities in public schools – the vast majority of special education students – made larger academic gains when the number of private options increased.



The study's findings for special education vouchers are consistent with a growing body of research focused on school choice programs for general education students. Previous studies indicate that school choice from voucher programs and charter schools improves the performance of public schools.

Florida's McKay program combines two of the least commonly understood aspects of education policy: Vouchers and special education. The report, "The Effect of Special Education Vouchers on Public School Achievement: Evidence from Florida's McKay Scholarship Program," is available at [www.manhattan-institute.org](http://www.manhattan-institute.org).

## Report Finds Students with Disabilities Improving Under NCLB and IDEA

A report released by the National Council on Disability (NCD) documents trends in academic achievement of students with disabilities, as well as successes and barriers in the implementation of the No Child Left Behind Act (NCLB) and the Individual with Disabilities Education Act (IDEA).

The report finds that fewer students with disabilities in 4th and 8th grades are scoring below basic proficiency levels on national reading and mathematics tests.

According to the report, stakeholders describe a positive change in the attitude of educators toward teaching students with disabilities, leading to higher expectations, increased access to highly qualified teachers, and higher-level curricula. And these educators are increasingly aware of the need to provide lower-performing students with extra supports to allow them to learn to high standards.

The report contains a number of recommendations to improve NCLB and IDEA: Continuing to collect and report test scores of students in special education; increasing the capacity among general educators to provide differentiated instruction using rigorous curricula; using incentives to attract, recruit, and retain special education teachers; changing NCLB to include elements of IDEA, such as early intervention services, response to intervention, individualized education plans for lower-performing students, and transition planning for needy students; greater alignment of NCLB and IDEA data systems and definitions; broader measurement of student outcomes across areas other than academic skills attainment; and increased funding for special education.

The National Council on Disability is an independent federal agency charged with making recommendations to the President and Congress to enhance the quality of life for all Americans with disabilities and their families. It is composed of fifteen members appointed by the President and confirmed by the U.S. Senate.

## Minorities in Special Education Studied by Commission

Last winter, the U.S. Civil Rights Commission hosted a hearing on minority over-representation in special education—a problematic scenario in which minority students are represented in higher proportions in certain disability categories than they are in overall student enrollments. Such students are often placed in self-contained classrooms with less rigorous instruction than that afforded to general education students, and often do not graduate.

Testifying experts agreed that addressing disproportionality requires a comprehensive approach to factors including teacher preparation, increased federal monitoring, and parent empowerment. Some suggested that inappropriate special education placements could be avoided by providing effective early reading instruction.

The Civil Rights Commission reports to the President and Congress on bias issues, and are expected to issue a report on their findings sometime next year.



# Vocational-Technical Schools: An Option for Students with Disabilities

By Wendi Patella

New Jersey's county vocational-technical schools prepare students across all spectrums for the workplace and further study by providing hands-on learning opportunities and bringing real-world relevance to academics. Educators affirm that for many individuals with disabilities, learning by doing translates into greater academic success, as students discover hidden talents in vocational fields and build self-confidence with a newfound ability.

Culinary arts, construction trades, and graphic design are examples of the vocational programs in which more than 28,000 high school students are enrolled to receive career and technical education in addition to traditional high school classes — and more than 25 percent of those students have disabilities. In addition to high school-level programs, county vocational-technical schools also provide postsecondary vocational training to adults that might also be appropriate for young adults with mild to moderate disabilities.

These schools work with local district child study teams to ensure students are appropriately placed in a program consistent with the needs defined by their Individualized Education Program (IEP). Statewide, over 7,300 classified students attend these schools. While some are enrolled in programs specifically designed for students with disabilities, many classified students find success in integrated academic and vocational classes.

Almost half of the special education students are enrolled in full-time programs that begin in 9th grade. Other students benefit from receiving academic classes in their home school districts and attending career programs for half of the school day, beginning in 11th grade.

In a recent trend, home districts have recognized the value of career and technical education for special education students and often combine shared-time vocational school with self-contained, out-of-district placements for some low-functioning students. Providing a variety of accommodations and supports to meet the educational needs of special education students while ensuring their safety, county vocational-technical schools have both integrated programs and those tailor-made for students with special needs.

*“Special education students are accepted into all 21 county vocational-technical schools. In seven counties, more than 30 percent of the total student population is classified”*

Monmouth County's Career Center in Freehold is a shared-time high school that has provided career development to students with disabilities for 23 years. The Career Center provides students with pre-vocational evaluation, career exploration, skills training, cooperative education, and school-to-career services. Structured on an individual basis, this model succeeds for students with disabilities by challenging their abilities and facilitating decision-making, while being responsive to individual student needs and interests.

In the Career Center, like at many such schools across the state, student enterprises are a program hallmark. The school's common area more resembles a Main Street than a school—housing a number of actual services including a flower shop, greenhouse, restaurant, bakery, school store, and supermarket. Students operate a warehouse that stores district supplies and they even maintain a golf green. This real-life simulation takes highly beneficial training one step closer to the world of work.

Other programs utilize the strengths of their business partnerships to provide students with actual workplace training. Union County Vocational-Technical Schools closed its miniature grocery store inside its school that once trained students for retail careers. Today, about 20 students—all with special education needs—participate in a two-year training program with ShopRite in Clark, learning various aspects of the retail field.

Through this arrangement, students receive classroom and hands-on training at the Clark store 3-4 days per week, virtually becoming store employees as they rotate through all departments including check-out, meat, produce, and horticulture. About half of these students

*continues on next page*

## Career Programs at County Vocational-Technical Schools (secondary and adult)

- Administration and office occupations
- Agribusiness
- Animal Science
- Auto mechanics
- Baking
- Biotechnology
- Building maintenance and repair
- Carpentry
- Child care
- Collision repair
- Communication technology
- Computer applications
- Computer networking
- Computer programming
- Computer repair
- Computer technician
- Cosmetology
- Culinary arts
- Dental assistant
- Diesel mechanics
- Drafting and design
- Electrician
- Electronics
- EMT
- Engineering
- Environmental science
- Environmental studies
- Fashion design
- Finance and accounting
- Geographic information systems
- Graphic design
- Home health aide
- Horticulture
- Hospitality and tourism
- HVAC
- Industrial electronics
- Landscaping
- Law, public safety, and security
- Licensed practical nurse
- Machine technology
- Marine maintenance
- Marketing
- Masonry
- Medical administration
- Medical technician
- Nursing aide
- Performing arts
- Plumbing
- Printing
- Radio, television, and video production
- Recording technology
- Retail
- Sales
- Small engine repair
- Veterinary technician
- Welding

# Q&A A Compensatory Education Primer

## Q: What is compensatory education?

A: Compensatory education is a legal term used to describe the future educational services courts have awarded to a student with disabilities under the Individuals with Disabilities Education Act (IDEA) for a school district's past failure to provide a free, appropriate public education (FAPE). Compensatory education helps the child make the progress that she would have made if an appropriate program had been available.

## Q: When can a student obtain compensatory education?

A: A student with disabilities may obtain compensatory education if he or she went without an appropriate program for some time. This could be because the student's Individualized Education Program (IEP) was inappropriate, or because the IEP was not fully carried out by the school. Compensatory education might also be available if there was an illegal delay in evaluating the student for special education and if, as a result, he or she did not receive needed services.

A student may also be entitled to compensatory education if the school district violated the student's or the family's procedural rights in a significant way; for example, if the school district did not give the family a chance to participate in the development of the IEP.

## Q: What services must be provided?

A: The specific services provided must be tailored to the student's needs, and can mean extra instruction or related services such as therapies provided during the school year or summer. In other cases, a student may be allowed to continue to attend school for a period after completing the school year in which that individual turns 21. Sometimes special materials or other special services tailored to the student's needs are appropriate. The amount of compensatory services provided should reflect the student's

specific learning needs, and should relate to the amount of services the student has missed.

## Q: What should parents do if they believe a child may be entitled to compensatory education?

A: If parents believe their child did not receive an appropriate program for a significant period, they can ask the school district to provide compensatory education. Parents may want to get an evaluation to help determine what type and amount of compensatory education their child needs.

If this is indeed the case, it is important for parents to act promptly and request a hearing within two years of the date they knew or should have known that the school district was not providing the child with an appropriate education, unless the parent was prevented from requesting a hearing by a specific school or school district misrepresentation that the problem was solved, or because the school or school district did not give the parent information it was required to provide under the law. If the problem has been ongoing for more than two years, parents can still request a hearing, but the Hearing Officer's award may be limited.

*Compensatory education is a legal term used to describe the future educational services courts have awarded to a student with disabilities under the Individuals with Disabilities Education Act (IDEA) for a school district's past failure to provide a free, appropriate public education (FAPE).*

## Vocational Schools continued from previous page

are eventually offered jobs at that same store. Most others accept employment at supermarkets closer to home or with other retailers.

County vocational schools in Hudson and Passaic have specialized programs for students who are deaf or hard of hearing. At the Passaic County Technical Institute (PCTI), three full-time certified teachers of the deaf and eight full-time American Sign Language (ASL) interpreters assist deaf and hard of hearing students. In addition to having students fully mainstreamed with the assistance of an ASL interpreter, PCTI offers a specialized program to 15 students who are taught academic courses by teachers of the deaf. Other interpreters assist in the vocational shop classes ranging from automotive repair to medical arts to finance.

In Mercer County, students can be referred by a child study team to enroll in several programs designed to build employment skills in areas such as landscape maintenance and design, building maintenance trades, office skills, and food management and marketing.

County vocational school districts in Gloucester, Bergen, Somerset, and Cumberland work closely with a county special services school district or educational services commission to provide career training programs for students with more significant disabilities.

Whether in a specialized program for students with disabilities or a rigorous career academy, graduates of county vocational-technical schools leave high school prepared to enter the workforce or pursue

further training. Statewide, about 60 percent of graduates continue their education at college or other technical schools, while 36 percent are immediately employed in their field.

One successful college-prep program at Union County Vocational and Technical Schools is its self-contained commercial art program where students trained in computer-assisted design are moving onto elite schools such as the Fashion Institute of Technology in New York.

Hands-on training programs also provide academic preparation in reading, writing, and mathematics, as well as in developing critical thinking skills. This multi-faceted education often involves workplace experience such as internships and mentorships in which students gain the essential qualities responsibility, self-esteem, understanding workplace dynamics, and independence.

For those reasons, the National Council on Disability found in its report on "Improving Educational Outcomes for Students with Disabilities," that participation in vocational education classes during the last two years of high school, especially classes that offer occupationally-specific instruction, is among the most successful transition strategies.

In addition to career programs designed specifically for students with disabilities, students in every county attend vocational-technical schools in integrated programs. And with more than 800 approved programs in place throughout the state, there is no shortage of choices.

Wendi Patella spearheads public relations and outreach activities for the New Jersey Council of County Vocational-Technical Schools. She can be reached at [wpatella@njccvts.org](mailto:wpatella@njccvts.org). For more information, visit [www.njccvts.org](http://www.njccvts.org).

# Major Reform Ahead for New Jersey High School Education

*continued from cover*

According to the Office of Special Education Programs, the state's Core Curriculum Content Standards will remain the foundation on which instruction for students with disabilities will be developed. Instruction needs to be linked to these standards.

According to "NJ Steps," special education students would continue to be guided by their Individualized Education Programs (IEP's). Students with disabilities would be expected to be instructed in all of the new areas, and have their IEP aligned with the new standards to ensure that they have been exposed to the more rigorous curriculum. Accommodations or modifications, if any, would be noted in the student's IEP.

In accordance with No Child Left Behind, all students, including those with disabilities, need to be instructed by teachers who are highly qualified in the subject areas they teach. Advocates for students with significant disabilities have expressed concern that they will be unable to recruit and retain staff willing to teach rigorous coursework, such as Chemistry or Algebra, to students with more limited skills and abilities.

In addition to specific recommendations around coursework, the plan calls for replacing New Jersey's current High School Proficiency Assessment (HSPA) with a series of new tests including one in Language Arts, as well as end-of-course exams in math (Algebra I, Algebra II, and Geometry), and science (Biology and Chemistry). Although these are called end-of-course exams, they are designed to measure the mastery of specific content that might be covered in various classes such as integrated math and career and technical education courses.

The proposal calls for the state to develop and implement a rigorous, content-focused alternative assessment model to be implemented in consideration of students who have difficulty with standardized exams, thereby replacing the controversial Special Review Assessment (SRA). The assessment should focus on Algebra I, Geometry, Algebra II, Biology, Chemistry, and language arts literacy content. In addition, the state would add a performance-based alternative assessment method to all high school assessments in order to create a fuller picture of student achievement.

## Resources, Research, & Information

- NJDOE "Secondary Redesign" page includes a link to NJ Steps Report <http://www.state.nj.us/education/ser/>
- Achieve/American Diploma Project <http://www.achieve.org/>
- Algebra I: <http://www.achieve.org/files/ADPAlgebraIEOCEXamDraft8.pdf>
- Algebra II: <http://www.achieve.org/files/AlgebraIIEXamContent01-10-08.pdf>
- Center on Education Policy: Research reports and policy briefs on impact, costs, and patterns of high school exit exams. <http://www.cep-dc.org/index.cfm?fuseaction=Page.viewPage&pageId=493&parentID=481>
- Education Commission of the State's High School Database includes information on P-16/P-20 councils. [http://www.ecs.org/html/educationissues/HighSchool/highschooldb1\\_intro.asp?topic=p-20](http://www.ecs.org/html/educationissues/HighSchool/highschooldb1_intro.asp?topic=p-20)
- 'Restoring Value' to the High School Diploma: The Rhetoric and Practice of Higher Standards is a critical analysis of ADP and similar initiatives W. Norton Grubb, Jeannie Oakes. Education Policy Research Unit, Arizona State University, October 2007. <http://edmsp.mspnet.org/index.cfm/15317>

### New Jersey Phase-In of Graduation Requirements and Assessment Schedule\*

Year	Graduation Requirements	Required Assessments
2008-2009 (Phase I) <i>Graduating class of 2012, in grade 9 in 2008-2009.</i>	<ul style="list-style-type: none"> <li>• Language Arts Literacy - 4 years on grade level</li> <li>• Mathematics - 3 years, including content equivalent to Algebra I and two other years of rigorous math</li> <li>• Science - 3 years, including content equivalent to Biology</li> <li>• All Other Areas - as currently required</li> </ul>	<ul style="list-style-type: none"> <li>• Language Arts Proficiency Assessment</li> <li>• Algebra I End of Course Assessment</li> <li>• Biology End of Course Assessment</li> </ul>
2010-2011 (Phase II) <i>Graduating class of 2014, in grade 9 in 2010-2011.</i>	<ul style="list-style-type: none"> <li>• Language Arts Literacy - 4 years on grade level</li> <li>• Mathematics - 3 years, including content equivalent to Algebra I, Geometry, and one other rigorous math such as Algebra II, Statistics/Probability, Trigonometry, or an equivalent integrated math course</li> <li>• Science - 3 years, including content equivalent to lab Biology and lab Chemistry and one other inquiry-based lab technical science such as Physics, engineering, or environmental science</li> <li>• Social Studies - 3.5 years including civics, U.S. history, geography, and .5 years of economics</li> <li>• All Other Areas - as currently required</li> </ul>	<ul style="list-style-type: none"> <li>• All Phase I Requirements</li> <li>• Geometry End of Course Assessment</li> <li>• Chemistry End of Course Assessment</li> </ul>
2012-2013 (Phase III) <i>Graduation class of 2016, in grade 9 in 2012-2013.</i>	<ul style="list-style-type: none"> <li>• Language Arts Literacy - 4 years on grade level</li> <li>• Mathematics - 3 years, including content equivalent to Algebra I, Geometry, and Algebra II</li> <li>• Science - 3 years, including content equivalent to lab Biology, and lab Chemistry and one other inquiry-based lab technical science such as Physics, engineering, or environmental science</li> <li>• Social Studies - 3.5 years including civics, U.S. history, geography, and .5 years of economics</li> <li>• All Other Areas - as currently required</li> </ul>	<ul style="list-style-type: none"> <li>• All Phase II Requirements</li> <li>• Algebra II End of Course Assessment</li> </ul>

\* from NJSTEPS: Redesigning Education in New Jersey for the 21st Century, April 2008



# Your IEP is a Transition Plan

by Charles Fox, Esq.

IDEA 2004 emphasizes the need for planning for real life outcomes after public school. While transition planning has for many years been a part of the law, this new emphasis is welcome and long overdue. The transition parts of the law are not just in the narrow section that talks about the transition plan. From the purposes section and throughout the new law the emphasis is on functional goals and concrete steps to achieve post high school outcomes. This new emphasis in the law has caused me to rethink my view of the IEP itself.

I used to view transition as a discrete plan attached to the IEP about the time the child turned 14 1/2 years of age. My new thinking is that the entire IEP from three years of age on needs to be viewed as one overarching transition plan. All goals, services, placements, accommodations, technology planning, and positive behavioral

interventions need to be viewed and geared towards the long-term plan for the child. While sixteen is the current legally mandated age for the more traditional transition plan typically mentioned at the end of an IEP and all too often ignored and poorly written, I am talking about a different conception of transition planning.

For instance, during an IEP meeting for a young child with fine motor issues, those in attendance wrote goals for mastering fasteners and zippers. On the surface these goals appear to have nothing to do with transition, and yet, if the child never learns to zip up pants or deal with clothes fasteners, that will have a direct bearing on long-term ability to

be independent or more fully independent. The zipper issue is even more critical from a transition point of view; one of my longstanding concerns that I have for my clients is the risk of sexual abuse. A person who can handle his dressing needs and his toileting needs stands a much lesser chance of being sexually abused. It also has a direct bearing on the person's long-term quality of life, their employability, and potential outcomes. I have had schools say that dressing and toileting are not part of a student's responsibility, and this is clearly short-sighted, especially in view of the embedded transition mandate of IDEA 2004.

In writing social and behavioral goals, long-term outcomes should be guiding principles. Social goals should be written with the express perspective of the skill set that will enable a child to function in a work setting or living environment and more easily adapt to post-high school learning. Behaviors that cause a person to lose their job or be ostracized from a group situation at work, school, or home, must be identified and worked on from the earliest years forward.

The IEP team needs to consciously ask the question: What does this child need to succeed in life? This should be the guiding concept that drives the IEP process. Asking this question every time goals are written, behavioral interventions discussed, technologies considered, and services allocated is critically important. IEP's are not meant to be documents suitable for framing; but relevant mandates that lead to meaningful outcomes. The sooner transition is permeated into every aspect of your child's IEP, the better. A free, appropriate public education, or FAPE, should be measured against the degree to which the IEP as written and as implemented achieves outcomes contemplated in IDEA 2004. It remains to be seen how courts and hearing officers will enforce this central tenet of the new law.

*“The IEP team needs to consciously ask the question: What does this child need to succeed in life? This should be the guiding concept that drives the IEP process.”*

*“The entire IEP from three years of age on needs to be viewed as one overarching transition plan. All goals, services, placements, accommodations, technology planning, and positive behavioral interventions need to be viewed and geared towards the long-term plan for the child.”*

Charles Fox, Esq., is a Chicago, Illinois attorney and adjunct professor at DePaul Law School's Special Education Clinic. He is also the parent of a child with disabilities. His blog can be found at <http://specialedlaw.blogs.com/>

8-08

## Continue the Dialogue on CommonGround

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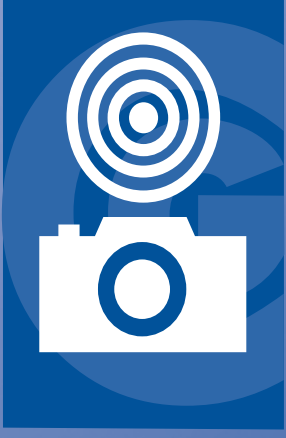
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# SNAPSHOT

## Students with Disabilities at New Jersey's Vocational Technical Schools

Source: 2007 County Vocational School Enrollment. Data provided by the New Jersey Council of County Vocational Technical Schools.

1

In New Jersey, there are 21 County-based Vocational-Technical school districts, with 60 schools.

2

Of the 28,000 secondary students in who attend County Vocational programs on either a full time or part time basis, over 7,300 are eligible for special education.

3

The statewide average rate of classification in New Jersey is 14.7%. Roughly 25% of those who attend a County Vocational schools are classified.

4

Eight counties- Camden, Cumberland, Hunterdon, Mercer, Middlesex Monmouth, Ocean, and Sussex-report more than 30% of their students as students with disabilities.

5

Only one county - Hudson - reported serving students with disabilities at a lower rate than the statewide average rate of classification. 10% of the students served at that program have disabilities.

6

More than half of the special education students who attend a County Vocational School do so on a full time basis.

7

Monmouth County Vocational School district, with 815 full and part time classified students, serves the largest number of students with disabilities.

8

47% of the students who attend Mercer County Vocational schools are eligible for special education.

9

Camden County served the largest number of full time special education students: 632.



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*Changes Ahead to  
New Jersey's High  
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