

SENATE, No. 451

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

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District 29 (Essex)

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SYNOPSIS

Establishes Office of the Special Education Ombudsman in DOE.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 5/8/2015)

1 AN ACT establishing the Office of the Special Education
2 Ombudsman and supplementing Title 18A of the New Jersey
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. a. There is established in the Department of Education the
9 Office of the Special Education Ombudsman. The purpose of the
10 ombudsman is to serve as a resource to provide information and
11 support to parents, students, and educators regarding special
12 education rights and services.

13 b. The Commissioner of Education shall appoint a Special
14 Education Ombudsman, who shall be qualified by training and
15 experience to perform the duties of the office. The ombudsman
16 shall be a person of recognized judgment, integrity, and objectivity,
17 and shall be skilled in communication, conflict resolution, and
18 professionalism.

19 c. The ombudsman shall organize and direct the work of the
20 office, including the work of such professional and clerical staff as
21 may be necessary to carry out the ombudsman's duties.

22
23 2. a. The duties of the Special Education Ombudsman shall
24 include, but need not be limited to, the following:

25 (1) to serve as a source of information for parents, students,
26 educators, and interested members of the public to help them better
27 understand State and federal laws and regulations governing special
28 education;

29 (2) to provide information and support to parents of students
30 with disabilities in navigating and understanding the process for
31 obtaining special education evaluations and services;

32 (3) to provide information and communication strategies to
33 parents and school districts for resolving a disagreement regarding
34 the identification, evaluation, classification, placement, provision of
35 a free, appropriate public education, or disciplinary action, of a
36 student with a disability; and to educate parents on the available
37 options for resolving such disputes, including due process hearings,
38 mediation, and other alternative dispute resolution processes;

39 (4) to work neutrally and objectively with all parties to help
40 ensure that a fair process is followed and that the special education
41 system functions equitably and as intended;

42 (5) to identify any patterns of complaints that emerge regarding
43 special education rights and services, and to recommend strategies
44 for improvement to the Department of Education;

45 (6) to assist the Department of Education in creating public
46 information programs designed to acquaint and educate parents and
47 the public about the ombudsman's duties; and

1 (7) to serve as a resource for disability-related information and
2 referrals to other available programs and services for individuals
3 with disabilities, including early intervention and transition to adult
4 life.

5 b. The ombudsman shall treat communications received in the
6 course of his duties, including personally identifiable information
7 regarding students, parents, and others from whom information is
8 acquired, as confidential, except when disclosure is necessary to
9 enable the ombudsman to perform the duties of the office and
10 consent for disclosure is obtained. Upon receipt of information that
11 by law is confidential or privileged, the ombudsman shall maintain
12 the confidentiality of such information and shall not disclose or
13 disseminate the information except as provided by applicable State
14 or federal law.

15
16 3. The Special Education Ombudsman shall make an annual
17 report to the State Board of Education and the Commissioner of
18 Education, which includes a summary of the services the
19 ombudsman provided during the year, and any specific
20 recommendations the ombudsman deems appropriate and necessary
21 concerning the State's implementation of special education
22 procedures and services.

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24 4. This act shall take effect immediately.

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27 STATEMENT

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29 This bill establishes the Office of the Special Education
30 Ombudsman in the Department of Education, which will serve as a
31 resource to provide information and support to parents, students,
32 and educators regarding special education rights and services.
33 Under the bill, the Commissioner of Education will appoint a
34 Special Education Ombudsman who is qualified by training and
35 experience to perform the duties of the office. The ombudsman will
36 also be skilled in communication, conflict resolution, and
37 professionalism.

38 The duties of the Special Education Ombudsman will include, at
39 a minimum, the following: (1) to serve as a source of information
40 regarding State and federal laws and regulations governing special
41 education; (2) to provide information and support to parents of
42 students with disabilities in navigating and understanding the
43 process for obtaining special education evaluations and services; (3)
44 to provide information and communication strategies to parents and
45 school districts for resolving disagreements concerning special
46 education issues, and to educate parents on the available options for
47 resolving such disputes; (4) to work neutrally and objectively with

1 all parties to help ensure that a fair process is followed and that the
2 special education system functions equitably and as intended; (5) to
3 identify any patterns of complaints that emerge regarding special
4 education rights and services, and to recommend strategies for
5 improvement to the Department of Education; (6) to assist the
6 department in creating public information programs that educate
7 parents and the public about the ombudsman's duties; and (7) to
8 serve as a resource for disability-related information and referrals to
9 other available programs and services for individuals with
10 disabilities, including early intervention and transition to adult life.
11 The bill provides that the ombudsman will treat communications
12 received in the course of his duties as confidential.

13 The bill directs the Special Education Ombudsman to make an
14 annual report to the State Board of Education and the Commissioner
15 of Education that includes a summary of the services the
16 ombudsman provided during the year and recommendations
17 concerning the State's implementation of special education
18 procedures and services.