UNDERSTANDING YOUR CHILD'S IEP

From Evaluation to Education

Building an Effective IEP — Part II

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Your presenter

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Where Part II picks up

Part I explained the IEP. Tonight: evaluation evidence, dispute rights, and graduation planning.

Part I: The plan

- What the IEP must contain
- Who participates and how parents contribute
- How goals, services, and placements are described
- IEP consent, review, and disagreements

Part II: Evidence and safeguards

- When and how evaluations begin
- What comprehensive assessments must examine
- How to read and question results
- IEEs, due process, stay-put, and graduation

Tonight’s roadmap

01	**START**	When should a student be referred?
02	**ASSESS**	Was the evaluation comprehensive and valid?
03	**INTERPRET**	What do the results actually tell us?
04	**CONNECT**	How should the findings shape the IEP?
05	**RESPOND**	What if we disagree — including about graduation?

SECTION 01

Getting the evaluation started

Referral, consent, and the New Jersey clock.



Six terms that mean different things

Identifying needs

- Screening: quick check to guide instruction; not an IDEA eligibility evaluation
- Assessment: a particular test, observation, or information-gathering method
- Initial evaluation: multidisciplinary process before initial eligibility

Monitoring and revisiting

- Progress monitoring: recurring evidence of skill growth
- Reevaluation: new review of eligibility and educational needs
- IEE: Independent Educational Evaluation by a qualified examiner not employed by the responsible district, funded by the district.

When should a student be referred?

Interventions may help

- Use appropriate general-education strategies and document responses
- Track which support was tried, for how long, and with what result
- Interventions can inform the need for an evaluation

Direct referral may be appropriate

- Parents may submit a written evaluation request
- A prompt referral may be warranted where disability-related needs are evident
- Intervention cycles should not be used to postpone a needed evaluation

How to make an effective written referral

Ask the district to evaluate — and be specific about the suspected needs.

SAMPLE REQUEST

“I am requesting an initial evaluation to determine whether my child is eligible for special education and related services. My concerns include reading, written expression, attention, and classroom functioning. Please consider all areas of suspected disability and provide the required written response.”

- State specific educational concerns
- Describe patterns at home and at school
- Attach relevant school, medical, or private reports
- Keep a dated copy and proof of delivery

After the written referral: the 20-day meeting

20

calendar days

School holidays excluded; summer vacation is NOT excluded.

The identification meeting

- Parent + child study team + knowledgeable teacher
- Review concerns and existing information
- Decide whether an evaluation is warranted; identify areas to test

Two possible outcomes

Evaluate → written notice and parental consent

Decline → written notice explaining the decision

A parent referral is considered — it does not automatically compel testing.

The initial evaluation timeline in New Jersey

REFERRAL

20 days

Identification meeting

→

CONSENT

Day 0

Written consent to assess

→

EVALUATION

90 days

Evaluation + eligibility + (if eligible) IEP in effect

→

IEP MEETING

30 days

Within 30 days of eligibility

The 90-day clock starts when the district receives parental consent to evaluate — not when the referral is made.

Separate rule: provide evaluation reports and eligibility documents at least 10 calendar days before the eligibility meeting.

Consent to evaluate is not consent to services

Before initial testing

- Written parental consent is required before initial assessments
- The district must describe proposed evaluation procedures
- If consent is refused, the district MAY seek due process to override refusal in appropriate cases

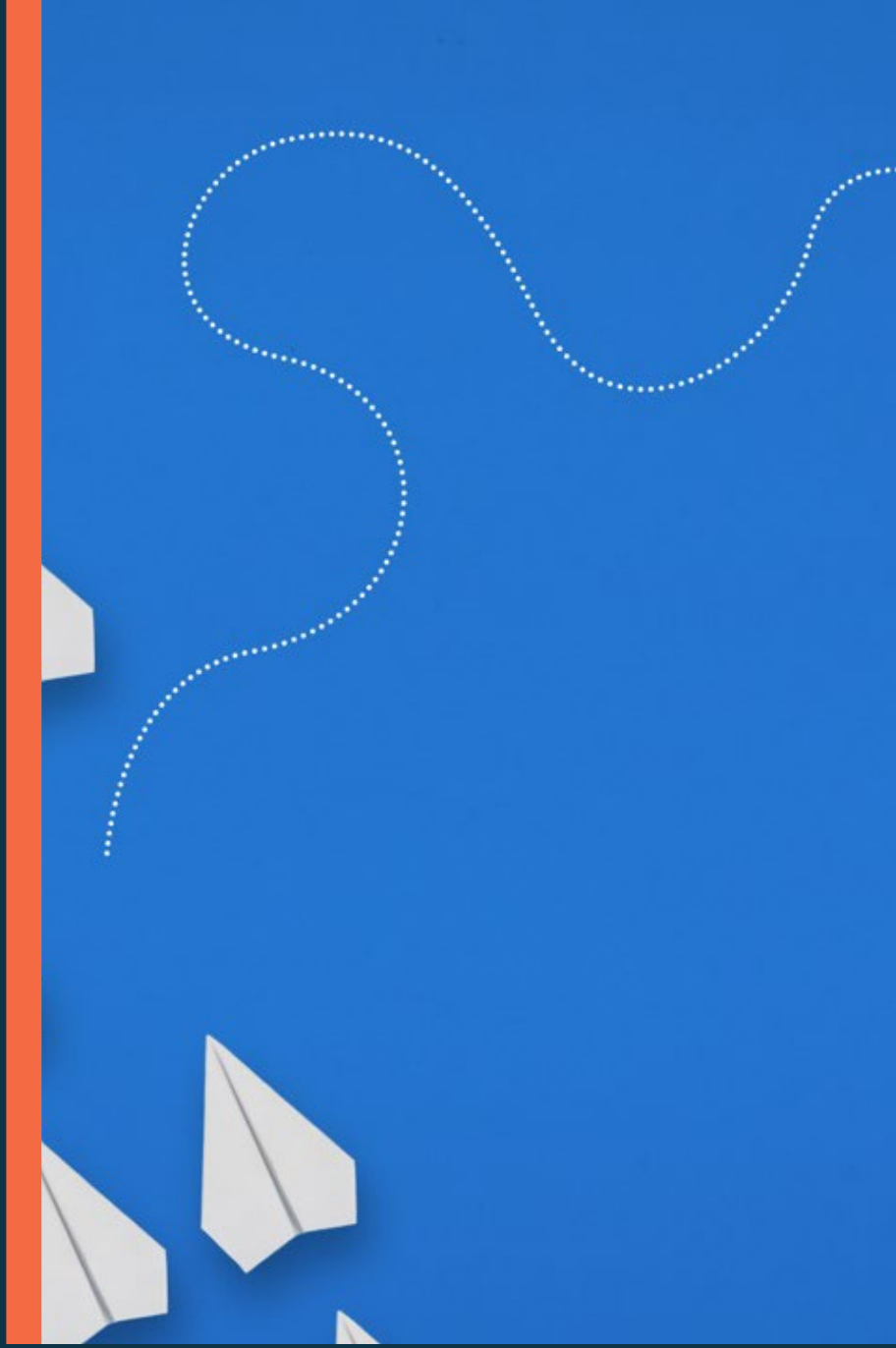
After testing

- Eligibility is decided at a team meeting
- An initial IEP needs separate parental consent before implementation
- Consent to evaluate does not mean that a child is automatically eligible

SECTION 02

What a quality evaluation requires

More than two tests and a classification label.



An evaluation is a process — not a test score

Multiple sources of information

- At least two assessments by appropriately qualified child study team members – typically educational, psychological, and social
- Review records, teacher information, and parent-provided materials
- Structured observation outside a testing session
- Additional specialists as needs warrant

One complete picture

- Academic, functional, developmental, and behavioral information
- All suspected areas — not only the expected eligibility category
- Technically sound, valid and reliable assessment tools
- No single measure may determine eligibility or programming

Assess every area of suspected disability

Cognition	Reasoning / processing
Speech / language	Expressive, receptive, pragmatics
Social / emotional	Anxiety, relationships, regulation
Adaptive	Daily living, independence
Health / communication	Hearing, vision, AT / AAC
Academic	Reading, writing, math
Executive function	Attention, planning, working memory
Behavior	Function of behaviors, FBA
Motor / sensory	OT / PT, sensory-motor
Transition	Vocational, adult-life skills

34 C.F.R. § 300.304(c); N.J.A.C. 6A:14-2.5(b)

What the team should look at — and why

Formal and standardized information

- Cognitive, achievement, speech, behavioral and other validated measures
- Standard scores and percentile ranks against the norm group
- Patterns of strengths and weaknesses — not isolated cutoffs

Real-world information

- Classwork, work samples and curriculum-based measures
- Teacher and parent reports, observations across settings
- Prompting, task completion, independence and skill generalization

The best evaluation tells you not only how the child tested, but how the child functions in school.

Reading standard scores and percentiles

Illustration only: many tests use a mean of 100 and a standard deviation of 15.

STANDARD SCORE	APPROX. PERCENTILE	INTERPRETATION
100	50th	Exactly average for the norm group
85	16th	Below the mean by one standard deviation
70	2nd	Substantially below the mean

Percentile rank ≠ percent correct. A 16th percentile result is not a 16% test score.

Age equivalents, grade equivalents, and cutoffs

What a report may show

- Age/grade equivalents compare raw scores to a normed reference point
- They do NOT mean the child can perform the full curriculum at that age or grade
- Confidence intervals and score variability matter

What parents should ask

- What task does this score measure?
- How does it compare with classroom functioning and prior data?
- Does the report describe practical educational implications?

“Average” scores do not always mean no need

102

Cognitive score

Average range on one standardized measure

7 / 10

Assignments late

On-time classroom performance is poor

5+

Adult prompts

Often needed to begin and complete a task

Question: Does the evaluation measure the student’s executive functioning and independent work needs?

Evaluation results must be trustworthy

How assessment is administered

- Use language and communication mode most likely to yield accurate information
- Use qualified evaluators and valid, reliable procedures
- Account for sensory, motor, speaking, or other access needs

How findings are interpreted

- Do not confuse English-language acquisition with disability
- Consider multilingual background and cultural context
- Ask whether behavior, anxiety, fatigue, or supports affected performance

34 C.F.R. § 300.304(c); N.J.A.C. 6A:14-2.5(b)

What to look for in the evaluation report

01 **QUESTION**
What educational concerns was the evaluator asked to investigate?

02 **METHOD**
Which tools, observations, records, and interviews were used?

03 **FINDINGS**
What do the scores and functional data actually show?

04 **LIMITS**
What was not measured or may distort interpretation?

05 **RECOMMENDATIONS**
What instruction, services, or supports follow from the findings?

Common evaluation red flags

Missing or weak evidence

- Only one score or no observation in a setting where problems occur
- No parent input or relevant classroom data
- Unexplained gaps in suspected domains or inaccurate history

Conclusions without support

- “Average” used to dismiss well-documented functional needs
- Recommendations unrelated to the needs identified
- No explanation for sharp differences among tests, teachers, or settings

SECTION 03

From findings to an effective program

Evaluations must tell the IEP team what the student needs.



At the eligibility meeting: use the reports

10

calendar days

Evaluation reports and eligibility information are due at least 10 days before the eligibility meeting.

The team must discuss

- Whether the student satisfies NJ eligibility requirements
- What the full body of evidence says about educational needs
- Why particular findings were accepted or rejected

The eligibility decision belongs to the team — it should not be predetermined.

Translate a finding into an educational response

1

EVALUATION FINDING

Decoding skills around the 9th percentile

→

2

PRESENT LEVEL

Document actual reading accuracy and rate

→

3

INSTRUCTION

Explicit, individualized decoding intervention

→

4

MEASURE

Track accuracy/fluency at defined intervals

Ask: “Which finding supports this recommendation — and how will the team know it is working?”

When the recommendations and the IEP do not match

Ask the evaluator

- What educational implication follows from each significant weakness?
- Would additional discipline-specific testing be helpful?
- What level or intensity of intervention was contemplated?

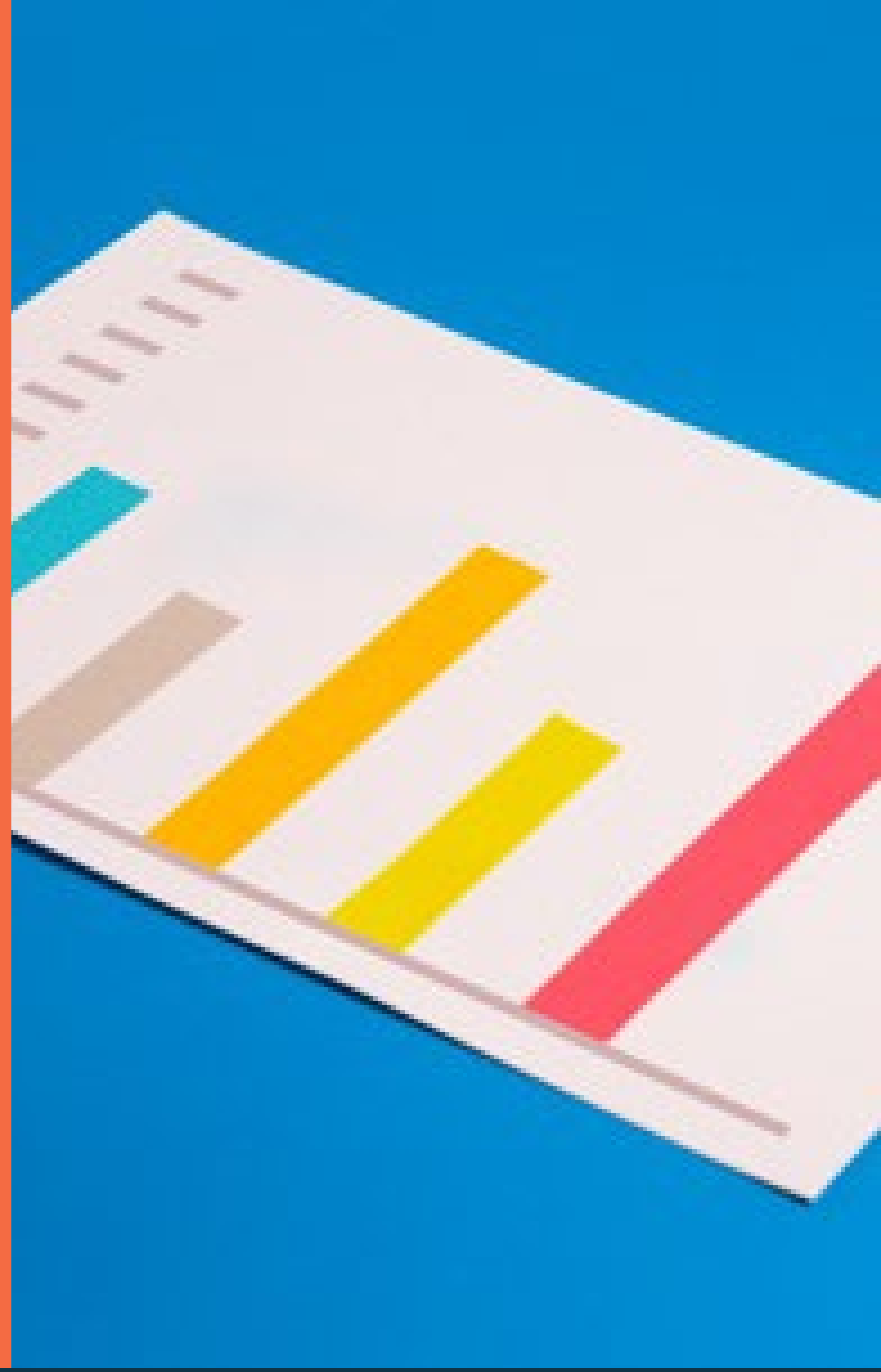
Ask the IEP team

- Where is this need reflected in present levels?
- What service, strategy, or support addresses the finding?
- If a recommendation is rejected, what is the educational rationale?

SECTION 04

When the testing is not enough

Reevaluations, outside expertise, and parent options.



Reevaluation is not just “testing every three years”

3 years

General requirement

Multidisciplinary reevaluation completed within three years of prior classification.

Earlier

When warranted

Parent or teacher may request sooner if new needs emerge.

1 year

Ordinary limit

Reevaluations generally not more often than annually unless both sides agree.

A reevaluation may be waived only when the district agrees AND the parent provides written consent.

When waived, the next three-year period begins on the date of the parent’s written consent.

What happens in a reevaluation?

Team review

- Parent and private evaluations; school data and observations
- Continuing eligibility and current educational needs
- Whether new tests are needed to plan services or placement

Procedural safeguards

- Consent before new assessments
- If no new testing is needed: written notice and right to request assessment
- Reports and eligibility documentation before the reevaluation meeting

Where new assessments are conducted: generally complete within 60 days of consent or triennial due date, whichever is earlier.

When can a parent request an Independent Evaluation (IEE)?

The parent's right

- Disagree with a district initial evaluation or reevaluation
- Specify the independent assessment(s) sought
- One publicly funded IEE opportunity per district evaluation with which you disagree
- A parent need not explain the reasons for disagreement

The district's response

- Provide information about available evaluators and applicable criteria and
- Fund the IEE without undue delay — OR
- Within 20 calendar days, file for due process to defend its evaluation or the lack of need for an IEE.
- A District cannot just say "no" without filing for due process.

A concise written request for an IEE

SAMPLE EMAIL

“I disagree with the district’s evaluation dated [date]. Pursuant to N.J.A.C. 6A:14-2.5(c), I request an independent educational evaluation at public expense in the following area(s): [list]. Please provide your independent evaluator information and applicable criteria, and advise how the district will proceed.”

- Identify the particular district evaluation you disagree with.
- Specify requested disciplines (e.g., neuropsychological or speech-language).
- Keep the request and response in writing.

What if the district refuses to evaluate — or says no?

Refusal to evaluate / eligibility dispute

- Ask for the district's written notice and reasons
- Identify what evidence the team did not address
- Consider mediation or due process to challenge a refusal or eligibility decision

Disagreement with an actual evaluation

- Request clarification and review missing domains
- Consider a publicly funded IEE after a completed district evaluation
- Consider procedural complaint mechanisms for clear procedural failures

A key distinction for NJ private-school families

Parentally placed in nonpublic school

- Child-find duties generally lie with the district where the private elementary or secondary school is located
- Evaluations and eligibility identification still matter
- Equitable services may be provided through a services plan, but not an individual right to the full public-school IEP package

Public-district placement in private school

- A public district may place an eligible student in an approved private program
- This is different from a parent's voluntary private-school enrollment
- District remains responsible for ensuring required FAPE and IEP services in district placements

N.J.A.C. 6A:14-3.3(a), 6.1; 34 C.F.R. §§ 300.131, 300.137

SECTION 05

When parents disagree

Know the options. Protect the deadlines. Preserve the record.

When an IEP does not meet the child's needs

Create a clear written record

- Identify the specific rejected goal, missing service, inadequate placement, or unsupported decision.
- Ask for evaluation data, progress records, and written notice explaining district decisions.
- State what change you seek — and why the available evidence supports it.

Then consider formal options

- Request another IEP meeting or facilitated discussion; you do not have to agree with the proposal.
- Request State mediation or file for a special education due process hearing.
- A complaint alleging regulatory noncompliance (called a Complaint Investigation) is a separate process; it does not automatically preserve placement.

Important: A written objection or an unsigned subsequent IEP does not, by itself, secure stay-put.

The 15-day protection window is not a 2-year deadline

PROPOSED IEP / CHANGE IN PLACEMENT

1. District makes a determination
2. District gives written notice
3. 15 calendar days to consider the proposal
4. **Timely mediation or due process can delay implementation through "Stay Put"**

2 YEARS

Ordinary due process statute of limitations period

Usually runs from when the party knew or should have known of the alleged violation — subject to exceptions.

Do NOT confuse a claim-filing deadline with the much shorter period to prevent an imminent change.

N.J.A.C. 6A:14-2.3(h); -2.7(a)(1)

Mediation versus due process

Mediation

- Voluntary process with a neutral State mediator; no hearing or judge.
- Conference generally scheduled within 15 days and completed within 30 days of the request.
- A signed agreement can resolve the case. If mediation ends without agreement, consider a conversion to due process filing to maintain protection.

Due process hearing

- Written petition setting out facts, disputed issues, and requested relief; serve the district.
- An administrative law judge decides the dispute if it is not settled.
- Ordinarily: resolution meeting within 15 days; 30-day resolution period before the case proceeds. There is an opportunity for a mediation with an ALJ before scheduling due process hearing dates.

What “stay put” actually means

THE CORE RULE

Current placement

During a properly invoked dispute, the student generally remains in the then-current educational placement unless the parties agree otherwise.

THE TRIGGER

Act in time

File mediation or due process during the applicable 15-day notice window to prevent a proposed change from taking effect.

THE CAUTION

Maintain protection

If mediation-only ends without agreement, do not assume stay-put lasts indefinitely. Promptly evaluate conversion to due process.

Stay put is not automatically a guarantee of every service detail; identify the legally operative placement.

20 U.S.C. § 1415(j); N.J.A.C. 6A:14-2.6(d)(10), -2.7(u)

What parents should gather before a time-sensitive filing

Documents and dates

- Most recent agreed-upon IEP and all newer proposed IEPs.
- Date written notice was received; proposed implementation or graduation date.
- Progress reports, evaluations, service records, emails, and parent concerns.

What a petition must say

- Who the student is, where the student attends, and what decision is challenged.
- Relevant facts; why FAPE or placement is disputed; the specific relief requested.
- Sign and submit to NJDOE, with a copy served on the opposing party.

Time-sensitive placement or graduation dispute? Seek advice immediately; emergent relief may be appropriate.

N.J.A.C. 6A:14-2.7(c); NJDOE Dispute Resolution

SECTION 06

Transition and graduation

The strongest graduation advocacy starts years before senior year.

New Jersey transition milestones: ages 14, 16, and 18

SCHOOL YEAR STUDENT TURNS

14

IEP documents strengths, interests and preferences, course of study, and strategies for post-school outcomes. Revisit annually.

SCHOOL YEAR STUDENT TURNS

16

Add measurable postsecondary goals based on age-appropriate transition assessments, plus services and a course of study to support them.

AT AGE

18

Educational decision-making rights generally transfer to the adult student, absent guardianship or educational power of attorney. Plan for authorization and participation early.

Earlier planning is appropriate whenever the student's needs warrant it — not just at these ages.

N.J.A.C. 6A:14-3.7(e)(11)–(14); -2.3(m)

The evidence should produce usable goals and services

EMPLOYMENT & TRAINING

Vocational

Assess interests, work stamina, task completion, and accommodations. Consider community work experiences and job-coaching needs.

INDEPENDENCE

Daily living

When appropriate, assess transportation, budgeting, personal safety, scheduling, self-care, and decision-making.

ACCESS & SELF-ADVOCACY

Communication

Assess requesting assistance, understanding instructions, interacting at work, and communicating needs across settings.

A strong transition IEP links assessment → baseline → annual goal → services → progress data.

Graduation is a change of placement

What must be examined

- The IEP must specify the graduation requirements applicable to that student.
- Are required credits, assessments or IEP-approved modifications satisfied?
- Do progress data and transition supports show the student received the required FAPE?

What graduation changes

- The proposed state-endorsed diploma requires written notice and procedural safeguards.
- Graduation with a regular diploma generally ends the right to continue ordinary IDEA services.
- Turning 18 alone is NOT an automatic legal graduation requirement.

Unmet goals can be critical evidence — but do not automatically establish that a diploma is unlawful.

If the district plans to graduate and you disagree

1. Request the graduation-year IEP, diploma requirements, and all transition/progress data.
2. Ask for the formal written notice of proposed graduation and record the date received.
3. State your objections in writing, including any needed services or unmet transition needs.
4. File mediation or due process within the 15-day notice window AND before graduation to seek stay put.

IMPORTANT

A proposed graduation is not simply "the next annual IEP."

If a diploma date is near, ask counsel about due process and emergent relief immediately.

After age 18, make sure the adult student or a legally authorized representative initiates the challenge.

N.J.A.C. 6A:14-4.11(b); -2.3(h); -2.7(r), (u)

Participation, diploma, and next steps are different

Alicia’s Law

- A student whose IEP calls for services beyond the fourth year of high school may participate in commencement after four years.
- The student can receive a certificate of attendance rather than a diploma and continue eligible services.
- Attending commencement does not require surrendering an appropriate ongoing IEP.

A final transition check

- Request the written summary of academic achievement and functional performance.
- Make sure it includes recommendations for postsecondary goals.
- Confirm adult-service referrals, vocational supports, and follow-through before school exit.

Parents should not wait until a June ceremony to first question an early diploma.

N.J.S.A. 18A:7C-5.2; N.J.A.C. 6A:14-4.11

Seven questions parents can take into the meeting

1. Which areas of suspected disability were evaluated — and why?
2. What existing school and parent information was considered?
3. Are the measures valid for my child’s language and communication needs?
4. What does the report show about everyday school functioning?
5. What needs are not explained by the evaluation?
6. Which specific recommendations follow from the findings?
7. If we disagree, what are the next steps and written notices?

Your IEP advocacy action plan

1. **Put concerns in writing**
   Identify educational needs and specific suspected domains.

2. **Track EVERY deadline**
   Track evaluation deadlines and the 15-day IEP/graduation notice period.

3. **Read beyond the score**
   Compare results with classroom work and daily functioning.

4. **Demand the connection**
   Ask what the findings mean for instruction and services.

5. **Prepare to challenge decisions**
   Consider an IEE, mediation or due process; plan transition before senior year.

Evaluation deadlines: quick reference

20 DAYS	**After written referral**	Identification meeting; school holidays excluded (not summer).
90 DAYS	**From consent to initial evaluation**	Evaluation + eligibility + IEP development/implementation if eligible.
10 DAYS	**Before eligibility meeting**	Evaluation reports and eligibility documentation to parents.
30 DAYS	**After eligibility determination**	Hold initial IEP development meeting; also within overall 90 days.
3 YEARS / 60 DAYS	**Reevaluation**	Triennial; when new tests needed, applicable 60-day/earlier deadline.
20 DAYS	**After an IEE request**	District due-process filing deadline if it will defend its evaluation.

Legal sources & parent resources

N.J.A.C. 6A:14

NJ rules on evaluations, IEPs, disputes, stay-put, transition and graduation.

34 C.F.R. §§ 300.300–300.306

Federal consent and evaluation rules; also 20 U.S.C. § 1415 for disputes.

NJDOE Parental Rights in Special Education (PRISE)

Parent-friendly explanation of special education procedural protections.

NJDOE Special Education Parent Resources

NJDOE publications, Dispute Resolution guidance, and Transition Toolkit.

Presenters: explain that 15-day stay-put, 2-year claims, and graduation are different deadlines.

Questions?

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