

CHAPTER 219

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

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

C.18A:46-2.4 Office of the Special Education Ombudsman.

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

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

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

C.18A:46-2.5 Duties.

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

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

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

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

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

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

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

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

b. The ombudsman shall treat communications received in the course of his duties, including personally identifiable information regarding students, parents, and others from whom information is acquired, as confidential, except when disclosure is necessary to enable the ombudsman to perform the duties of the office and consent for disclosure is obtained. Upon receipt of information that by law is confidential or privileged, the ombudsman shall

maintain the confidentiality of such information and shall not disclose or disseminate the information except as provided by applicable State or federal law.

C.18A:46-2.6 Annual report.

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

4. This act shall take effect immediately.

Approved January 19, 2016.