

P.L.2015, CHAPTER 219, *approved January 19, 2016*  
Senate, No. 451

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

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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.

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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;

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

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

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

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

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

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30 4. This act shall take effect immediately.

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35 Establishes Office of the Special Education Ombudsman in  
36 DOE.