



What Special Education Parents Need to Know About S-3434

- Does your child with disabilities turn 21 on or before June 30, 2021?
- Did they miss out on vital transition services due to the pandemic?
- Are they scheduled to graduate because they are “aging out”?

Not so fast... There is a new law on its way.

S-3434 is on track to go to Governor Murphy for his signature in early June. It requires boards of education to provide special education and related services to certain students exceeding the age of eligibility for special education and related services. The bill recognizes that students with disabilities have had major interruptions in services caused by the pandemic.

Q: Who is eligible for an added year of special education?

A: Students who will turn 21 before June 30, 2021 can get another year of special education and related services—including transition services—if the IEP team agrees that the student needs additional or compensatory services.

Q: My child is eligible and I think they need another year of services. What can I do?

A: Write a letter to your Child Study Team (CST) case manager. Ask for an IEP meeting. Tell them you believe your child needs another year of services. Tell them about this new law and share this fact sheet. Do not allow your child to take a diploma and do not sign paperwork to allow your child to graduate. (See the advocacy box on page 2)

Q: How can I demonstrate that my child needs more services?

A: The pandemic affected every aspect of education, related services, and instruction. It limited access to community-based learning, job training, mobility training, and other transition services. Some students did not benefit from virtual instruction. Some students experienced mental health issues, increases in behavioral issues, loss of skills (regression), and other difficulties. Think about how YOUR child has been affected and bring those concerns to the CST in writing.

Q: What services can be provided during the added year?

A: All of the services, supports, and accommodations in a student’s IEP—including transition services such as community-based instruction, transportation, and related services—can be provided. New services can also be added to address regression and other issues that developed during the pandemic.

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Q: Is the extra year automatic for all students who turn 21 before June 30th?

A: No. All students who will turn 21 before June 30th are eligible for an extension. The law says that the decision about each student is made by the IEP team. Parents are a member of that team.

Q: My child will turn 21 next year. Will this law help them too?

A: Yes. Students who turn 21 during the 2021-2022 and the 2022-2023 school years are eligible for additional services under this bill.

Q: How is the decision about an extra school year made?

A: Students who turn 21 before June 30th are eligible for an extra year of services as long as the IEP team—which includes the parent—agrees that the student needs additional or compensatory special education and related services, including transition services.

Q: My child attends a private school, but it is already full for next year. What can I do?

A: For each year through the 2023-2024 school year, approved private schools for students with disabilities can use “non-qualifying” spaces on school property in order to serve more students, as long as suitable accommodations are provided.

Q: How are these services funded?

A: Parents cannot be asked to pay for these services. Services will be paid for with new funding from three federal programs set up to address the impact of the pandemic. If these funds do not cover the costs, the State will reimburse school districts.

Q: When does the law take effect?

A: The moment the law is signed by Governor Murphy, it will take effect immediately.

Advocacy Tip

What can I do if I believe my child needs an extra year, but the rest of the IEP team disagrees? What if my CST does not arrange an IEP meeting? What if I already participated in my child’s exit IEP meeting?

Students who receive services as a result of this law have all of the rights, privileges, protections, and remedies in IDEA and under state law. Disputes and disagreements can be addressed through mediation or due process. Parents must file a request for mediation or a due process hearing **before** the district’s 2021 graduation date. In your petition, say that you disagree with your child’s graduation and believe they need another year for additional or compensatory special education and related services, including transition services. Mention S-3434. This should invoke “stay-put” or continue your child’s current IEP. A Request for Mediation/Due Process form and instructions on filing electronically are available here: <https://www.nj.gov/education/specialed/due/>

Contact any of the following advocacy organizations for assistance:

