



STATE OF NEW JERSEY

DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: May 15, 2024
To: Local Educational Agency Leads, Administrators of Approved Private Schools for Students with Disabilities,
Route To: Directors of Special Education
From: Kathy Ehling, Assistant Commissioner
Division of Educational Services

Guidance Regarding Meeting Participants for Identification Meetings

The purpose of this memorandum is to provide guidance regarding meeting participants at an identification meeting when a student is referred for special education and related services. Specifically, whether attorneys, advocates and/or other support persons can be precluded from attending an identification meeting under the Individuals with Disabilities Education Act (IDEA) and N.J.A.C. 6A:14.

The New Jersey Department of Education (NJDOE) has adopted New Jersey Administrative Code Title 6A, Chapter 14 (N.J.A.C. 6A:14) to implement the requirements of the IDEA. The NJDOE is required to monitor all programs and services required by N.J.A.C. 6A:14 for compliance with New Jersey statutes, the New Jersey Administrative Code and Federal requirements under the IDEA.

As part of these monitoring requirements, the NJDOE monitors N.J.A.C. 6A:14-2.3(k)1 and 2 which outlines the required participants in both eligibility and IEP meetings. For these meetings, the parent is given the discretion to invite other individuals to an eligibility or IEP meeting. Therefore, a local education agency (LEA) may not preclude an attorney, advocate and/or other support persons from attending either an eligibility or IEP meeting.

N.J.A.C. 6A:14-3.3(e) delineates the participants required to convene when a preschool age or school age student is referred for an initial evaluation, which is often referred to as an identification meeting. Meeting participants required by N.J.A.C. 6A:14 includes the full child study team, the parent, and the general education teacher of the student or a teacher who is knowledgeable about the school district's programs. Notably, this provision does not give parents the discretion to invite other individuals to this meeting. Therefore, the NJDOE defers the policies and procedures established by LEAs regarding whether to preclude individuals who are not required participants under the provisions of N.J.A.C. 6A:14 when convening identification meetings.

For more information regarding special education procedures, please contact the Office of Special Education at (609) 376-9060 or send an email to OSEinfo@doe.nj.gov.

c: Members, State Board of Education
NJDOE Staff
Statewide Parent Advocacy Network
Garden State Coalition of Schools
NJ LEE Group
Administrative Law Judges