

Supreme Court mulls private tuition case

Justices are mulling the legal points of a lengthy battle between parents who say their son couldn't get a proper education in public school and the district administrators who claim they never got a fair chance to try. During oral arguments last week, lawyers for the Obama administration stepped in to support the parents.

A ruling from the U.S. Supreme Court is expected by June 1 with what could be a landmark decision in *Forest Grove School District v. T.A.*, initials of the student at the heart of the case.

Two years after a district evaluation showed T.A. had no

disabling impairment, his frustrated parents pulled him out of high school and enrolled him in private school. They sought legal help to force the district to pay the costs, and eventually a hearing officer found that T.A.'s attention deficit hyperactivity disorder (ADHD) did indeed qualify him for special education services. The district drafted an education plan for T.A., but the family stuck with the private school without giving the IEP a chance.

The Forest Grove case is very similar to another one heard by the Supreme Court in 2007, although in that case the student

– identified only as Gilbert F. – hadn't ever attended public school. That case ended with a 4-4 deadlock that included Justice Anthony M. Kennedy bowing out, and so the case had no legal impact on schools around the country.

Depending on its outcome, the Forest Grove case could be the turning point for parents seeking unilateral placement of their children.

The Portland-based [Oregonian](#) newspaper's website has extensive background on the issues at stake, as well as a recap of arguments made before the Supreme Court.

Short-term federal funding aims for long-term gains

Special needs students in New Jersey will get a slice of the economic recovery pie worth more than \$609 million. That will add more than 50 percent to the amount of federal money that the state usually gets for two notable programs: Title I and IDEA.

The federal package intended to stimulate the economy is called ARRA, or the American Recovery and Reinvestment Act. Within in, Congress improved \$238 million for Title I remedial education that targets economically disadvantaged students. Another \$371 million will go towards costs associated with meeting the Individuals with Disabilities Education Act.

School districts have to apply for the money with applications the state's Department of Education will have available this summer. A fast-track application process is expected to help

ARRA requires that the money be used to advance goals in four areas:

1. more rigorous academic standards and improved assessments
2. teacher training and development
3. enhanced statewide academic tracking systems
4. improvement of low-performing schools

The funding is to be spread over a two-year time frame.

"ARRA represents a historic infusion of funds that is expected to be temporary," wrote Commissioner of Education Lucille E. Davy in a memo to school superintendents. "These funds should be invested in ways that do not result in unsustainable continuing commitments after the funding expires."

The U.S. Department of Education offers [tips for districts](#) looking to use this

NEW JERSEY CELEBRATES Special Education Week

MAY 10-16, 2009

Special ed programs to be honored for innovations

Ten schools in New Jersey were saluted for special education programs that are innovative and effective. The honored programs feature parent or community involvement and have sound evaluation strategies.

Among the winners was The Ultimate Bridge Challenge at Camden County's Waterford Township Public Schools. Students were asked to create a bridge of toothpicks, and encouraged to consult with architects, general contractors and accountants. The projects were judged on design, cost and use. Students had to keep building codes in mind and could face "fines" for messy work sites.

Other recognized programs gave fifth-graders a comprehensive taste of middle school before that crucial transition; put students in charge of all aspects of a bead-based business; and used computers and digital photography to create story-telling books for pre-schoolers.

See the [complete list of award winners](#)

A fast-track application process is expected to help districts that want money for summertime staff training.

Education offers [tips for districts](#) looking to use this short-term infusion for long-term gain.

schoolers.

See the [complete list of award-winners](#) at the website of the New Jersey School Boards Association.

Broder Law Group, P.C. will keep you up to date on legal issues affecting special education.

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