

For Special Education Services, New Jersey's School Districts Cannot Claim "It's Too Expensive" as a Defense

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The receipt of federal funding is an obligation to provide all students with education.

When a school district accepts federal funding, it must provide all students with a "free and appropriate public education" in the "least restrictive environment." This education includes providing special education services to eligible students. The federal law mandating these services is the Individuals with Disabilities Education Act (IDEA).

Yet, some school districts in New Jersey argue that providing those services is cost prohibitive. The "it's too expensive" defense, however, cannot hold weight, as "out of placement" services that are provided to special education students are within the parameters of the school districts' budgets if they have accepted federal funding.

To place the "too expensive defense" by school districts into perspective, in this fiscal year alone (2020), New Jersey school districts received approximately \$400 million in federal grants for special education services for school aged children. The onus is on the school districts in New Jersey to find a way to budget their funding to meet the needs of their special education students.

Of course, school districts can choose not to accept federal funding. But aside from that option, the school districts need to comply with IDEA. Districts must provide everyone with "a free and appropriate public education" if they have accepted federal funds, and they cannot claim budgetary constraints.

Parents of special needs children know how important it is that school districts provide the services the children need. Parents who are faced with any opposition should consult with counsel to determine the school district's federal funding status.