

ASSEMBLY, No. 3172

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:
Assemblywoman CAROL A. MURPHY
District 7 (Burlington)

SYNOPSIS

Establishes Task Force on Approved Private Schools for Students with Disabilities to study various issues including improving and streamlining tuition-setting process, funding, and fiscal accountability.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** establishing a Task Force on Approved Private Schools for
2 Students with Disabilities.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. The Legislature finds and declares that:

8 a. According to the Department of Education, there are
9 approximately 11,000 students with complex intellectual, physical,
10 behavioral, social, emotional, medical, and learning disabilities
11 being served by approved private schools for students with
12 disabilities in New Jersey.

13 b. Students are evaluated, referred, and placed by their local
14 school districts at approved private schools for students with
15 disabilities because their special education needs cannot be
16 appropriately met in the public school system due to the complexity
17 or severity of their disabilities.

18 c. Employees of approved private schools for students with
19 disabilities are required to perform additional tasks that public
20 school employees do not do, such as feeding, diapering, toileting,
21 and assisting with personal hygiene for students ages three through
22 21. The tasks are performed for students whose behavior has the
23 potential to be harmful to the student, staff, other students, or
24 property, and for students who have limited ability to ambulate,
25 communicate, and care for themselves.

26 d. Employees of approved private schools for students with
27 disabilities do not receive State pension or State medical benefits,
28 which results in savings for New Jersey taxpayers.

29 e. Data show that the cost of private special education
30 programs, when all costs are considered, is less than comparable
31 public school programs.

32 f. Many parents and guardians of students with disabilities are
33 dependent on their child's placement at an approved private school
34 for students with disabilities in order to keep the student, as well as
35 the family, stable.

36 g. Since 2007, leaders from the private special education
37 community have been working with the Department of Education to
38 develop rules and regulations to streamline the administration and
39 fiscal operations of approved private schools for students with
40 disabilities, and to improve transparency and accountability.

41 h. To ensure industry-wide transparency and fiscal
42 accountability, approved private schools for students with
43 disabilities have developed a professional code of ethics.

44 i. Federal special education law requires that state funding
45 systems for special education be placement neutral and that there be
46 no incentives for one type of placement above another.

47 j. The State Board of Education has proposed new rules to
48 regulate the fiscal operation of approved private schools for

1 students with disabilities that would harm the schools and the
2 students they serve.

3 k. Hundreds of advocates have opposed the proposed rules and
4 many child advocacy organizations have requested meetings with
5 the Department of Education seeking clarification of the rules.

6 l. It is therefore in the public interest of more than 11,000
7 special education students and the parents or guardians of those
8 students who attend approved private schools for students with
9 disabilities to postpone adoption of the State Board of Education's
10 proposed rules to regulate the fiscal operations of approved private
11 schools for students with disabilities and establish a task force to
12 study issues related to service delivery, costs, and tuition-setting at
13 these schools.

14

15 2. a. There is established a Task Force on Approved Private
16 Schools for Students with Disabilities. The task force shall consist
17 of the following 19 members:

18 (1) the Commissioner of Education, ex officio, or a designee;
19 and

20 (2) 18 members appointed by the Governor, who shall include: a
21 member of the State Board of Education; a parent or guardian of a
22 student attending an approved private school for students with
23 disabilities; a board member of an approved private school for
24 students with disabilities; two accountants or auditors familiar with
25 the fiscal provisions of the State Board of Education regulations
26 governing approved private schools for students with disabilities;
27 one representative of ASAH; one representative of the Council of
28 Private Schools for Children with Special Needs; one representative
29 of the Coalition for Special Education Funding Reform; one
30 representative of the Special Needs Advocacy Network; one
31 representative of the Arc of New Jersey; one representative of
32 Autism New Jersey; one representative of the Advocates for
33 Children of New Jersey; one representative of the New Jersey
34 Association of School Administrators; one representative of the
35 New Jersey School Boards Association; one representative of the
36 New Jersey Association of School Business Officials; one
37 representative of the New Jersey Principals and Supervisors
38 Association; one representative of the New Jersey Education
39 Association; and one director of special services from a school
40 district.

41 b. Appointments to the task force shall be made within 30 days
42 of the effective date of this act. Vacancies in the membership of the
43 task force shall be filled in the same manner as the original
44 appointments were made. Members of the task force shall serve
45 without compensation, but shall be reimbursed for necessary
46 expenditures incurred in the performance of their duties as members
47 of the task force within the limits of funds appropriated or
48 otherwise made available to the task force for its purposes.

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3. The task force shall organize as soon as practicable following the appointment of its members, but no later than 60 days after the effective date of this act. The task force shall choose a chairperson from among its members and shall appoint a secretary who need not be a member of the task force.

4. The task force shall meet and hold hearings at the times and places it designates and shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county, or municipal department, board, bureau, commission, or agency as it may require and as may be available for its purposes. The Department of Education shall provide such stenographic, clerical, and other administrative assistants, and such professional staff as the task force requires to carry out its work.

5. It shall be the duty of the task force to study issues associated with improving and streamlining the tuition-setting process, funding, and fiscal accountability of approved private schools for students with disabilities. The task force shall examine issues including, but not limited to: hiring and training practices; salary guidelines; business practices; food services; transportation; allowable costs; gains on property; and State auditing practices. Additionally, the task force shall review and report data on the actual costs to taxpayers of educating students at approved private schools for students with disabilities and the post-graduation outcomes of these students, compared with the actual costs to taxpayers of educating students at comparable public programs serving similar students and the post-graduation outcomes of these students.

6. The task force shall issue a final report with its findings and recommendations to the Governor, the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the State Board of Education, and the Commissioner of Education no later than one year after the task force organizes.

7. This act shall take effect immediately, and the task force shall expire 30 days after the issuance of its final report.

STATEMENT

This bill establishes a 19-member Task Force on Approved Private Schools for Students with Disabilities. The task force will study various issues associated with improving and streamlining the tuition-setting process, funding, and fiscal accountability of approved private schools for students with disabilities (APSSD). The task force will include in its study a comparison of the actual

1 costs to taxpayers of educating students at APSSDs and the post-
2 graduation outcomes of these students to the actual costs to
3 taxpayers of educating students at comparable public programs
4 serving similar students and the post-graduation outcomes of these
5 students.

6 The task force will be comprised of the Commissioner of
7 Education and 18 members appointed by the Governor. The
8 Governor's appointees will include: a member of the State Board of
9 Education; a parent or guardian of a student attending an APSSD; a
10 board member of an APSSD; two accountants or auditors familiar
11 with the fiscal provisions of the State Board of Education
12 regulations governing APSSDs; one representative of ASAH; one
13 representative of the Council of Private Schools for Children with
14 Special Needs; one representative of the Coalition for Special
15 Education Funding Reform; one representative of the Special Needs
16 Advocacy Network; one representative of the Arc of New Jersey;
17 one representative of Autism New Jersey; one representative of the
18 Advocates for Children of New Jersey; one representative of the
19 New Jersey Association of School Administrators; one
20 representative of the New Jersey School Boards Association; one
21 representative of the New Jersey Association of School Business
22 Officials; one representative of the New Jersey Principals and
23 Supervisors Association; one representative of the New Jersey
24 Education Association; and one director of special services from a
25 school district.

26 The task force is required to issue a final report with its findings
27 and recommendations to the Governor, the Legislature, the State
28 Board of Education, and the Commissioner of Education no later
29 than one year after the task force organizes.