



GETTING TO THE TRUTH

February 2017

Proposed Changes to NJAC 6A:23A-18 Private Special Education School Code

Advocates and families are deeply concerned about misinformation regarding proposed changes to New Jersey’s private special education school code.

HERE ARE THE FACTS:

THE ISSUE	WHAT YOU MAY HAVE HEARD	THE TRUTH
Cost	Private special education schools cost more than public schools.	Published tuition rates of private schools may be somewhat higher than tuition at public programs, but studies show private schools cost about 30% less than comparable public schools when ALL costs – including pensions, healthcare, and other retirement benefits – are considered.
Outcomes	Students with disabilities in public schools do better than students in private special education schools.	Studies show that on nearly every measure – from jobs and community engagement to higher education – graduates from private special education schools in New Jersey outperform public school special education students.
Scope of Concern About This Code	Only private school directors care about this code.	These rules affect 10,000 vulnerable children, so many statewide advocacy organizations including Advocates for Children of New Jersey, The Arc of New Jersey, Autism New Jersey, the United Way of Central Jersey, and others have asked the State Board of Education to delay action.
Staff Training	Staff in private special education schools can be trained at levels similar to those in public schools.	Because students at private schools need very specialized services, staff have training needs that go well beyond those needed by most public school staff. For speech pathologists alone, costs can easily exceed \$500/year just to maintain certification. The code proposal places staff training in the category of “travel” and caps it at a very low level, preventing staff from accessing advanced training opportunities. Low caps on staff travel may also limit important community-based learning programs, as well as home programming for students with more severe disabilities.

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Maximum Salaries of Teachers and Aides at Private Schools	Private schools offer high salaries so they must be capped or frozen.	VERY few teachers or aides in private special education schools have a comprehensive compensation package that comes close to what public school educators get. Additionally, many private school teachers work through the summer as part of an extended school year program, while most public school teachers work only nine months. The cap on maximum private school teacher salaries is the same as the maximum salary now paid to public school teachers in that county.
Maximum Salaries of School Administrators at Private Schools	Private school leaders are paid more than public school leaders.	NJDOE has compared MAXIMUM salaries of private school staff, with AVERAGE salaries of public school staff, leading to the false impression that private school leaders are paid more than their public school counterparts. Most private school leaders are NOT paid more than public school leaders in similar positions, and the vast majority are paid much less than the maximum salary allowed. They also receive fewer benefits than their public school counterparts.
Maximum Salaries for Related Services Professionals	Private schools can pay their Related Services staff the same as public schools. Private schools can hire third party consultants at the lowest bid.	By the very nature of the children they serve, private special education schools need to hire experienced related services specialists. The proposed code limits what private schools are permitted to pay. Speech Therapists, Occupational Therapists, Physical Therapists and other related services professionals, including behavior specialists, are leaving private schools after years of employment for better salaries and benefits at public schools. Requiring private schools to use the lowest bid for third party services would limit access to qualified providers.
Salary Caps	Private schools can pay more than public schools.	Private schools offer a less competitive package of benefits than public schools. Private special education schools, by their very nature, must hire experienced credentialed specialists, and many command fees commensurate with their backgrounds. Salaries for teachers, related services professionals, and principals have been capped since 2006 at the maximum salary paid to a public school employee. Now a proposed additional seven-year freeze on this cap will prevent private schools from hiring and retaining the best staff.
Pensions and Benefits	Private school employees are part of the state system.	Private school employees are <i>NOT</i> part of the state health benefits program or the state pension program. This saves taxpayers hundreds of millions of dollars. Employees at private schools contribute to the cost of health and retirement plans.

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Open and Honest Dialogue	NJDOE and the State Board of Education are working closely with private schools on these code changes.	ASAH met with leaders in the Governor’s office and the New Jersey Department of Education for more than seven years to develop rules and regulations. The rules now being proposed are not consistent with the discussions. NJDOE and the State Board of Education have said that advocates “misinterpreted” the proposal, but now refuse to meet with ASAH, parent groups, and other statewide advocacy organizations.
Legal Challenges and Appeals	These rules will provide clarity.	Private schools seek rules and regulations that are clearly written, legal, and fair. The proposed rules are highly subject to interpretation, are unclear, and in some instances, unlawful. They are likely to lead to more challenges and appeals.
Hiring Practices	Private school leaders hire family members.	Private special education schools operate as non-profit organizations and family-owned small businesses. As such, it is legal for them to hire family members. ASAH’s own Code of Ethics requires that all employees be well qualified, fully credentialed and appropriately certified for the work they do. Their salaries must be within published guidelines. The hiring of family members is infrequent, but when it occurs, schools must provide full disclosure.
Automobiles	Private schools use luxury cars at tax payer expense.	The issue of luxury cars was addressed more than three years ago through ASAH’s Code of Ethics. The vast majority of travel by staff and leaders at a private school is through the use of a personal vehicle, with standard mileage reimbursed at accepted government rates. A small number of private schools lease a car. They include a percentage of the cost of the lease in tuition, with the rest of the cost paid by the school or the employee. This is similar to public school leaders with a car allowance who lease a vehicle.
Sale of Buildings	Private schools make a profit when they sell a school building. Those ‘gains’ should be given back to public schools.	Private schools that sell a building typically use any ‘gains’ on the sale to buy a new school. Many times, non-profit schools have turned to private donors and fundraising to purchase or improve a building, at no cost to taxpayers at all. New rules would prevent non-profit schools from keeping and using the full amount of gains to buy a new school, forcing tuition rates to soar.
Start Date	Schools starting a new school need to open on July 1 to avoid disruption for students.	Construction/permitting delays can cause schools to open after July 1. Schools that open after July 1 would be forced to wait with empty classrooms until the following year, driving up costs and forcing children to wait for no reason.

Questions? Need more information? Call ASAH, 609-890-1400
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