



TO: Honorable Members of the State Board of Education
FROM: Gerard M. Thiers, Executive Director
RE: Proposed Fiscal Code for Approved Private Schools, 6A:23A -18
DATE: January 4, 2016

Thank you for the opportunity to speak on the proposed fiscal code for state approved private schools for students with disabilities. ASAHI is a nonprofit statewide association representing 160 private schools for students with disabilities. We serve roughly 10,000 students with complex conditions, including those who are medically fragile, on the autism spectrum, exhibit challenging behavior, have a mental illness, and those with multiple disabilities.

ASAHI shares the Department's interest in increased accountability and transparency, and improved services to students. As presented to you, however, these rules fall short. In fact, they would compromise the delivery of special education services and would severely impede New Jersey's ability to provide appropriate programs for students with severe disabilities.

They should not be adopted as proposed.

IDEA requires that states ensure 'neutrality' in funding systems across placements. These rules are a dramatic departure from efforts to ensure funding neutrality, and in fact, create a fiscal playing field that is far less 'level' than ever.

Our members are deeply concerned, and with good reason. Over the last 18 months, we have met with the Department and discussed a wide range of issues to improve fiscal accountability and transparency. We were fully expected to lend our support to this proposal. However, the Department has added more than two dozen new items in the proposal that were never discussed, and changed many of the agreed upon items. To say that our members are frustrated and deeply disappointed is an understatement.

Our concerns are detailed in our December 29 letter. My time today is short, but I would like to share an example of how these rules will have a ***direct and negative*** impact on the children we serve.

Students placed in private schools need experienced and specially trained staff. Yet, the NJDOE has proposed a number of new rules about training and staff salaries – including a seven-year salary freeze - that will make it nearly impossible for private schools to recruit, hire, retain and train the teachers, para-professionals and related services professionals, students need. These low caps are well below caps for public schools and put our schools – and the children we serve – at risk.

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Our schools are already losing experienced therapists to agencies serving public schools, where they almost double their salaries, as a result of these discriminatory maximums. To avoid the loss of qualified staff, some schools have hired therapists at rates that exceed the allowable maximum. One school hired a speech therapist who specializes in severe feeding and swallowing issues to work with an 11-year old student. The school has paid this therapist \$135 per hour, well above the allowable cap of \$74 per hour, simply to provide the services in this child's IEP. The school must use private fundraising dollars to cover costs that clearly should be part of tuition. And that is one child in one school. There are thousands more.

There are many other provisions in this proposal that will result in the closure of private schools for no reason other than a change in accounting rules.

Students do not come to our schools simply by choice. They are enrolled by their home school district when local public school educators have determined that they are unable to provide an appropriate educational program within the local district. Private special education schools provide an extremely valuable – and irreplaceable – service to the State of New Jersey and its 611 public schools.

For decades, as a matter of sound public policy, private schools have been an integral part of the State's program for serving its students with disabilities in accordance with state and federal law. New Jersey needs to support and encourage a variety of placement options –including private schools - that allow children with disabilities to receive the appropriate education required by law, not systematically erode programs and services that have decades of positive results.

Data show that students with disabilities who graduate from private schools have better postsecondary outcomes than comparable students who graduate from public schools. And on the issue of costs- when ALL costs to taxpayers are considered, private schools in New Jersey are 20-30% less costly than comparable public programs.

With positive results and lower costs, our members and the parents of nearly 10,000 students are left to wonder: Why is the State of New Jersey trying to close private special education schools and narrow options for parents and school districts?

We urge you to delay action on this proposal to allow time for thoughtful review. Thank you for your time and consideration.

Respectfully submitted,



Gerard Thiers, Executive Director, ASAHC