



Special Education: A Service, Not a Place

NEW JERSEY SCHOOL BOARDS ASSOCIATION
TASK FORCE ON SPECIAL EDUCATION

FINAL REPORT
MARCH 2014



New Jersey School Boards Association

Serving Local Boards of Education Since 1914

MISSION STATEMENT

The New Jersey School Boards Association, a federation of boards of education, provides training, advocacy and support to advance public education and promote the achievement of all students through effective governance.



This study was funded through a grant from the Educational Leadership Foundation of New Jersey.

COVER ART

By Christiana Mooers, 2013 winner of the Governor's Award for Arts Education from VSA New Jersey, "The State Organization on Arts and Disability"



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MEMORANDUM

TO: John Bulina, President
Lawrence S. Feinsod, Ed.D., Executive Director

FROM: Gerald J. Vernotica, Ed.D., Chairman, Special Education Task Force

SUBJECT: Special Education: A Service, Not a Place – Final Report of the
NJSBA Special Education Task Force

DATE: March 14, 2014

I am pleased to submit to you *Special Education: A Service, Not a Place*, the final report of the New Jersey School Boards Association Special Education Task Force. The title reflects the belief of leading researchers and advocates that public education should not be thought of as two separate systems—general education and special education—but rather as a continuum of interventions, programs and services that respond to the individual needs of our students.

The Task Force, a dedicated group of school board members and administrators, spent over a year researching, collecting data, and consulting with experts. The group deliberated, often stridently, over strategies that would enable our schools to control costs while still meeting their obligation to provide a free and appropriate public education to all students.

The NJSBA Special Education Task Force began its work in January 2013 and met 13 times, concluding the project with the issuance of this report. During its deliberations, the Task Force consulted with more than 25 experts in special education, including representatives of higher education, key personnel in the U.S. and New Jersey Departments of Education, and special education advocates and practitioners. The Task Force surveyed the literature on the delivery and financing of special education services, and explored options that focus on academic achievement.

The 20 recommendations listed in the Executive Summary address early intervention, a focus on literacy, shared services, improved district- and state-level data collection, and changes in state and federal funding. In addition, the Task Force has recommended additions and/or changes to the *NJSBA Manual of Policies and Position on Education* in the following areas: County and Intermediate Units (FC 1420); State Funds (FC 3220); Intervention and Referral Services for General Education Pupils (FC 6164.1); Remedial Instruction (FC 6171.1); Special Education: Teacher Certification and Professional Development (FC 6171.4); Early Childhood Education/Preschool (FC 6178), and the Orientation and Training of Board Members (FC 9200).

Over the past 14 months, I have been privileged to work with the Task Force, a group of individuals who are sincere in their belief in excellent education for all children, while understanding the importance of services for our disabled students. The support and expertise of numerous NJSBA staff members were also instrumental in this project. I am confident that, with the completion of its final report, the Task Force has met its charge to identify cost-effective methods of delivering special education without diminishing the quality of services.



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The Task Force thanks officials of the New Jersey Department of Education, Office of Special Education Programs and Division of Finance, for their consultation and assistance.

CHARGE:

The NJSBA Special Education Task Force will review the state's current process for funding and providing special education services, study other states' methods of financing and delivering special education, identify cost-efficient strategies to deliver special education, and explore alternative methods of funding.

As a result of its study, the task force will recommend appropriate additions and/or changes to state and federal statute and regulation, with the goal of reducing special education costs to local school districts without diminishing the quality of needed services, as well as identify strategies New Jersey may wish to implement. The task force may also recommend changes in NJSBA policy.

The purpose of this project is not to find ways to take from one funding source to pay for another. Rather, our goal is to make the system better. Never should special-education students and traditional-education students compete against each other for the same funding dollar.



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Special Education: A Service, Not a Place
Final Report of the Task Force on Special Education
New Jersey School Boards Association
March 2014

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EXECUTIVE SUMMARY

Stop talking about cost-cutting. Talk instead about cost-effectiveness. It's a difference that cuts to the heart of the matter. Cost-cutting assumes that we are taking something away from children. No one wants to support it. Cost-effectiveness means getting the same or better results for less money. No one wants to not support that.

– Nathan Levenson
'A Win-Win Approach to Reducing Special Education Costs'

Introduction

To address the continuing pressure that special education places on local district budgets, the New Jersey School Boards Association embarked on a major study in January 2013. Creation of the Special Education Task Force represents a key initiative of NJSBA's executive director, Dr. Lawrence S. Feinsod. "The goal is to reduce special education costs to local school districts without diminishing the quality of needed services. There is a dire need to develop strategies that will maintain quality services, without negatively affecting resources for general education programming," he explained.

Appointed by NJSBA President John Bulina, the Task Force is comprised of local board of education members, a chief school administrator, and a school business administrator. It is chaired by Dr. Gerald J. Vernotica, associate professor at Montclair State University, former New Jersey assistant commissioner of education, executive county superintendent, and a former district superintendent, principal, teacher, and director of special services. The Task Force was charged with reviewing the state's current process for funding special education; studying other states' systems of providing special education; exploring alternative funding methods; and identifying cost-efficient strategies to fund and deliver special education services.

History of Funding As far back as 1911, state aid was established to cover the excess cost of special education, that is, those costs that exceed expenditures for general education. State funding initially covered half the cost of special education. Later, the funding was based on the category of disability. In 1996, state funding shifted from categorical aid allocated according to program to a distribution method based on four tiers defined by disability. Additional aid for extraordinary circumstances was added in 1996 and refined by a law enacted in 2002. State funding for speech-language services was built into general education aid because it was such a common service that separate funding was not needed.

Since 2001, special education expenditures have increased faster than state funding. As a result, the percentage of special education costs covered by state aid dropped by about one-quarter. Additionally, the local levy cap law (*P.L.* 2010, c.44), restricted the ability of school districts to budget for increased local revenue to offset the lack of state aid. Federal aid was initially based on a per pupil reimbursement but changed in the 1990s to a formula that included a base amount, a factor to reflect enrollment growth, and a poverty factor. When the federal special education law, the Individuals with Disabilities Education Act (IDEA), was first enacted in 1975, the

federal government promised to cover 40% of the cost of implementing required special education services. However, the amount actually covered by federal funding is less than one-tenth of required special education services.

In 2007, the NJSBA commissioned a study, "Financing Special Education in New Jersey." This year-long research project included statistical analysis of state and federal data, independent data collection, and on-site visits to school districts. (The full 225-page report can be accessed at: <http://www.njsba.org/specialeducation/>.) The study found that the growth in special education costs, which then totaled \$3.3 billion for roughly 240,000 students, could be largely attributed to tuition and transportation for out-of-district programs.

According to the 2007 study, the intensity of special education programs had increased over the previous decade, with more students placed in out-of-district autism programs and related services. For local school districts, that trend is critical because, as indicated in the study, 57% of special education costs are borne by local property taxpayers. The remainder comes from the state (34%) and the federal government (9%).

In 2008, New Jersey enacted a new school funding formula, which made several changes in how the state provides aid for special education. The School Funding Reform Act bases one-third of special education funding—that is, the proportion awarded to districts regardless of wealth—on the average percentage of students that receive special education services statewide, which at the time of the law's enactment was 14.69%. In fact, the number of classified students in an individual district could be far greater. In addition, the formula distributes the other two-thirds of state funding on ability to pay, rather than the number of students served, thereby driving up the local share of special education costs.

Focus of Project The NJSBA Special Education Task Force began its work in January 2013 and met 13 times, concluding the project in March 2014 with the production of this report. During its deliberations, the Task Force consulted with national and state special education experts, key personnel in the New Jersey Department of Education (NJDOE), special education advocates, practitioners, and academics.

The Task Force interviewed and received presentations from the following individuals:

- Kevin Dehmer, Director, Research and Data Analysis, Office of School Finance, NJDOE
- Dr. Peter Griswold, Chair, Special Education and Counseling, William Paterson University
- Dr. Monroe Helfgott, Inclusion Coordinator, Montclair Public Schools
- Dr. Lauren Katzman, Assistant to the Superintendent, Special Education, Newark Public Schools
- Dr. Howard Lerner, Superintendent, Bergen County Technical and Bergen County Special Services School Districts
- Linda Mithaug, Director of Pupil Services, Montclair Public Schools
- Judy Savage, New Jersey Council of County Vocational-Technical Schools
- John Worthington, Esq., Manager, Office of Special Education Programs, NJDOE
- Dr. Matthew Jennings, Superintendent, Alexandria Township School District
- The Honorable Teresa Ruiz, Chair, Senate Education Committee, 29th Legislative District

In addition, Dr. Vernotica, chairman, consulted with the following individuals:

- Dr. Bruce Baker, Professor, Rutgers University, Graduate School of Education
- Dan Bland, Assistant Superintendent, Dr. Carole Baker, Supervisor, and Jonathan Hart, Assistant Director of Special Services, Flemington-Raritan Regional School District
- Susan Bruder, New Jersey Department of Education, Division of Early Education, K-3
- Christopher Cerf, Commissioner of Education, State of New Jersey
- John B. Comegno II, Esq., The Comegno Law Group, P.C.
- Brenda Considine, New Jersey Coalition for Special Education Funding Reform
- Stephen Cornman, Statistician, Director, National Center for Education Statistics
- Barbara Gantwerk, Assistant Commissioner, NJDOE
- Dr. Barry Galasso, Director, Bucks County, Pennsylvania, Intermediate Unit
- Dr. Kristopher Harrison, Superintendent, Irvington Union Free School District, New York
- Nathan Levenson, Managing Director, District Management Council
- Ruth Lowenkron, Esq., Education Law Center
- Dr. Peggy McDonald, Director, Office of Special Education Programs, NJDOE
- Mari Molenaar, Ed.D., Special Education Consultant, former Senior Research Analyst at the New Jersey Department of Education, and co-author of NJSBA's 2007 study, "Financing Special Education in New Jersey"
- Dr. Thomas Parrish, Director, Center for Special Education Finance
- Dr. Erin Servillo, Director of Student Services, Lawrence Township Public Schools
- Sandra Simpson, Chief Operating Officer, Southern Westchester BOCES, New York
- Dr. Harold Tariff, Former Director of Special Services, School District of the Chathams, Interim Director of Special Service for several school districts, Mediator
- Daniel Vorhis, Director of Professional Education, Bucks County, Pennsylvania, Intermediate Services Unit

Dr. Vernotica also met with various focus groups, consisting of county supervisors of child study and directors of special services.

As part of its work, the Task Force conducted two surveys: a national survey looking at alternative methods of funding, such as lotteries, business fees, and foundation grants; and a statewide survey of superintendents and special education directors that focused on staffing and expenditures.

During its deliberations, the Special Education Task Force focused on the following questions:

- *How does New Jersey currently fund special education?*
- *How do other states fund special education?*
- *How do we identify equitable, adequate and fair funding mechanisms?*
- *What are the current levels and sources of funding and how do they relate to outcomes?*
- *What laws and regulations provide for the delivery of special education programs and services?*

- Does the upcoming reauthorization of IDEA present opportunities to improve outcomes for both general and special education students?
- *What are some promising themes and practices associated with effective, inclusive schools?*
- What outcomes do we expect for special education programs and services? How can we meet these expectations in a cost-effective manner?
- *What role should county special services schools, jointure commissions and educational services commissions play in supporting local school district efforts to provide special education services in the least restrictive environment? What can be learned from other states that have county or regional service models?*
- How can we strengthen general education so that it provides greater support to all students in all environments and averts over-classification? What roles can Response to Intervention (RTI) and Universal Design for Learning (UDL) play in improving the achievement of all students?
- *Can we provide improved training for our child study teams to reduce destructive Individual Education Program-related conflicts and build greater trust with parents so that such issues can be resolved to the satisfaction of districts, parents and students?*
- Can we systemically change the prevailing mindset of special education from a “place we live” to “a place we visit”?

NJSBA Policy Current policy of the New Jersey School Boards Association is based on the belief that all educationally disabled students should receive an appropriate public education within our state and, where possible, within the general education environment. The Task Force was also charged with recommending changes to NJSBA’s *Manual of Policies and Positions on Education*, if appropriate. Recommended policy changes begin on page 47 of this report.

Findings and Recommendations

Major Findings

Early Action Research identifies themes and practices that improve the academic outcomes of special education students. These practices overlap with the body of work on effective schools. The overlap suggests that, to improve academic achievement for special education students, priority should be given to successful strategies in general education with attention to inclusive practices (Huberman, Navo and Parrish, 2011, p.5).

School districts should familiarize themselves with the effective schools research base, as well as with themes and practices that improve the academic performance of special education students. This research formed the framework of the Task Force’s discourse, which ultimately provided a conceptual map supporting a more integrated approach to special education as a way to improve quality and reduce costs.

Major Themes (Huberman, Navo & Parrish, 2011, p.13)
• Inclusion and access to the core curriculum
• Greater collaboration between special education and general education teachers
• Continuous assessment and use of Response to Intervention (RTI) ¹
• Use of Explicit Direct Instruction ²

Effective Practices Effective leadership: instructional and transformational (Huberman, Navo & Parrish, 2012, p.61)
1. Curriculum aligned with the current N.J. Curriculum Framework
2. Effective systems to support curriculum alignment
3. Emphasis on inclusion and access to the curriculum
4. Culture and practices that support high standards and student achievement
5. A well-disciplined academic and social environment
6. Use of student assessment data to inform decision-making
7. Unified practice supported by targeted professional development
8. Access to resources to support key initiatives
9. Effective staff recruitment, retention, and deployment
10. Flexible leaders and staff who work effectively in a dynamic environment

¹ “**Response to Intervention (RTI)** is a multi-tier approach to the early identification and support of students with learning and behavior needs. The RTI process begins with high-quality instruction and universal screening of all children in the general education classroom. Struggling learners are provided with interventions at increasing levels of intensity to accelerate their rate of learning. These services may be provided by a variety of personnel, including general education teachers, special educators, and specialists. Progress is closely monitored to assess both the learning rate and level of performance of individual students. Educational decisions about the intensity and duration of interventions are based on individual student response to instruction. RTI is designed for use when making decisions in both general education and special education, creating a well-integrated system of instruction and intervention guided by child outcome data” (From RTI Action Network, National Center for Learning Disabilities, Washington, DC, <http://www.rtinetwork.org/learn/what/whatisrti>).

² Explicit Direct Instruction (EDI) is a model, which includes components for lesson design and specific instructional delivery strategies (Hollingsworth and Ybarra, 2009).

Response to Intervention In a guide for school districts on the application of Response to Intervention, a steering committee of the Vermont Department of Education and the University of Vermont states that, “RTI is a process that cuts across general, compensatory, and special education, and is not exclusively a general or special education initiative” (Vermont, 2012, p.1).

A preventive approach is intended to rectify a number of long-standing problems, including the disproportionate number of minorities and English language learners identified as learning disabled and the practice of waiting for documented failure before providing services. The clear...intent is to provide an alternative means of identifying students with learning disabilities and to reduce the number of students who are identified as learning disabled by preventing academic and behavioral difficulties from developing by providing prompt and focused instruction and intervention at the first indication of difficulty (Vermont, 2012, pp.1-2).

Continuum of Programs The Task Force believes that special education should be viewed as “a place to visit, not a place to live.” This perception requires us to no longer consider the education system as one that is bifurcated into “special” and “general” sectors. The new vision defines special education as a continuum of interventions, programs and services that any student receives to meet his or her unique needs.

Staffing Levels A survey conducted as part of NJSBA’s 2007 study of special education funding identified “personnel,” “transportation” and “out-of-district placement” as the major cost drivers. In the Task Force’s 2013 survey of superintendents and special education directors, “personnel” was the most frequently cited cost driver. The Task Force recognizes the impact of higher classification rates on staffing and, consequently, special education costs.

Shared services The Task Force believes that regional provision of related and support services would reduce costs, support inclusion and allow school districts to direct more resources to the delivery of services at the classroom level. The state should provide incentives for sharing on regional or county bases while removing any regulatory and financial obstacles.

Recommendations

- 1. Early Intervention**—To address over-classification, the state should develop a multi-tiered system of supports, such as Response to Intervention (RTI) and Intervention and Referral Services (I&RS), or a comparable model providing free access to materials and technical assistance to ensure fidelity to the multi-tiered process and alignment to the common core curriculum.

Such research-based approaches would identify students with learning needs at an early stage and implement strategies within the general education setting, while providing on-going assessment and evaluation. They would also address the disproportionate classification of minority students. In addition, this system would present an alternative method for acquiring data to determine a student’s need for special education.

2. **Staffing Analyses**—To control and reduce staffing costs, the state and local school districts should conduct school- and district-based analyses of staffing and service levels. In addition, the state and federal governments should establish regional, state and national benchmarks that identify the utilization of special education financial and human resources (Levenson, 2009).
3. **Shared Services: Regional Delivery Incentives**—NJDOE and local school districts should explore a voluntary Regionalized Special Education Model/Shared Services Model, in which the county special services school districts, the educational services commissions and the jointure commissions serve as coordinated hubs for special education and related services.

Through a “Regionalized Diagnostic Model,” for example, regional child study teams would complete educational evaluations and give results/findings to the local education agency for implementation. By placing such diagnostic functions at the regional or county level, more time would be available for team members to work directly with parents, teachers, and students. Other examples of regional services include: transportation, personnel, professional development, technology, preschool programming and other services that support inclusive practices.

4. **Shared Services: Encourage Local Initiative**—To reduce costs and improve efficiency and quality, New Jersey should provide financial incentives for districts to work on shared-service models with other local districts and on county and regional bases.

Economies of scale often improve programmatic processes and outcomes in addition to being cost-effective. An example is the recent study in the North Hunterdon-Voorhees Regional School District. Wide disparities in classification and staffing patterns exist among the elementary-level districts whose students attend the regional high schools. The study recommended consolidation of policies, procedures and practices related to the identification and evaluation of students with disabilities. The districts are currently working on developing a common policy manual for this purpose.

5. **Shared Services: Medicaid Reimbursement**—To maximize reimbursement under the federal Special Education Medicaid Initiative (SEMI), the state and local school districts should explore the potential effectiveness of creating consortia to complete the administratively burdensome filing process. In addition, the state should streamline current procedures to minimize the administrative burden on school districts.

Currently, a number of eligible districts opt not to file for reimbursement because the resources expended outweigh any benefit. Therefore, New Jersey does not receive federal revenue that would offset the cost of special education.

6. **Shared Services: Eliminate Impediments**—The Task Force also recommends that the state eliminate any impediments to the use of regional and county service models. The state should consider sponsoring a study on ways to further promote participation by governmental agencies in shared services.

In 2007, NJSBA conducted a study of shared services among school districts and municipalities. An example of impediments found by the researchers involved an administrative code provision addressing placement in the least restrictive environment. The researchers determined that the provision was being interpreted by some school officials as limiting the use of county and regional providers (IELP Rutgers-Newark and NJSBA, pp.56-57). The language at issue remains in current regulations. It should be reviewed and clarified by the New Jersey Department of Education (NJDOE) and/or the State Board of Education so that it is not misinterpreted as restricting the shared delivery of programming through county and regional providers.

7. **Shared Services: Transportation**—The NJDOE should continue to encourage shared transportation services through initiatives such as common county calendars and incentives.

The Task Force's 2013 survey indicates that there is room for growth in shared special education transportation services. Although a wide majority of respondents indicate that they share transportation services, 12.2% identified "transportation" problems, such as school starting and ending times and distance, as obstacles to increasing shared services.

8. **Due Process**—The state should amend existing statute and place the burden of proof in disputes over individual education programs on the party bringing the complaint, rather than on the school district.

Under a 2007 New Jersey statute, the burden of proof in complaints challenging a child's Individual Education Program (IEP) is always placed on the school district, rather than on the party bringing the complaint. In the Task Force's 2013 survey of superintendents and special education directors, over 38% of respondents cited the "adjudication process" as an area requiring legislative and regulatory change. Most frequently cited was a need to place the burden of proof on the party bringing the complaint, the usual standard in legal proceedings. In the past, school officials and school board attorneys have expressed concern that the 2007 statute would increase legal fees and staff time to review and prepare documents and make "fear of litigation" a factor in a school board reaching an agreement on an IEP challenge. (For further information on this issue, see "Results of 2013 Survey," Appendix A of this report, pp.11-13.)

9. **Funding: Effective Strategies**—In an effort to improve student outcomes and determine adequate funding, the state should identify the resources, programs, and delivery models that contribute to improved student performance. In addition, the state should provide technical assistance and funding to promote the implementation of these identified delivery models. Further, the state should promote efforts that "dig deeper into better understanding the cost structures of these approaches" (Baker, *et al.*, 2013, p.113).

The Task Force cites the work of Professor Bruce D. Baker of the Rutgers University Graduate School of Education, which indicates that adequate cost can only be determined after identifying the outcomes we want and the programs that optimally meet those quality indicators in terms of spending.

10. **Funding: Reliable Expenditure Data**—The Task Force recommends that local school districts work with their auditors to put into place processes that ensure the consistency and accurate coding of special education expenditures and reported information.

This recommendation would give school districts the data needed to better manage resources. A district-level calculation of special education costs is critical because of the variability in the level of programs and services provided to students with IEPs across the state. Current state-level data collection does not reflect the differentiation of special education costs in some categories. Local school districts would be able to conduct more specific analyses.

In the course of its work, the Task Force found a lack of reliable statewide expenditure data for special education. This recommendation would also provide more accurate statewide data.

11. **Funding: Medical Needs**—The Task Force recommends adjustment of federal law so that the cost of some related services, regardless of where the services are provided, are considered “medical,” rather than educational.

The cost of related medical needs diverts resources that should be available for special education programming. By appropriately classifying certain services as “medical,” rather than educational, school districts would be able to obtain reimbursement from health insurers.

12. **Funding: Extraordinary Aid**—The state should ensure that school districts and local property taxpayers are insulated from the financial impact of low-incidence, high-cost placements by providing adequate Extraordinary Special Education Cost Aid.

In a 2000 report, the NJSBA Special Education and School Finance Committees called for state payment of the full excess costs of special education. Expansion of the Extraordinary Special Education Costs Aid in 2002 represented a major step toward that goal. In recent years, however, the state has limited district access to extraordinary cost aid by increasing the threshold for its receipt.

13. **Funding: Literacy**—The federal IDEA should allow greater flexibility in the use of funds for supplemental literacy and math programs in more inclusive settings.

The Task Force focused on the work of Nathan Levenson, whose research stresses incorporating a “relentless focus on reading instruction” into special education policies and practices. When reading improves, classification rates drop (Levenson, 2011, p.5). He cites recommendations of the U.S. Department of Education’s What Works Clearinghouse, which include “clear and rigorous grade-level expectations for reading proficiency” and “early identification of struggling readers, starting in kindergarten.”

14. **Funding: Outcomes-Based**—To support and achieve ambitious learning goals, special education funding mechanisms must be restructured to support an outcomes-based paradigm.

Finance systems are complex, intricate and input-based, not student-outcome centered. A system that rewards districts and schools that meet ambitious learning goals, prioritizes

resources, models fairness, transparency, predictability and equity, decreases achievement gaps and provides the opportunity for the development of local educators to manage resources effectively is needed. This could be achieved through a funding mechanism that is sensitive to the legitimate variation in student needs.

15. **Funding: Alternative Sources**—The state should explore predictable and dedicated alternative supplemental methods of special education funding, including, but not limited to lottery, business fees, insurance, and grants.

The 2013 Task Force survey of state education departments and school boards associations identified five states that have alternative funding methods for special education. A New York official, for example, estimated that \$1 billion in lottery proceeds is allocated to special education in his state.

16. **Professional Development**—School districts and regional centers should provide targeted professional development to avoid IDEA violations.

Such training, done regularly, would prevent costly procedural and substantive errors, reduce legal exposure and promote and preserve a positive working relationship among districts and the parents and children that they serve.

17. **Technical Assistance: IDEA Compliance**—The Department of Education should continue to expand professional development and technical assistance to school districts on “applying scientifically based findings to facilitate systemic changes related to the provision of services to children with disabilities, in policy, procedure, practice, and the training and use of personnel” (IDEA, sec.663).

Areas of importance include understanding neurodevelopmental variation, establishing multi-tiered intervention systems, creating an inclusive school culture and climate, monitoring progress, and developing positive parent-educator relationships. Districts that have large numbers of students with IEPs in separate schools and classrooms should receive technical assistance to ensure adequate supports in the least restrictive environment.

18. **Technical Assistance: Facilitating Savings**—The state should redouble its efforts to assist districts in creating efficiencies and improving program quality.

Statute enacted in 2007 (*N.J.S.A. 18A:7-8*) calls on the NJDOE county offices of education to “facilitate shared special education services within the county including, but not limited to, direct services, personnel development, and technical assistance.” Other provisions of the law direct the county offices to work with districts to develop in-district special education programs and services, including providing training in inclusive education, positive behavior supports, transition to adult life, and parent-professional collaboration; and to provide assistance to districts in budgetary planning for resource realignment and reallocation to direct special education resources into the classroom. However, state assistance in these areas has varied among the regions and has been affected by staffing changes in the county offices.

19. **Professional Development: Board Members**—Board of education members should receive training that includes exposure to the legal, fiscal and programmatic aspects of special education to help promote the achievement of all of the students in their districts.

Studies stress (a) the importance of school leaders who can create, support and celebrate a culture of positive relationships, professionalism and trust in special education, and (b) the linkage between effective school board governance and student achievement.

20. **Professional Development: Pre-service Teachers**—The state should require that teacher preparation programs include content in adapting curriculum, instruction and assessment to meet the needs of all learners in the inclusive classroom.

Pre-service teachers should have ample opportunity to learn and apply the instructional methods associated with multiple intelligences, multi-sensory instruction, differentiated instruction, intensive instruction, Universal Design for Learning, curriculum-based assessment, and assistive technology. Pre-service teachers should be equipped to establish learning environments that maximize attention and learning through the careful application of positive behavior supports and effective communication. Further, teacher preparation programs for pre-service teachers earning the Pre-Kindergarten through 3rd grade or the elementary education (K-6) certifications should include content in teaching students with reading disabilities.

Legal Context

The IDEA The foundation of special education program delivery and services in the United States is the Individuals with Disabilities Education Act (IDEA). When the law went into effect in 1975, states and local school districts were mandated to provide a free appropriate public education (FAPE) in the least restrictive environment to all children with disabilities. Prior to 1975, millions of students with disabilities were absent or excluded from schools or were receiving services that did not address or meet their needs (*P.L. 94-142, 1975 S.6, Sec.3(a)*).

The IDEA was amended in 1997 and 2004. It was due to be reauthorized in 2011. However, such action has not yet occurred. Prior reauthorizations were intended to clarify, refine, modify and introduce provisions (a) to reduce red tape and minimize non-instructional activities while giving states certain flexibility in the distribution of funds and (b) to focus on improving outcomes for students with disabilities. The 2004 reauthorization significantly changed definitions of “highly qualified” special education teachers, evaluation and reevaluation procedures, provisions regarding parental placement in private schools, discipline, IEP meetings and content, and in particular, the requirement to “maintain present levels of academic achievement and the academic achievement goals, regardless of disability.” In addition, 2004 Congressional findings addressed concerns about the over-identification of minority students and the need to incorporate equitable intervention and identification methods in the delivery of services. (For a detailed listing of changes, see the NJSBA 2007 report by Molenaar and Luciano, pp.138-139, at <http://www.njsba.org/specialeducation>.)

Renewed Focus on Outcomes Within the IDEA are embedded certain principles: increased results-driven accountability, flexibility, local control, and expanded due process options for parents. Additionally, the IDEA places a renewed emphasis on scientifically based interventions and proven teaching methods associated with improved student achievement. This focus is supported by the recent proposed reauthorization of the Elementary and Secondary Education Act (ESEA), which “will increase support for the inclusion and improved outcomes of students with disabilities” (U.S. Department of Education, *A Blueprint for Reform*, 2010, p.20).

The emphasis on inclusion and outcomes narrows the gap between the conflicting policy values inherent in the IDEA and the No Child Left Behind Act (NCLB), the reauthorization of the ESEA, signed into law in 2002. The intended purpose of NCLB is “to ensure that all children have a fair, equal, and significant opportunity to obtain a high quality education and reach, at a minimum, proficiency on challenging state standards and state academic assessments” (NCLB, Title 1, § 1001). The IDEA’s purpose is to “ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living” (20 *U.S.C. 1400(d) (1) (A) (2010)*). Individual student goals are based on unique needs as established by a multidisciplinary team and governed by the IEP. The IDEA provides a “basic floor of education” as defined by the student’s IEP. By contrast, NCLB provides a framework in which all children must be provided equal educational opportunity (Baker, *et al.*, 2013 pg. 100).

Additionally, the President's Commission on Excellence in Special Education (2002) noted the need for special education to focus on the outcomes achieved by each child and not on "process, litigation, regulation, and confrontation" (p.8). This renewed focus was recently communicated to the New Jersey Department of Education by the federal Office of Special Education Programs (OSEP):

The primary focus of IDEA monitoring must be on improving educational results and functional outcomes for children with disabilities, and ensuring that States meet the IDEA program requirements. The monitoring system implemented between 2004 and 2012 placed a heavy emphasis on compliance and we are moving toward a more balanced approach that considers results as well as compliance (Memo from Melody Musgrove to N.J. Commissioner of Education Chris Cerf, July 1, 2013).

As a result of this renewed focus, the federal OSEP has actively sought input nationally for the development of a new accountability system called Results Driven Accountability. The system is based on a set of underlying core principles that "drive improved outcomes for all children and youth with disabilities, protect individual rights, provide incentives, supports and interventions to states and encourage states to direct their resources to where they can have the greatest possible impact" (www.2ed.gov/osep).

Equity and Adequacy Nationwide, adequacy and equity in K-12 education funding has been a subject of great debate for many years. One of the major early school funding decisions, *Robinson v. Cahill*, 69 N.J. 133 (1975), negated New Jersey's funding formula, which had failed to equalize expenditures among school districts due to an over-reliance on local property taxes and community property wealth. Since then, court cases in New Jersey and other states have attempted to define the concepts of equity and adequacy (e.g., the *Abbott v. Burke* litigation in New Jersey; *McDuffy v. Secretary of the Executive Office of Education*, 415 Mass. 545 (1993), and *Hancock v. Commissioner of Education*, 443 Mass. 428 (2005)). The civil rights movement and legislative efforts provided a framework of protections, programs and services intended to promote the success of all of our children. Education has been termed "the great equalizer" (Lee and Burkham, 2002). In *Rose v. Council for Better Education*, 790 S.W.2d 186 (1989), the Kentucky Supreme Court went beyond the conventional equity considerations and held that an "efficient" education is one that has the goal of developing in each and every child seven capacities, including knowledge of governmental processes to enable the student to understand the issues that affect his or her community, state, and nation.

New Jersey's current funding formula resulted from many years of court involvement and the application of legal and legislative remedies that governed expenditures for education. For the last 30 years, the state has struggled to meet its obligation to provide a thorough and efficient education for all of its students. For example, in 1997 the legislature approved the Comprehensive Educational Improvement and Financing Act (CEIFA) in an attempt to equitably appropriate financial resources. However, the New Jersey Supreme Court declared CEIFA unconstitutional as it applied to the then 30 "Abbott" or "special needs" districts, a group of poor urban districts that had been engaged in litigation with the state since 1981 over adequate resources for the low-income children who resided within their boundaries (Guthrie, 2001).

Although the CEIFA formula included provisions for districts and schools with high concentrations of poverty, the court in “*Abbott IV*” (*Abbott v. Burke*, 149 N.J. 145, 177 (1997)) stated, “The amount of aid provided for those programs... is not based on any actual study of the needs of the students in the special needs districts or the costs of supplying the necessary programs.” (*Abbott IV* at 180)

In the absence of documentation demonstrating that the CEIFA model provided sufficient resources to educate students in districts with high concentrations of poverty, the court required an interim remedy: Abbott districts would continue to receive “parity aid,” or an amount equal to the average regular education per pupil expenditure in the State’s wealthiest districts. The following year, in “*Abbott V*” (*Abbott v. Burke*, 153 N.J. 480 (1998)), the court held that Abbott districts could also seek supplemental funding over parity to support particular needs (NJDOE, A Formula for Success, p.4).

Common Goals In school funding decisions across the nation, the courts set common goals, including the following: a broader state definition of educational requirements; adoption of performance standards; greater monitoring of and accountability for educational outcomes; requiring states to cost out the price of an adequate education and ensure funding necessary to provide it; movement towards a partial equalization of financing aimed more at bringing up the bottom than holding down the top; and a special concern with the needs of educationally at-risk students in the poorest districts.

A recent argument made in state courts centers on enabling students to meet academic standards—that is, if states require all students to meet the same educational standards, they must assume responsibility to provide adequate resources to give students a reasonable opportunity to achieve those standards, including a curriculum that fully reflects those standards, teachers who are well-qualified to teach the curriculum, and the materials, textbooks, supplies, and equipment needed to support this teaching (Darling-Hammond, 2010, p.100).

New Jersey’s current funding formula, the School Funding Reform Act of 2008, was found to be constitutional in *Abbott v. Burke*, 199 N.J. 140 (2009) (*Abbott XX*). In this case, the New Jersey Supreme Court’s goal was to ensure that the constitutional guarantee of a thorough and efficient system of public education became a reality for those students who live in municipalities where there are concentrations of poverty and crime. “Every child should have the opportunity for an unhindered start in life—an opportunity to become a productive and contributing citizen to our society.” (*Abbott* at 174) The court found that “the legislative and executive branches of government have enacted a funding formula designed to achieve a thorough and efficient system of public education for every child, regardless of where he or she lives.” (*Abbott* at 175) The court held that the SFRA was a constitutionally adequate school funding scheme, which may be implemented in the Abbott districts. Furthermore, the court recognized that “SFRA is meant to be a state-wide unitary funding system.” (*Id.* at 175) This unitary system was designed to “gain the transparency, equity, and predictability that everyone is interested in achieving: from the parents of school age children, to district and school personnel, to average taxpaying citizens, to the district next door looking at the resources of its neighbors, and to the State as regulator and as lawmaker.” (*Id.* at 174)

From the current legal context, the following questions have emerged:

- How can school systems allocate their resources equitably, so that all students are afforded an adequate education regardless of their needs, location or circumstances? (Chambers and Levin, 2009)
- What programs, services and delivery models are available across settings or locations and what outcomes are attainable? (Baker, Green and Ramsey, 2013)
- What are the determinants of fair measures of equity and adequacy? (Baker *et al.*, 2013; Fair Measure with ELC, 2012)

In a 2013 report to the U.S. Secretary of Education, the Equity and Excellence Commission stated, “The time has come for bold action by the states—and the federal government—to redesign and reform the funding of our nation’s public schools. Achieving equity and excellence requires sufficient resources that are distributed based on student need, not zip code, and that are efficiently used” (The Equity and Excellence Commission, 2013, p.17).

Numerous school finance experts have defined equity and adequacy from a somewhat isolated, input-oriented framework. Chambers and Levin (2009) state:

“Adequacy focuses the attention of policymakers on the overall level of resources necessary to achieve certain goals for all children. Equity means treating similar children similarly and ensuring that all children regardless of their differential needs have access to high-quality programs directed toward the same goals” (p.10).

Odden (2007) opines: “Adequate is generally defined as a level of funding that would allow each district and school to deploy a range of educational programs and strategies that would provide each student an equal opportunity to achieve to the state’s education performance standards” (p.2). This perspective supports and substantiates the state’s responsibility to allocate adequate funding that will provide similar programs, services and strategies so that students have equal opportunities to attain the state’s specified performance standards.

Baker, *et al.* (2013) provides a broader more holistic view of the general concepts of equity and adequacy in school finance in the context of special education funding. They posit that the literature on special education funding and delivery usually isolates children with disabilities from the system as a whole and from the conceptual frameworks of equity and adequacy:

Equity can be viewed either in terms of fiscal inputs alone, in terms of programs and service provided with those financial inputs, or in terms of outcomes attainable with specific inputs, programs and services. Further, equity can be, but is not by definition, linked to educational adequacy where the level of outcomes attainable with given inputs, programs and services is characterized as “adequate” or not. Finally, while it should go without saying, generalized conceptions of equity and adequacy are applicable across all children (p.98).

In isolation, an adequacy threshold could leave behind certain subgroups of students. This creates the need for structures and processes that focus on improving and strengthening general

education so that all children, regardless of their particular circumstances, can attain high levels of achievement (Baker, p.99).

Outcomes-Based Approach In his report on the cost of education, Odden (2007) emphasized the importance of using an evidence-based approach linking resource needs to improved instruction and student outcomes. Odden recommended that the state conduct an analysis of schools and districts that have demonstrated “dramatically improved student performance and to determine what their instructional improvement strategies were, what the resource requirements of those instructional improvement strategies were, and how all the schools resources were used” (Odden, 2007, p.17). Thus, when examining adequacy and equity in special education, fiscal input as a dependent variable alone provides only a partial answer to these questions. The focus must also be on programs and service delivery models that promote positive student outcomes.

There are two mechanisms generally used by researchers to estimate the costs of achieving adequate educational outcomes across varied settings and student individual differences (Baker, *et al.* 2013).

Input-oriented: The first involves prescribing the resource inputs necessary for providing basic educational services and special educational services. Inputs required for service delivery may either be prescribed by panels of local constituents, practitioners and experts, or by outside expert consultants. This approach leads to estimates of the differential costs of recommended educational services for different settings and children, the intent being that the differential services (and resulting cost differentials) recommended will aid in the attainment of common educational outcomes.

Outcome-oriented: A more direct approach involves estimating a model of the statistical relationships among existing spending levels (education cost function), existing outcome levels and various factors that influence the ways in which current spending is associated with current outcomes. That is, to use existing data to tease out underlying differences in costs of producing specific levels of education outcomes across settings and children (p.103).

New Jersey has begun to embrace an outcomes-based approach while still mindful of the need for adequate educational resources. Given the continuing constraint on resources, New Jersey recognizes the need to reframe its focus away from success measured on dollar inputs alone. As the NJDOE recognized in its Educational Adequacy Report:

Of course, schools must have the resources to succeed. To the great detriment of our students, however, we have twisted these unarguable truths into the wrongheaded notion that dollars alone equal success. How *well* education funds are spent matters every bit as much, and probably more so, than how *much* is spent. New Jersey has spent billions of dollars in the former-Abbott districts only to see those districts continue to fail large portions of their students. Until we as a state are willing to look beyond the narrow confines of the existing funding formula – tinkering here, updating there – we risk living Albert Einstein’s now infamous definition of insanity: doing the same thing over and over again and expecting a different result (NJDOE EAP report, 2012, p.2).

The Cost of Special Education

2007 NJSBA Report The New Jersey School Boards Association commissioned a study to address the “actual costs” of special education in New Jersey in 2007. The study used an empirical approach to examine trends affecting the cost and delivery of special education programs and services. It found that local, state and federal special education expenditures in New Jersey totaled \$3.3 billion. The main cost-drivers were out-of-district placements, programs for students with autism, transportation, related services, and resource programs. The NJSBA study reaffirmed the need for a fair, adequate and equitable funding formula. The study also identified other cost-drivers, including high classification rates, exclusionary placements, and impediments to shared services.

Trends in Expenditures Statewide budget data, as reported by school districts to NJDOE, show the following trends in special education spending in light of classification rates.

- Expenditures identified as special education increased approximately 8% from 2008-09 to 2011-12. The increase was twice as large as the rate of growth in expenditures for general education during that same period. It was also double the rate of growth in the number of students receiving special education services.
- In 2011-2012, statewide expenditures to cover the additional costs of serving special education students accounted for over one-fifth of the total expenditures for K-12 education.
- From 2008-09 to 2011-12, the number of classified students in regular operating (or non-Abbott) districts grew by 4%, while total enrollment in those districts remained flat. During the same time period, the number of special education students in the former Abbott districts remained flat.
- The percentage of students in the former Abbott districts taught in the most restrictive settings is more than double that in regular operating school districts.
- Due to inconsistencies in coding of expenditures by some districts over time, any dollar-per-student figure for special education spending at the individual district level could be inaccurate.

University of Maryland Study Also in 2007, the Education Law Center (ELC) released an independent review of special education funding in New Jersey. The study (Kolbe, McLaughlin and Mason, University of Maryland, 2007) focused on factors that should be considered by policy-makers in their efforts to establish a new funding formula. This study recognized the need for reliable data when making special education policy decisions. Specifically, Kolbe *et al.* found the following:

1. The overall proportion of students identified as needing special education in New Jersey was higher than the national average for students of certain racial and ethnic backgrounds.
2. New Jersey districts placed students in segregated special education settings both inside and outside of the home district at higher rates than did other states.
3. While the number of legal disputes in New Jersey is relatively small compared to the number of students receiving special education, these challenges significantly impact districts through

increased spending on litigation and lost instructional time on the part of teachers, while straining school-parent relationships (p.5).

Identified Needs The NJSBA and ELC studies independently came to similar conclusions: There is a need for adequate, fair and equitable funding, accurate and reliable data on costs, and closer examination of cost-effectiveness.

In 2008, New Jersey adopted a new funding formula aimed at remediating the constitutional infirmities of previous statutory funding mechanisms.

The School Funding Reform Act of 2008

Under its current school finance law, the School Funding Reform Act of 2008 (SFRA)³, New Jersey funds education through a census-based method. This approach bases the aid allocation on the local districts' total enrollment. Special education needs are projected by multiplying the excess cost of educating special education students by the statewide average classification rate⁴, which is then multiplied by the district's total enrollment. This is the same methodology used by the federal government to provide special education aid to the states. The previous funding formula, CIEFA, provided gradations of special education aid based on tiers reflecting the severity of disability. SFRA turned to a census formula, with the intention of eliminating the incentive to over-classify, while simplifying the funding mechanism.

The goal of the SFRA is to determine the resources ("Adequacy Budget") needed to provide an "adequate education" for each district's diverse student body. The largest component of state aid is "Equalization Aid," which totals approximately \$6 billion. (Equalization Aid = the Adequacy Budget *minus* the district's "Local Fair Share," which is the amount to be raised through its local tax levy. The Local Fair Share is based on a combination of the district's property valuation and income level.)

Special Education Aid Under the SFRA, special education is funded through a hybrid wealth-based, census-based formula. The formula enables each district, even if it does not qualify for equalization aid, to receive some funding to support programming for its disabled students. Through this process, two-thirds of the census amount is included in the district's Adequacy Budget and is covered by Equalization Aid in those districts that qualify for it. One-third is paid as categorical aid, that is, an amount per pupil.

In 2011, Augenblick, Palaich and Associates prepared an "Analysis of New Jersey's Census Based Special Education Funding System." The work was based on a legislative mandate to the Commissioner of Education to undertake "an independent study of the special education census funding methodology to determine if adjustments in the special education funding formulas are needed in future years to address the variations in incidence of students with severe disabilities requiring high cost programs and to make recommendations for any such adjustments" (APA study, p.1).

The analysis focused on identifying those disability categories that carried high cost to districts but occurred at low-incidence. APA's data collection focused on two types of information: demographic data, and expenditure data. Discrepancies between the two made it difficult to answer the questions required by the legislature. According to the report, "Expenditure data was

³ For a detailed report on the work leading to the decision to implement this system, see "A Formula for Success: All Children, All Communities," N.J. Department of Education. December 2007, and the presentation provided by Kevin Dehmer of the NJDOE Division of Finance in Appendix D of this report.

⁴ At the time of the SFRA's enactment, the statewide average classification rate was 14.67%. That benchmark continues to be used today.

incomplete and unreliable” (p.48). Complicating factors included the lack of “sustained implementation” of the formula and funding cuts. These conditions made it difficult to measure the SFRA’s impact (p.48). NJDOE representatives validated these conclusions. When asked about data collection on special education funding, Kevin Dehmer, a policy and fiscal analyst in the NJDOE Division of Finance, said that the true cost was difficult to calculate due to the number of variables and the fact that financial variables were disconnected from those related to IEP issues (Dehmer, 2013, presentation to Task Force, Appendix D).

APA Findings and Recommendations Despite these conditions, the APA study generated two significant findings:

1. There were clear differences in the percentages and types of special education students served and the amounts being spent in different districts across the state when district size, district type and socio-economic status were examined. A census-based approach funds all districts similarly regardless of size, district type, or grouping.
2. Certain special education categories have higher costs than do others, and the distribution of students by special education category is not consistent across all districts in the state. Some students are very costly to serve given the severity of their disabilities. Also, demographic data analysis showed that “there is a real variation by district type and socio-economic status in the percentage of disabilities in districts and in the percent of students being served by type of service provided, which vary in costs and that the previous funding approach attempted to address...” (p.49).

The APA study recommended the following:

1. Consider using the district’s actual enrollment of special education students.
2. Consider a “differentiated” method of funding for higher-cost students before the extraordinary aid threshold is reached.
3. To fully understand the impact of the new funding system, fully implement the funding system and collect data on the costs of serving various types of special education students in their current settings and analyze enrollment patterns and costs associated with students’ access (p.37).

Other States' Funding Mechanisms

Various formulas are used nationally to distribute funding to local school districts. State funding formulas often utilize a combination of approaches (Parrish, Harr, Anthony, Merickel, and Esra, 2003, p.3), which have a variety of strengths and weaknesses (<http://csef.air.org>).

Ahearn (2010) describes the basic funding mechanisms used nationally to deliver special education funding:

Weighted Pupil: (1) A series of multiples of the general education amount or the tiered-dollar amounts, allocated per special education student and varying according to disability, type of placement, or student need, or (2) A single multiple of the general education amount or a fixed-dollar amount, allocated per special education student.

Resource Based: Funding based on payment for a certain number of specific education resources (e.g., teachers or classroom units), usually determined by prescribed staff-student ratios that may vary by disability, type of placement or student need.

Percentage Reimbursement: Funding based on a percentage of allowable, actual expenditures.

Census-Based: A fixed-dollar amount per total enrollment or average daily membership.

Block Grant: Funding on base-year or prior-year allocations, revenues, and/or enrollment (p.3).

Summary of Funding Approaches The following table (Baker, *et al.*, 2013, Table 1.1) outlines formula types by state, delineating the strengths and weaknesses of each:

<i>Formula Type</i>	<i>States</i>	<i>Strengths</i>	<i>Weaknesses</i>
Weighted Pupil (varied weights)	Arizona, Colorado, Florida, Georgia, Indiana, Iowa, Kentucky, New Mexico, Ohio, Oklahoma, South Carolina, Texas	Ability to target additional resources to districts serving children in need, and to vary those resources by need levels.	May influence not only aggregate identification rates, but severity of classifications. Even more problematic if separate weights tied to placement type. (see Parrish et al., 1994, 2000)
Weighted Pupil (single weight, or flat grant per SE pupil)	Louisiana, Maine, New Hampshire, New York, North Carolina, Oregon, Washington	Simplicity. Ability to target additional aid to districts serving greater shares of children in need.	Insensitive to differences in concentration of disabilities by severity.
Resource Based	Delaware, Kansas, Mississippi, Nevada, Tennessee, Virginia	Ability to target additional aid to districts serving greater shares of children in need.	If based on fixed sum (typical), may lead to spreading resources to thin across districts/ services/children
Percentage Reimbursement	Michigan, Minnesota, Nebraska, Wisconsin, Wyoming	Less encroachment (Baker, 2003) Ability to target additional aid to districts serving greater shares of children in need.	Potentially cumbersome compliance procedures of accounting for allowable expenses. If based on fixed sum (typical), may lead to spreading resources to thin across districts/ services/children
Census-Based	Alabama, California, Idaho, Massachusetts, Montana, New Jersey, Pennsylvania	Reduces incentive to mis-classify or over-classify (Parrish, 1994)	Potential to deprive districts with uncontrollably high disability rates of necessary resources (Baker and Ramsey, 2010)
Combination of Above Elements (perhaps as multiple Tiers)	Alaska, Illinois, Maryland, South Dakota, Vermont		
No separate special education formula	Arkansas, Connecticut, Hawaii, Missouri*, North Dakota, Rhode Island, West Virginia		

* misclassified by ECS. Formula includes single weight (.75) for each special education student above fixed percent of enrollment. <http://www.projectforum.org/docs/FinancingSpecialEducation-StateFundingFormulas.pdf>

Alternative Funding Sources

In New Jersey and across the country, special education is funded primarily through local taxes that are generally assessed on property, and state-level taxes, most commonly assessed against income. In an effort to supplement tax-based revenue, some states have developed alternative sources.

Non-Tax Revenue Nationwide In 2013, NJSBA conducted a nationwide survey to ascertain the extent to which non-tax-based revenue is used to support special education.⁵ The results below are based on responses from 20 states.⁶

Findings

- 11 of the 20 respondents provided information on their states’ special education budgets. Amounts ranged from approximately \$200 million (Idaho) to \$12 billion (New York).
- 13 respondents (65%) reported that their states did not use non-tax revenues to fund special education; five (25%) indicated that their states used non-tax revenue, while 15% said they did not know.
- A majority (55%) reported that their state was not investigating or planning to use non-tax-based revenue sources to fund special education in the future. Only one respondent indicated that his or her state was investigating or planning the use of non-tax revenue.
- Among the respondents who reported the use of non-tax-based revenue to fund special education, the most frequently cited source was a lottery.

<u>Non-Tax Revenue Sources</u> <i>In order of frequency</i>
Lottery
Foundation Grant
Other Grant
Other Sources (including state land lease, motor vehicle fines, and racing regulatory licensing fees)
Business Fees
<i>Some respondents reported multiple non-tax-based revenues.</i>

⁵ The questionnaire is Appendix B of this report. On April 9, 2013, the questionnaire was sent by email to the school boards associations of 49 states, the Hawaii State Board of Education, and the District of Columbia Public Schools. It was subsequently emailed to the senior staff member responsible for special education in the departments of education of each state that did not respond to the initial mailing.

⁶ The states represented in the survey are Alaska, California, Colorado, Georgia, Idaho, Kentucky, Maine, Maryland, Michigan, Missouri, New Hampshire, Nevada, New York, North Carolina, South Dakota, Tennessee, Texas, Utah, Vermont and Washington.

Respondents' comments about the use of lottery proceeds for special education follow:

Lotteries were used to help support education, not specifically special education. Special education receives a proportion of the lottery revenue...

All proceeds from our state lotteries, after expenses and awards, are dedicated to education, and used as a source of revenue to fund our state "adequate education" aid formula, which awards additional per pupil stipends for special education students.

Lottery proceeds must, by law, be used exclusively for public education.

Approximately \$4.5 billion of the \$21 billion in state aid comes from the lottery. New York State spends about \$59 billion in total on public education, of which \$12.26 billion is spent on special education. So about 20%, or a little over \$1 billion of the lottery money (by proportion), would be allocated to special education.

Lottery funds are distributed to school districts and charter schools as part of their state-aid payments. Each LEA determines how the state-aid is used.

Texas State Lottery helps with funding for education.

Approximately \$17 million of \$1.214 billion in state-aid payments was lottery dollars

Non-Tax Revenue in New Jersey A limited amount of New Jersey Lottery proceeds goes toward the support of K-12 education. None is earmarked specifically for special education. The New Jersey Department of Education receives \$91.5 million from the state lottery. Below are individual programs that receive lottery revenue through the NJDOE. (N.J. State Lottery website http://www.state.nj.us/lottery/where/4-0_where.htm, last accessed February 10, 2014)

- Marie Katzenbach School for the Deaf – \$1.85 million
- Non-Public School Aid – \$41,973
- Statewide Assessment Program (Grades 4, 8, 11) – \$8.848 million
- School Construction and Renovations – \$38.915 million

Additionally, New Jersey's School Nutrition Program, administered through the Department of Agriculture, receives \$2.66 million in state lottery proceeds.

While no lottery funds are specifically earmarked for special education programs, it is reasonable to infer that special education students receive at least some indirect benefit from these non-tax revenues.

What is Fair Funding?

Fairness in funding is defined as “a state finance system that ensures equal education opportunity by providing a sufficient level of funding distributed to districts within the state to account for additional needs generated by student poverty” (Baker, 2012, p.6). Understanding the fairness-of-funding mechanisms is critical “in our efforts to ensure a high quality education and to close opportunity and achievement gaps among subgroups of students which include special needs students” (p.6). The core principles inherent in a fair funding formula include the following:

- Varying levels of funding are required to provide equal educational opportunities to children with different needs.
- The costs of education vary based on geographic location and other factors, particularly regional differences in teacher salaries, school district size, population density and various student characteristics. It is critical to account for as many of these variables as possible, given the availability of reliable data.
- The level of funding should increase relative to the level of concentrated student poverty. That is, state finance systems should provide more funding to districts serving larger shares of students in poverty. Economists often evaluate systems as “progressive” or “regressive.” As used in this report, a “progressive” finance system allocates more funding to districts with high levels of student poverty; a “regressive” system allocates less to those districts; and a “flat” system allocates roughly the same amount of funding across districts with varying needs.
- Student poverty—especially concentrated student poverty—is the most critical variable (p.5).

The fairness measures include the following:

Funding level—This measurement gauges the overall level of state and local revenue provided to school districts, and compares each state’s average per pupil revenue with that of other states, including those within a particular region. To recognize the variety of interstate differences, each state’s revenue level is adjusted to reflect differences in regional wages, poverty, economies of scale and population density.

Funding distribution—This factor measures the distribution of funding across local districts within the state relative to student poverty.

Effort—This factor weighs differences in state spending for education relative to state fiscal capacity. “Effort” is defined as “the ratio of state spending to state per capita gross domestic product.”

Coverage—This factor measures the proportion of school-age children attending the state’s public schools, as compared with those not attending public schools (primarily private, parochial and home-schooled students). The share of the state’s students in public schools, and the median household income of those students, is an important indicator of the distribution of funding relative to student poverty and to overall effort to provide fair school funding (p.7).

“Is School Funding Fair: A National Report Card” found that, in 2012, New Jersey ranked among the top four states in all measures along with Iowa, Massachusetts, Vermont and Kansas.

(For a more detailed look at this research framework, methodology and findings and a for deeper understanding of the importance of fair school funding as a critical determinant of successful school outcomes, go to www.schoolfundingfairness.org.)

As important as adequate, equitable and fair funding is to special education, any discussion of the costs of providing special education services is incomplete without examination of cost-effective delivery models that correlate to improved student outcomes. As Commissioner of Education Chris Cerf noted:

Recognizing that “how well” education dollars are spent is as important as “how much” is spent and changing the way money is spent is by far the most important means of actually changing behavior in schools and ensuring that all students, regardless of birth circumstances, graduate from high school ready for college and career. Even as we continue to invest in our public education system, we must remain willing to examine how we are spending our limited dollars and work towards solutions that make every dollar we invest count.⁷

⁷ Assembly Budget Committee Testimony from the Department of Education, delivered by Commissioner Chris Cerf, Thursday, April 11, 2013.

Evaluating Funding Mechanisms

Following are optimal funding criteria, identified by Hartman (1992), Parrish (2005), and Chambers and Levin (2009). Viewed holistically, the criteria illustrate a fundamental value that should be at the core of any discussion of the funding and delivery of special education: *fairness*.

Understandable, Transparent, Accessible and Politically Acceptable	<ul style="list-style-type: none"> • The funding system, its underlying policy objectives and concepts are clearly articulated and understood by all stakeholders, e.g., legislators, school administrators, boards of education, advocates. • Implementation avoids any major short-term loss of funds. • Implementation involves no major disruption of existing services.
Equitable	<ul style="list-style-type: none"> • Student equity: Dollars are distributed to ensure comparable program quality regardless of district. • Wealth equity: Availability of overall funding is not correlated with local wealth. • District-to-district fairness: Funding for comparable resources provided for comparable students. (Parrish, <i>et al.</i> (2003) p.13; Chambers and Levin (2009)
Adequate	<ul style="list-style-type: none"> • Funding is sufficient for all districts to provide appropriate programs for special education students.
Predictable, stable and timely	<ul style="list-style-type: none"> • Local education agencies of funding allocations are informed in a timely manner so that they can properly plan for the delivery of needed services. • The system produces predictable demands for state funding. • State and Local education agencies can count on stable funding across years.
Flexible	<ul style="list-style-type: none"> • Local education agencies are given latitude to deal with local conditions in a cost-effective manner. • Changes affecting programs and costs can be incorporated into with minimal disruption. • LEA's are given maximum latitude in use of resources in exchange for outcome accountability.
Identification Neutral	<ul style="list-style-type: none"> • The number of students identified as eligible for special education is not the only or primary basis for determining the amount of special education funding to be received. • Students do not have to be labeled "disabled" in order to receive services.
Reasonable Reporting Burden	<ul style="list-style-type: none"> • Maintenance costs are minimized at both the local and state levels. • Data requirements, record-keeping, and reporting are kept at a reasonable level.
Cost-Based	<ul style="list-style-type: none"> • Special education funding is linked to the costs districts face in providing programs and services.
Cost Control	<ul style="list-style-type: none"> • Patterns of growth in special education costs statewide are stabilized over time. • Patterns of growth in special education identification rates statewide are stabilized over time.
Placement-Neutral	<ul style="list-style-type: none"> • District funding for special education is not linked to where the services are received. • District funding for special education is based on the type of educational placement. • District funding for special education is not based on disability label.
Accountability for Spending and Learning Outcomes	<ul style="list-style-type: none"> • Conventional accounting procedures are followed to assure that special education funds are spent in an authorized manner. • Procedures contain excessive or inappropriate special education costs. • Costs are linked to outcomes. • State monitoring is based on multiple measures of student outcomes. • A statewide system for demonstrating satisfactory progress for all students in all schools is developed, implemented and monitored. • Schools showing positive results for students are given maximum program and fiscal latitude to continue producing favorable results.
Connection to Regular Education Funding	<ul style="list-style-type: none"> • The special education funding formula should have a clear conceptual link to regular education financing. • Integration of funding will likely lead to integration of services.

The Need for Special Education Services

What is the current process of identifying and delivering special education services?

Special education law in New Jersey is derived from a complex, overlapping array of procedures based on federal and state statutes and regulations. At the core is the goal of providing children with disabilities the opportunity for a free and appropriate education (FAPE) in the least restrictive environment. It is the New Jersey Department of Education's responsibility to administer such laws and to define, articulate and enact a coherent set of regulations that clearly meet federal requirements and provide the necessary structure and processes that meet a statewide standard of equity and quality. Of equal importance is our legal, moral and ethical responsibility to provide every child with programs and services that meet their unique educational needs in a cost-effective manner.

Free and Appropriate Public Education IDEA (20 U.S.C. §§ 1400 *et seq.*) and state regulations (*N.J.A.C.* 6A:14) define the central tenets of FAPE.

Under IDEA, every child with a disability is entitled to a free appropriate public education in the least restrictive environment. FAPE is defined as "special education" and "related services" that are provided at public expense, without charge to the parent, under public supervision and direction; meet the state's educational standards (as contained in state regulations and statutes for special education, as well as general education, when applicable); and comply with the child's IEP, which is developed by a multi-disciplinary team and includes the parent/guardian.

While IDEA does not entitle children to the best educational program available, it does require school districts to provide them with planned educational programs that account for their disabilities, offer the opportunity for significant learning, and allow the children to make meaningful educational progress. In addition to FAPE, the federal education statute requires related services which are developmental and corrective, as well as other supportive services necessary to help a child benefit from the education program (Education Law Center, 2008).

Least Restrictive Environment and Inclusion IDEA requires that children be educated in the least restrictive environment (LRE) possible, given their individual needs. This means that they must have the opportunity to interact with, and be educated with, children who do not have disabilities, to the maximum extent appropriate. The Education Law Center, in its publication, *The Right to Special Education in New Jersey*, states, "There is a strong preference for educating children with disabilities in the general education classroom, with appropriate aids and services" (p.5)

A school district must have a full continuum or wide range of alternative placements available for children with disabilities, starting in the general education classroom with supplementary aids and services. More restrictive placements include "pull-out" or "resource" programs for some academic subjects; "self-contained" classes within the public school; schools for children with disabilities; and, in some very limited situations where children are too ill or impaired to attend school, home or bedside instruction. In all situations, placement must be provided in an

appropriate educational setting as close to home as possible

(www.edlawcenter.org/assets/files/pdfs/publications/rights_SpecialEducation, p.7).

Current Special Education Population and LRE In 2012-2013, New Jersey public school enrollment stood at 1,373,182. According to the NJDOE Office of Special Education Programs, 202,850 of the state's public school students received special education and related services that year. In terms of inclusion, more than 96,309 were included in the general education classroom over 80% of the time; 55,031 were in the general education classroom between 40% and 80% of the time, and 35,483 were in the general education classroom less than 40% of the time. Students with specific learning disabilities make up the largest proportion of special education students, 74,923 students. (See chart on the following page.)

From 2008-2012, classification rates ranged from 15.42% to a high of 15.87%.

Special Education: A Service, Not a Place
New Jersey School Boards Association

March 11, 2014

Eligibility Category	Included in General Education Classes			Public Separate & Private Day School **	Public & Private Residential School ***	Home Instruction	Correctional Facilities	Total
	More than 80%	Between 40 and 80%	Less than 40%					
Autism	3,480	2,122	4,972	3,819	82	27	0	14,502
Deaf Blindness	5	2	4	1	1	0	0	13
Emotional Disturbance	2,574	1,714	1,868	1,855	102	133	108	8,354
Hearing Impairments	735	269	213	201	25	3	0	1,446
Multiple Disabilities	2,705	3,686	5,841	5,675	185	149	39	18,280
Intellectual Disabilities	249	1,119	2,889	843	14	9	5	5,128
Other Health Impairments	19,369	11,053	4,862	1,285	47	146	26	36,788
Orthopedic Impairments	268	94	45	21	0	7	0	435
Specific Learning Disabilities	37,861	26,824	9,429	623	37	87	62	74,923
Speech Language Impairment *	28,598	7,880	5,133	213	5	13	11	41,853
Traumatic Brain Injured	238	184	190	125	5	8	1	751
Visual Impairments	227	84	37	29	0	0	0	377
Total	96,309	55,031	35,483	14,690	503	582	252	202,850

* Due to a change in data collection starting in 2008, the eligibility categories Speech Only and Language Impairments are combined into the new category, Speech Language Impairments.

** Due to a change in data collection starting in 2008, the placement categories Public Separate and Private Day School are combined into a single category, Public Separate and Private Day School.

*** Due to a change in data collection starting in 2008, the placement categories Private Residential and Public Residential are combined into a single category, Public & Private Residential School.

Source: N.J. Department of Education, Office of Special Education Programs

Support for Least Restrictive Environment The New Jersey Department of Education, Office of Special Education Programs (NJOSPEP), offers resources to support local school districts in meeting the legal requirements and the monitoring and evaluation of inclusionary practices. One resource is “An Array of Supports for Including Students with Disabilities in the General Education Classroom. Published in 2008, this resource is available at www.doe.state.nj.us. It provides guidance on the identification of students with disabilities and promotes strategies that foster collegiality and collaboration and build teacher capacity. In New Jersey, children are provided a full continuum of educational services and delivery models—for example, in-class support, resource center pull-out, special class, and in-school or out-of-district placements—based on their needs as identified in their IEPs. The majority are in the general education classrooms for a large percentage of the school day.

A Service, Not a Place Special education programs and the related services and supports are the mechanisms and processes that influence student outcomes. These programs and services use a range of resources, or ingredients, as inputs. For example, special education teachers are a key input in a school’s special education program. Programs and services, however, can vary considerably in the type and quality of education and support they provide students. These delivery systems also can use very different quantities and combinations of resources in their programming. In considering special education costs, it is important to consider this type of variation (Kolbe, McLaughlin, and Mason, 2007, p.26).

Recently, the NJOSPEP through the Department of Education’s monthly publication for school districts, *The Bridge*, reinforced the importance of viewing special education as a “service,” not a “place” (November 2013). This distinction is critical in reframing our societal view and beliefs regarding the support and services provided to students with disabilities.

Programs that Promote Success

A central theme of the Task Force has been to “improve quality and reduce costs.” In concert with its mission, the Task Force recognizes the urgency of reframing our existing political, organizational and cultural values and beliefs that historically have encouraged an isolated, separatist, “add-on” view of special education. All students would benefit from a vision of special education as a service, one of many to meet the unique needs of our children. Our new view of special education should be as an independent part of the greater whole of general education, an element of a clearly defined, coherent, recursive and rich delivery system where all stakeholders are held accountable for results. Examples of practices in such a system include the following:

- Hiring and retaining high-quality content-area teachers;
- Implementing high-quality instruction;
- Implementing multi-tiered systems of support;
- Basing curriculum development and alignment on the principles of universal design;
- Creating communities of practice that focus on the development and improvement of persuasive negotiation skills;
- Establishing practices that promote a climate and culture of trust among stakeholders, and
- Implementing professional development that embraces collaboration and the critical importance of strong literacy instruction.

Inclusionary Practices A cornerstone for improving quality and reducing costs is strengthening the knowledge, skills and dispositions required to implement, monitor and evaluate inclusionary practices. In addition, proper training in conflict resolution, consultancy models and IEP facilitation practices will reduce disputes and the associated monetary and psychological costs.

McColl and Meier (2013) observed the evolving changes in requirements and the recent shifts in the law that are consistent with this renewed emphasis on accountability.

In 1997, IDEA⁸ required special education teachers to meet state licensure requirements, but there were no federal requirements related to demonstrating competency in the core content areas. In the most recent reauthorization of the federal Elementary and Secondary Education Act, Congress required that teachers certified in special education demonstrate competency in core academic subjects (20 U.S.C. § 1401; 20 U.S.C. § 7801 (11) (NCLB, 2002)). This shifted the federal agenda by emphasizing accountability for meeting state standards in tested subjects through improving teacher quality and requiring the use of scientifically based research methods.

⁸ IDEA, 1997: Supporting high quality, intensive professional development for all personnel who work with such children in order to ensure that they have the skills and knowledge necessary to enable them – (i) To meet developmental goals, and to the maximum extent possible, those challenging expectations that have been established for all children; and (ii) To be prepared to lead productive, independent, adult lives, to the maximum extent possible.

This shift toward teacher accountability, outcomes and the use of scientifically based practices is reflected in the 2004 reauthorization of IDEA.⁹

Thus, NCLB (2002) and the 2004 reauthorization of IDEA are significant in making special education programs consistent with the overall education reform agenda. For students with disabilities to perform well on state tests, they must have access to the same quality of instruction in the core academic subjects by having highly qualified teachers who use scientifically based practices (McColl and Meier, p.20).

The 2004 reauthorization also mandates a new process which allows parents the opportunity for voluntary dispute resolution prior to costly mediation or due process hearings. Parents can now lodge a complaint for investigation by the NJDOE on any aspect of the IEP, including related services and placement (IDEA, 2004). This process can be effective when the school is not in compliance with the IEP. In addition, the changes in law provide for alternative methods for evaluating learning disabilities, the implementation of a response to intervention framework and universal design for learning. This language now offers states the ability to reexamine effective practices in both general and special education with cost-effectiveness in mind.

Both NCLB and IDEA 2004 and the implementation of the Common Core State Standards address closing achievement gaps, underscore the importance of high quality, scientifically based instruction and interventions, and hold schools accountable for the progress of all students in meeting the same grade-level standards.

⁹ IDEA, 2004: Supporting high quality, intensive preservice preparation and professional development for all personnel who work with children with disabilities in order to ensure that such personnel have the skills and knowledge necessary to improve the academic achievement and functional performance of children with disabilities, including the use of scientifically based instructional practices, to the maximum extent possible.

Improving Achievement: The Research

In a recent study that demonstrated unusually strong performance among special education students in certain California schools as compared to others in similar schools, Huberman, Parrish and Navo, (2012) identified emerging themes consistent with the research and literature on effective practices:

- Inclusion and access to the core curriculum
- Collaboration between special education and general education teachers
- Continuous assessment and use of RTI
- Targeted professional development
- Use of Explicit Direct Instruction (p.13)

Eleven Practices for Success The study, replicating one conducted in 2004 by the Donahue Institute at the University of Massachusetts, set out to determine district- and school-level practices supporting achievement among urban elementary and middle school students with special needs. (p.61) Data collection identified 11 practices that supported improved academic success:

1. An emphasis on curriculum alignment with curriculum frameworks;
2. Effective systems to support curriculum alignment;
3. Emphasis on inclusion and access to the curriculum;
4. Culture and practices that support high standards and student achievement;
5. A well-disciplined academic and social environment;
6. Use of student assessment data to inform decision-making;
7. Unified practice supported by targeted professional development;
8. Access to resources that support key initiatives;
9. Effective staff recruitment, retention, and deployment;
10. Flexible leaders and staff who work effectively in a dynamic environment; and
11. Effective leadership

All of the identified practices, with the exception of “emphasis on inclusion and access to the curriculum,” are consistent with an exhaustive body of research literature on effective schools (p.62).

Rethinking Practices and Policies In *Something Has Got to Change: Rethinking Special Education* (2011), Levenson found similar themes and practices in his research of schools in Arlington, Massachusetts. In this qualitative study, Levenson stresses the importance of rethinking special education policies and practices, incorporating strategic management structures, and the “relentless focus on reading instruction.” He states, “Only three things matter, reading, reading, and reading.” When reading improves, classification rates drop (p.5). Citing National Reading Panel recommendations and the U.S. Department of Education’s What Works Clearinghouse, Levenson delineates best practices correlated to improve student achievement:

- Clear and rigorous grade-level expectations for reading proficiency;
- Frequent measurement of student achievement and growth, which influences instruction;
- Early identification of struggling readers, starting in kindergarten;

- Immediate and intensive additional instruction for struggling readers, averaging 30 minutes per day and using more than one pedagogical strategy;
- Remediation and intervention seamlessly connected to each day's full class instruction;
- Balanced instruction in five areas of reading (phonemic awareness, phonics, fluency, vocabulary, and comprehension) as part of a 90-minute literacy block;
- Explicit instruction in phonics in the early grades and comprehension in the later grades, and
- Skilled teachers of reading.

Levenson notes that, although these practices are well known, in most cases they are not implemented. He states:

If so few schools adhere to best practices one might assume the plan is controversial or contested. Not so. Most desire to implement the recommendations.... they cite lack of funding as an obstacle, not realizing that they are already spending 2 to 5 times as much on special education services that weren't as effective" (Levinson, 2011, p.6).

To improve student outcomes, more needs to be done in general education, he argues. The redesign of how and what we teach struggling students is essential.

In best practice districts, the general education teacher is the primary teacher for students with mild to moderate special needs. Instead of decreasing the scope or rigor, classes for struggling students must teach the standard curriculum. The expectations for these students should be the mastery of the same grade level content as their peers; it will just take them longer. By shifting resources from special education to general education students with special needs can take the same class for two periods per day in order to have twice the time. Class size can also be reduced (Levenson, 2011, p.8).

Other cost-effective strategies identified by Levenson include the rethinking of how we deploy staff and the purposeful use of creating teams of administrators that utilize benchmarks and metrics for staff scheduling and assignments. By improving instruction and intervention practices in general education, special education classification rates and expenditures will decrease.

Cost-Effectiveness, Not Cost-Cutting In *A Win-Win Approach to Reducing Special Education Costs* (2009), Levenson outlines ten steps to improve quality and reduce costs. He states that, as classification rates increase and special education costs increase, districts must take on the challenge of controlling costs and improving achievement (p.1). Levenson offers four pieces of advice to schools and districts: focus on reading and integration with general education; rethink deployment of support staff; design more sophisticated metrics to gauge teacher effectiveness, and employ more strategic management structures (Hess, 2011).

At the forefront is the necessity to "change the discussion: Stop talking about cost cutting and talk instead about cost effectiveness" (Levenson, 2009, p.21). The author asserts, "Cost-cutting assumes that we are taking away something from children. No one wants to support it. Cost-effectiveness means getting the same or better results for less money. No one wants to not support that" (p.21).

Levenson identifies other measures to assist districts in becoming more cost-effective:

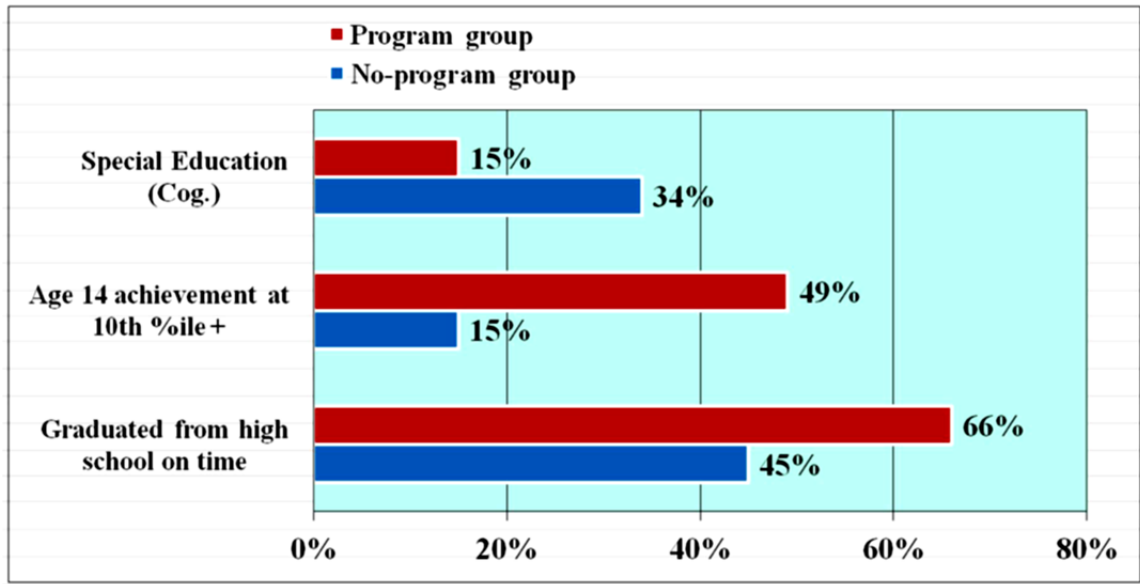
- Creating a team that has experience in scheduling, financial analysis, forecasting and purchasing;
- Conducting an Opportunities Audit, which entails collecting quantitative and qualitative data in analyzing district and school trends;
- Comparing those findings to regional and national benchmarks, and
- Assessing strategies that will improve quality in a cost-effective manner.

Strategies include returning out-of-district students, where appropriate; rethinking the role and scheduling of paraprofessionals; creating teams to manage and oversee district transportation; benchmarking staffing and service levels; focusing relentlessly on early literacy, and reducing referrals by “shifting some remediation to general educators” (p.23).¹⁰

Quality Pre School: Invest and Act Early Research on pre-school programs has provided evidence of lasting, positive effects in cognition, academic motivation and behavior. Data collected over the last four decades demonstrate potential gains from investing in early childhood programs. Such gains are improved achievement scores, increased graduation rates and the reduction of special education classifications and placements, which result in reduced costs to taxpayers and greater future economic gains.

Schweinhart, *et al.*, (2005) reports on the High/Scope Perry Preschool project, the seminal work on the short- and long-term effects of preschool. This experiment began in the 1960s and tracked the attendees through age 40 by collecting data from psychological tests, school achievement measures, employment, and family and health outcomes, as well as police and prison records. Earlier research established that the project provided significant benefits (Weikart, *et al.*, 1970). The researchers found that there were cognitive, social and future economic benefits for those children who attended the pre-school program. Of particular interest is the reduction of special education classifications, the decreased retention rates, and the increased graduation rates. (See the chart on the following page.)

¹⁰ For a useful tool in determining opportunities to manage special education more effectively, go to “DMC Managers Toolkit: Can Your District Manage Special Education More Effectively?” (2009), www.dmccouncil.org.



Berrueta-Clement, J.R., Schweinhart, L.J., Barnett, W.S., Epstein, A.S., & Weikart, D.P. (1984). *Changed Lives: The Effects of the Perry Preschool Program on Youths through Age 19*. Ypsilanti, MI: High/Scope Press.

A recent multi-year study of New Jersey’s Abbott Preschool Program demonstrates that children in the state’s most disadvantaged communities who participate in the pre-K program make significant gains in literacy, language, math and science through 4th and 5th grade.

The Abbott Preschool Program Longitudinal Effects Study (APPLES) estimated the effects of preschool education programs on academic skills in language arts and literacy, mathematics, and science based on standardized tests given to all New Jersey children in 4th and 5th grade. The study found gains in all tested subjects on the state assessments, with larger test score gains for children who participated in two years of preschool. Abbott Preschool Program participation was linked to lower retention rates and fewer children needing special education (W. Steven Barnett, Kwanghee Jung, Min-Jong Youn, and Ellen C. Frede, 2013).¹¹

¹¹ For more information on the APPLES project, go to http://nieer.org/sites/nieer/files/Economics%20of%20ECE_Loyola_Nores.pdf.

Tiered Systems of Support:**Preventative, Proactive Cost-Effective Frameworks to Improve Student Achievement**

"By strengthening general education and moving from reactive to preventative in practice, we will require less special education and reduce costs."

– Talida M. State, Ph.D, Montclair State University
Department of Secondary and Special Education

Response to Intervention and Positive Behavioral Supports: Preventing and Addressing Academic and Behavioral Difficulties in General Education and Special Education

Research on schools that demonstrate strong academic success with special needs students (Parrish, 2012; Levenson, 2009), coupled with the intersection of NCLB (2002) and IDEA (2004), shows that the use of scientifically based instructional practices improve student outcomes (Campbell-Whatley, Floyd, O’Farrow and Smith, 2014). NCLB requires accountability measures that ensure that students make adequate yearly progress. According to the 2004 amendments to IDEA, states must use a process to determine if a child responds to scientific, research-based intervention and data-based documentation of repeated assessments to determine the response to intervention (RTI) before the child is referred for evaluation to be determined for eligibility for special education. RTI is emerging as a best practice process model for assisting at-risk students. McCook (2009) affirms that the successful implementation of a multi-tiered system such as RTI requires “a marriage of special education, general education and federal programs in such a manner that the education system becomes more seamless in its services, rather than a system of separate parts” (McCook, p.xi).

RTI is a proactive multi-tiered system of support designed to identify students at risk of academic difficulty and provide needed instructional and behavioral supports. It is also a framework that could be used to provide useful data that contributes to referral and decision-making about students with learning disabilities or could supplant the IQ discrepancy model currently used in New Jersey for eligibility for special education.

Although there is considerable variability in the implementation of this multi-tiered model, commonalities exist. The first involves school-wide efforts to prevent behavior problems. These models emphasize the problem-solving process in which a shared decision-making team identifies the problem, proposes strategies to remedy the problem, and then reevaluates the problem (Donavan and Cross, 2002; Walker *et al.*, 1998). The second derives from a body of research on preventing reading difficulties in children. These approaches use standardized protocols to deliver interventions, increasing in intensity and differentiation depending on the child’s response to these interventions. Both models have been strongly influenced by public health models of disease prevention that differentiate primary, secondary, and tertiary levels of intervention that increase in cost and intensity depending on the response (Vaughn, Wanzek, and Fletcher, 2007).

Guidelines for Use of RTI Stech (2013), in his research on federal guidelines for use of RTI in special education placements, cites Burns, *et al.* (2007) who explains, “In the 2004 amendments to the Individuals with Disabilities Education Act (IDEA), Congress responded to long-standing criticisms of the IQ-achievement discrepancy model for identifying children with specific learning disabilities....the law now states that local education agencies (LEAs) ‘shall not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability in oral expression, written expression, basic reading skill, reading comprehension, mathematical calculation or mathematical reasoning’” (*Pub.L. No. 108-446 § 614 [b][6][A]*). Thus, the long-held belief that discrepancies between a child’s ability as measured by an intelligence test score and his or her academic achievement will no longer be the only criterion in determining specific learning disabilities.

“The law goes on to say that an LEA ‘may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures...’” (p.264) These provisions stipulate that not only should an IQ-achievement discrepancy no longer be the sole determining factor in special education placement, but this discrepancy model need not be our default if a research-based intervention (RTI) shows evidence that a student has made little or no progress in response to such interventions. As Burns *et al.* states, “IDEA also allows school districts to use up to 15% of their federal special education funds each year to develop and implement coordinated early intervening services. These services are for students in all grades who require additional academic and behavior support to be successful in general education, but who have not been identified as needing special education and related services” (*Pub.L. No. 108-446, § 613 [f]*). Thus, with this clause IDEA encourages school districts and schools to provide additional support to students in the general education classroom prior to consideration for eligibility for special education services. State regulations, following the federal model, also require the use of RTI.¹²

RTI Defined In July 2012, the U.S. Office of Special Education Programs published a document titled “Response to Intervention: Fundamentals for Educators.” OSEP defines Response to Intervention as the practice of providing high-quality instruction/intervention matched to student needs and using learning rate over time and level of performance to inform education decisions (NASDE, *Responsive to Intervention: Policy Considerations and Implementation*). As a school improvement model which places heavy reliance on early interventions, RTI improves student

¹² *New Jersey Administrative Code* states:

- *N.J.A.C. 6A:14-.5(c)12*. A specific learning disability may also be determined by utilizing a response to scientifically based interventions methodology as described in *N.J.A.C. 6A:14-3.4(h)6*.
- *N.J.A.C. 6A:14-3.4(h)6*. When a response to scientifically based interventions methodology is utilized to make the determination of whether the student has a specific learning disability, the district board of education shall:
 - i. Ensure that such methodology includes scientifically based instruction by highly qualified instructors, and that multiple assessments of student progress are included in the evaluation of the student;
 - ii. Not be required to include more than the assessment conducted pursuant to the district’s response to scientifically based intervention methodology in the evaluation of a student; and
 - iii. If the parent consents in writing, extend, as necessary, the time to complete an evaluation pursuant to (c) above.

achievement and behavior and may help reduce disproportionate representation of minority students in special education. The core principles of RTI are based on a unifying belief that “all children can learn.” RTI also requires the use of frequent problem-solving and problem-analysis; universal screening of academic, behavioral and social-emotional indicators of success; evidence-based interventions with fidelity of implementation; ongoing and sensitive progress monitoring of student responses to intervention; data-based decision-making, and a multi-tiered approach with increasing levels of intensity (Batsche, 2006).

There are three tiers common in the RTI process:

Tier 1 focuses on offering high quality, research-based instruction via differentiation as the core instruction for all students in general and inclusive classrooms. This core instruction must be delivered with fidelity. In this tier, school leaders, faculty and staff are engaged in a universal screening of academics and behavior.

Tier 2 involves short-term, evidence-based interventions in a small-group delivery model. Differentiated instruction, supplemental instruction, modifications, specialized equipment, or technology to target academic and behavior needs are provided in a thoughtful, deliberate manner. Intensity, duration and frequency of instruction are determined by identified needs. Instruction can be provided by a general education teacher, reading specialist or special education teacher. Student responses to interventions are well documented during this stage, which will be used for pre-referral decisions.

Tier 3 provides intensive instruction in special or general education settings. The students are provided high-quality, scientifically based, individualized interventions, such as metacognitive strategies, Explicit Direct Instruction, Reading Recovery, Orton Gillingham, Project Read, Wilson, Framing Your Thoughts, and Fast Forward (Office of Special Education Programs, National Center for Response to Intervention, www.rti4success.org/www.rti4success.org/, McCook, 2009, Campbell-Whatley, Floyd, O’Farrow & Smith, 2013).

School-wide Positive Behavior Support (SWPBS) Positive Behavior Support¹³ is a parallel process of RTI, based on the similar principles and practices, including—

- Development of a continuum of scientifically based behavior and academic interventions and supports;
- Use of data to make decisions and solve problems;
- Arrangement of the environment to prevent the development and occurrence of problem behavior;
- Teaching and encouraging pro-social skills and behaviors;
- Implementation of evidence-based behavioral practices with fidelity and accountability;
- Universal screening and continuous monitoring of student performance and progress.

¹³ For additional information on School-side Positive Behavioral Supports, go to the OSEP Technical Assistance Center at <http://pbis.org/research/default.aspx>.

SWPBS is a tiered decision-making framework that guides selection, integration, and implementation of the best evidence-based academic and behavioral practices for improving important academic and behavioral outcomes for all students. It is a comprehensive set of procedures and support strategies tailored to address and overcome patterns of destructive and stigmatizing behaviors. SWPBS emphasizes four integrated elements: (a) data for decision making, (b) measurable outcomes supported and evaluated by data, (c) practices with evidence that these outcomes are achievable, and (d) systems that efficiently and effectively support implementation of these practices (Alberto and Troutman, 2009).

Building on the research of Fuchs, Mock, Morgan, & Young, (2003), Hughes and Dexter (2014) offer these comments in support of considering an alternative state:

A longstanding issue in special education is the over identification of students with [learning disabilities]. Many in the field blame the IQ-discrepancy method of identification as the cause of this issue. The major concerns of this group are that IQ tests are a poor index of intelligence, that the IQ-discrepancy approach is a “wait-to-fail” model since students must perform poorly for years before achievement scores are sufficiently below their IQ scores, and that low achievement for many students is actually caused by poor instruction rather than disability. The problem of over identification for school districts is largely financial. Many school districts already operating on small budgets waste ample amounts of money and manpower on special education services for students who do not need them (p.1).

In their review of the literature, they suggest that several aspects of RTI are presented as addressing the issue of overrepresentation, particularly among minorities:

1. Assessment instruments used in RTI (e.g., curriculum-based measures) are non-biased versus other forms of assessment.
2. All students receive effective instruction and thus most students, including minorities, will progress satisfactorily.
3. Instructional decisions (e.g., movement to or from a tier) are based solely on academic performance.
4. If, after receiving Tier 1 instruction, more minorities are identified as being at risk (based on universal screening data) than majority students, the instruction will be evaluated and modifications will be made to the core program.
5. Providing more intensive instruction in Tier 2 will result in fewer students moving into special education.¹⁴

Universal Design for Learning UDL is a set of principles for curriculum development that give all individuals equal opportunities to learn. It provides a blueprint for creating instructional goals, methods, materials, and assessments that work for everyone. UDL is not a single, one-

¹⁴ The following sources provide information on various tiered systems of support: the RTI Action Network at <http://www.rtinetwork.org/>, the Kansas Multi-tiered System of Supports at www.kansasmtss.org; the National Center for Intensive Intervention at <http://www.intensiveintervention.org/chart/progress-monitoring-mm>, and the AIMSWEB system at <http://www.aimsweb.com>.

size-fits-all solution, but rather flexible approaches that can be customized and adjusted to provide multiple access points to meet individual needs.

Guidelines focus on providing multiple means of representation, action and expression and engagement (Katzman, 2013, presentation to Task Force).

Universal Design was originally an architectural concept. When applied in the school context, it seeks to develop curriculum, instructional strategies and school-wide practices that assume that students with disabilities will be participating in all aspects of schooling.¹⁵ Hehir and Katzman (2012) offer this relevant and timely example:

We should universally design our reading programs assuming that children with dyslexia will be in every school and classroom. Given that dyslexia affects learning to read, different approaches and interventions are needed to design reading and literacy programs that will be effective for these children (p.102).

Research has demonstrated that schools that use UDL design principles and practices have more effective literacy reading programs and have reduced referrals to special education (Lyon, Reid *et al.*, 2003; Snow, C.E., Burns, S., and Griffin, P., 1998).

¹⁵ “Universal design” means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities. It includes products and services that are directly usable without requiring assistive technologies, as well as products and services that are made usable with assistive technologies (29 U.S.C. §3002(17). 15P.L).

Creating and Developing a Culture of Mutual Respect and Trust

Returning Students to their Home Districts The Task Force on Special Education’s 2013 survey reported that out-of-district placements and transportation continue to be the primary cost drivers for special education. Returning students to their home school or district, when appropriate, is a complex, emotionally charged endeavor. Effective strategies to return students to the home school require these important variables: parent support, out-of-district placement support, facility support and appropriate programs and services designed by trained staff at the district level. To assess the appropriateness of returning a student to the district school, the first step is to determine the possibilities by collecting extensive data concerning opportunities and obstacles. This process includes a thorough examination of the roles and responsibilities of all involved and the identification of specific strategies that would promote success, in particular, ways of gaining the confidence and support of parents by establishing trust and a sense of comfort that their child will benefit in this placement (Helfgott, 2013, presentation to the Task Force).¹⁶

Jennings (2007) provides an analysis of studies based on the research on effective collaborative teaching teams in inclusive classrooms. Research suggests that students with mild to severe disabilities placed in settings instituting co-teaching models and inclusive practices demonstrated improvements in attendance and academic, behavioral and social outcomes (Fisbaugh and Gum, 1994; Deno, Maruyana, Espin, and Cohen, 1990; Jenkins, 1992; England, 1996; Cole and Meyer, 1991; Rea, McLaughlin, and Walther-Thomas, 2002; Hunt, Soto, Maier and Doering, 2003). Jennings addresses the importance of creating conditions for teaching teams to prosper while developing their own styles and systems for improved student outcomes. He also outlines ways school leaders can create, support and celebrate a culture of positive relationships, professionalism and trust.

Professional Development: Staff Recognizing that destructive conflicts lead to lost child study team time, due process petitions and increased litigation costs, Jennings (2009) stresses the importance of providing targeted professional development for staff to improve listening skills, empathy and persuasive tactics. Developing and fostering a belief system, behaviors, attitudes and practices that promote positive relationships among the child study team members, teachers, parents and students are both critical components of an effective inclusive school and steps toward developing what Jennings calls “Organizational Competence” (Jennings, 2013, presentation to Task Force). Palestis (2001) sees empathy and the need to carefully listen to parents and to “walk a mile in their shoes” (p.26) as critical components of team dynamics. These strategies promote the elimination of attitudes and values supporting the “deficit model.”

Professional Development: Board Members Jennings has also identified the importance of school leaders who can create, support and celebrate a culture of positive relationships, professionalism and trust. The Task Force believes that research linking effective school board

¹⁶ For specific strategies see *The Return Organization*, Helfgott, 2013.

governance to student achievement underscores the importance of training board of education members in the legal, fiscal and programmatic aspects of special education.

The 2000 Iowa Association of School Boards (IASB) study found that "school boards in high-achieving districts are significantly different in their knowledge and beliefs than school boards in low-achieving districts. And, this difference appears to carry through among administrators and teachers throughout the districts" (Iowa Association of School Boards (IASB). Web. Last accessed March 16, 2014). Specifically, the IASB study found:

In the high-achieving districts, school board members showed greater understanding and influence in each of seven conditions for productive change that provided one "lens" for the content analysis. They were knowledgeable about topics such as improvement goals, curriculum, instruction, assessment and staff development. They were able to clearly describe the purposes and processes of school improvement initiatives and identify the board's role in supporting those initiatives. They could give specific examples of how district goals were being carried out by administrators and teachers (IASB, *The Lighthouse Inquiry: School Board/Superintendent Team Behaviors in School Districts with Extreme Differences in Student Achievement*, 2000).

As policy-makers, New Jersey's school board members play an important role in fostering the conditions that advance student achievement. In the context of special education, effectively carrying out this responsibility requires knowledge of the legal, financial and programmatic aspects of the services that their students are eligible to receive. Additionally, acquiring greater knowledge of their districts' special education programs and services will enable school board members to communicate the goals and achievements in this area to parents, staff and the community.

Shared Service Models in Other States

The 2007 NJSBA-Rutgers Newark report, *Shared Services in School Districts: Policies, Practices and Recommendations*, identified strategies used by boards of education and municipalities to promote cost-efficient and effective services. Efforts include, but are not limited to: special education programs, teachers, instructional aides, child study teams, transportation, cooperative purchasing, banking, insurance, repair and maintenance, professional development and technology. Given current political and economic constraints, increased costs and the 2 percent tax levy cap, districts continue to look to other districts, municipalities and counties to share or regionalize services.

BOCES One regional shared-services model that has proven to be cost-effective and efficient is the New York Boards of Cooperative Education Services (BOCES). The mission of BOCES is—

- Preparing diverse populations for roles in the global economy.
- Providing cost-effective shared services to school districts.
- Initiating collaboration to close gaps in student achievement (www.boces.org).

BOCES services are created when two or more districts have similar needs that can be met by a shared program. State aid flows to the districts the year after they purchase shared services. The amount paid back to districts is based on a formula that takes into account each district's financial resources.

Pennsylvania Intermediate Units Another shared service model is the Intermediate Units of Pennsylvania. Like BOCES, these units offer an array of services to their participating school districts, vocational schools and charter schools. Shared services span professional development, special education and technology services, which includes online learning. This model provides districts with programs and services in a cost-effective manner. Of particular interest is the fact that intermediate units provide comprehensive programs within the school district. For example, the Bucks County Unit provides the educational program for all 3- to 5-year-olds in the county. It also provides Training and Consultative Staff (TaC), who work directly in districts to build capacity in a number of initiatives.

Pennsylvania Intermediate Services Units provide the following services:

Transition – Transition coordination involves working with school districts, individual schools, teams, families, and agencies to develop processes, programs, and opportunities leading to successful school and post-school experiences.

Assistive Technology – Services are provided through the BCIU assistive technology team, helping to assist educators, students and family members as they select, acquire, train and use assistive technology systems. The main areas of assistive technology covered by the team are augmentative communication, writing tools/computer access, adapted switches, environmental

controls, assistive listening equipment for individuals who are deaf or hard of hearing, and access technology for individuals with visual impairments.

Behavior Management – To build effective positive behavior supports in schools, it is important to focus on the interactive relationships between student behavior and the context in which it occurs. This is accomplished through a comprehensive systems approach which considers school-wide, setting-specific, classroom-based, individual student environments and utilization of positive behavior techniques.

Interagency Coordination – Coordinators, based at intermediate units, work in collaboration with local school districts and County Child and Adolescent Services System (CASSP) coordinators to enhance access for families to inclusive and well-integrated services. The major emphasis is on using a collaborative, interagency approach to identify and coordinate appropriate community resources and services, resolve identified barriers to families' access to services, and engage community agencies to facilitate appropriate educational programming and placements.

Inclusive Practices/Least Restrictive Environment – Technical assistance and support is available to school districts with regard to state and federal regulations, standards, policies, and legal precedents affecting special education, including the Individuals with Disabilities Education Act, the Pennsylvania Special Education Regulations, IEP development, Service Agreements under Section 504 of the federal Rehabilitation Act, the Pennsylvania System of School Assessment/Pennsylvania Alternative System of Assessment, Inclusive Practices, and Supplementary Services.

Response to Instruction and Intervention, Progress Monitoring, Reading, Math – Training and consultation are available to develop and implement a comprehensive multi-tiered system to enable early identification and implementation of scientifically based researched interventions for students at academic and behavioral risk. Technical assistance can be provided on universal screening. The major emphasis is on using a collaborative, interagency approach to identify and coordinate appropriate community resources and services, resolve identified barriers to families' access to services, and engage community agencies to facilitate appropriate educational programming and placement (correspondence with Daniel Vorhis, director of professional education, Bucks County Intermediate Services Unit).¹⁷

¹⁷ For further information about a Pennsylvania Intermediate Services Unit, go to www.bucksiu.org.



MEMORANDUM

TO:	Special Education Task Force
FROM:	Gerald Vernotica, Chair Irene Lefebvre Michael Lee
RE:	Review of NJSBA Policies Concerning Special Education
DATE:	February 27, 2014

Enclosed is an updated list of the Task Force's suggested revisions to NJSBA's *Manual of Policies and Positions on Education*. This second look was warranted following the finalization of the recommendations in the Task Force Report. These revisions will harmonize the Task Force recommendations and NJSBA's advocacy efforts. In many cases, NJSBA had sufficient policy language to advocate for the Task Force recommendations. However, there were other cases in which the policies needed to be strengthened or revised to conform to our recommendations.

Attached are those policies that the policy subcommittee believes need to be amended to conform to the proposed recommendations of the Task Force. Additions are **in bold and underlined**. Deletions are in [brackets]. At the bottom of every policy is a rationale to support the language change.

POSITIONS AND POLICIES ON EDUCATION

County and Intermediate Units

File Code 1420

Cooperative Arrangements

- A. The NJSBA **believes** that the current variety of cooperative and regional service delivery arrangements support local boards of education in their mission to provide a thorough and efficient education to their students. These cooperative arrangements do not diminish the local board responsibility to provide for the needs and rights of students and parents. *[Authority: DA 12/85-CR ESC Study, DA 11/95-CR Shared Services, DA 5/01-SR, DA 5/06-SR, DA 5/11-SR]*

Intermediate Units

- A. **The NJSBA believes** that each school district should have access to an intermediate unit (educational services commission or jointure commission) that provides coordination of services to all districts in an area without regard to county boundaries. The State Department of Education should ensure that all services offered by intermediate units are efficient, cost effective and provide the broadest range of services possible to districts within their area. *[Authority: DA 11/95-CR Shared Services]*
- B. **The NJSBA believes** there should be reasonable and practical requirements for the governance of intermediate units that fairly and equitably represent the interests and participation of all its members. The State Board of Education should establish intermediate units as Limited Purpose Local Education Agencies (LPLEAs) that are responsible to the State Department of Education and Executive County Superintendent of Schools to the same extent as all public school districts. *[Authority: DA 11/95-CR Shared Services, DA 12/85-CR ESC Study, DA 6/88-CR Designation of Intermediate Units as LEA's, DA 10/79-CR Regionalization, DA 6/81-24, DA 6/83-A, DA 6/84-A, DA 5/01-SR, DA 5/06-SR, DA 5/11-SR]*
- C. **The NJSBA believes that the use of intermediate units should be encouraged by the State and the Executive County Superintendent where the intermediate unit can provide cost-effective, quality services that meet the needs of the student.**
- D. **The NJSBA believes that local districts should look to the intermediate units as a primary resource when seeking services for special needs students.**

NJSBA Relations with County Offices

- A. **The NJSBA believes** that the county offices of the State Department of Education provide needed services and support to local districts and should be entirely funded by the state.
- B. **The NJSBA believes** that the county offices should expand their responsibilities to districts to include offering expertise and technical assistance in the areas of budget review (as related to the educational program), program review, special education, vocational education and adult, continuing community education. *[Authority: BD 11/74, DA 6/78-12, DA 6/93-SR, DA 11/95-CR Shared Services]*
- C. **The NJSBA believes** that the county offices should maintain a special education data bank that would provide information to local child study teams on available services in the county. *[Authority: DA 6/78-12, DA 6/93-SR, DA 11/95-CR Shared Services, DA 5/01-SR, DA 5/06-SR, DA 5/11-SR]*

Cross Reference

1500	Relations between area, county, state, regional and national associations and the district
6142.12	Career education
6171.4	Special education

Key Words: cooperative arrangements, intermediate units, county offices, budget, special education

Rationale for change: This new policy language corresponds with the Task Force Recommendations that state:

Shared Services: Regional Delivery Incentives—NJDOE and local school districts should explore a voluntary Regionalized Special Education Model/Shared Services Model, in which the county special services school districts, the educational services commissions, and the jointure commissions serve as coordinated hubs for special education and related services.

Services provided through these models could include the exploration and implementation of a “Regionalized Diagnostic Model” in which regional child study teams complete educational evaluations and give results/findings to the local education agency for implementation. By placing diagnostic functions at the regional or county level, more time would be available for team members to work directly with parents, teachers and students. Other examples include: transportation, personnel, professional development, technology, preschool programming and other services that support inclusive practices.

Shared Services: Encourage Local Initiative—To reduce costs and improve efficiency and quality, New Jersey should provide financial incentives for districts to work on shared service models among local districts, county and regional entities.

The task force also recommends that the state eliminate any impediments to the use of regional and county service models.

State School Finance System

- A. **The NJSBA believes** that New Jersey’s system of financing public schools should enable all local school districts to provide an equal educational opportunity for all children in New Jersey to receive a thorough and efficient education.
- B. **The NJSBA believes** that New Jersey’s school finance system should:
1. Define the elements of and the resources necessary to provide a thorough and efficient education;
 2. Provide funds to support and guarantee a thorough and efficient level of education to all public school children;
 3. Provide that all constituents of the state—individuals, businesses and communities—be required to pay a fair share, but that no one would be required to pay more than a fair share;
 4. Retain the principle that local school boards have the primary responsibility, with the assistance of the state, for ensuring that each child in the district obtains a thorough and efficient education, and permit a limited degree of local spending to fund a locally defined thorough and efficient education, with the state paying a share on an equalized basis;
 5. Recognize the diversity, unique circumstances and community composition of each local school district;
 6. Provide for equalized aid for capital expenditures and debt service, based on individual districts’ ability to pay as defined by the School Funding Reform Act or its successor;
 7. Provide state aid based on predictable statutory formulas which is predictable, transparent and capable of being re-calculated at the local district level;
 8. Provide current-year funding of all state aid;
 9. Provide state aid for the full excess cost of all mandated special education programs and services;
 10. Provide state funding for the full cost of all state mandates;
 11. Include a system of evaluation to ensure accountability in the allocation of state aid;
 12. Promote efficiency in the use of tax dollars; and recognize that the geographically adjusted average of expenditures by school district that have demonstrated an ability to provide a thorough and efficient education based on agreed-upon outcomes is an appropriate benchmark for the funds needed by every district to provide a thorough and efficient education;
 13. Be modified, as needed, through a comprehensive approach with input from NJSBA members;
 14. Provide all public school students in New Jersey districts with fiscal equity. *[Authority: DA 12/81-CR (Urban Education), DA 6/84-3, DA 42 6/85-CR (Proficiency Test), DA 12/91-CR (QEA), DA 6/93-2, BD 11/74 (Deleted as 3221.06- DA 6/93-SR), DA 12/76-15 (Deleted as 8211.3- DA 6/93-SR), DA 6/95-6, DA 11/95-CR School Finance, DA 5/96-CR (School Finance), DA 12/82-15, DA 11/96-CR (School Finance), DA 5/97-CR (School Finance), DA 11/01-SR, DA 11/06-CR (Ad Hoc School Funding Reform Committee), DA 11/06-SR DA 11/11-CR (Ad-Hoc School Finance Committee)]*
 15. **Reward districts and schools that meet ambitious learning goals, prioritize resources, model fairness, transparency, predictability and equity, decrease achievement gaps and provide the opportunity for the development of local educators to manage resources effectively is needed.**
 16. **Be sensitive to legitimate variations in school districts’ capabilities to meet student needs, including, but not limited to, proficiency levels, demographics, socioeconomic status, geographical location and physical abilities.**
- C. **The NJSBA believes** that the School Finance Committee should, as needed or as requested by the NJSBA Board of Directors, review the equity of distribution for construction state aid in view of socio-economic factors, wealth, geographic characteristics, equalized school tax rate and other financial conditions. *[Authority: DA 5/00-6, DA 11/00- CR (School Finance), DA 5/01-CR (School Finance), DA 11/01-SR, DA 11/06-SR), DA 11/11-CR (Ad-Hoc School Finance Committee)]*

State Revenue Raising System

- A. **The NJSBA believes** that the state revenue raising system should embody the following characteristics:
1. Guarantee sufficient revenues to consistently meet the state's constitutional and statutory funding obligations to school districts;
 2. Be balanced with respect to the ability to expand and contract in response to economic conditions (elasticity) and the capacity to produce a stable flow of revenue (stability);
 3. Be balanced with respect to sources of revenue (individuals, businesses, property, sales, etc.);
 4. Be designed to consider both an individual's and community's ability to pay. *[Authority: DA 9/82-1, DA 5/96-CR (School Finance), DA 11/96-CR (School Finance), DA 5/97-CR (School Finance)]*
- B. **The NJSBA believes** that the state should pay 50 percent of the statewide total cost of providing a thorough and efficient education for all public elementary and secondary students so that pressures on local property taxes can be relieved. *[Authority: DA 12/91-CR QEA, DA 5/96-CR (School Finance)]*
- C. **The NJSBA believes** that for the State to fund a thorough and efficient education at the 50 percent level, requires the state to rebalance the state's current funding sources: the income tax and the local property tax. *[Authority: DA 11/98-CR (School Finance), DA 11/11-CR (Ad-Hoc School Finance Committee)]*
- D. **The NJSBA believes** in a grass-roots support effort for the proposed funding alternatives to reduce overreliance on property taxes and to demonstrate to the Governor and the Legislature that the voters and property taxpayers will support funding for schools if it is provided in an equitable fashion. *[Authority: DA 11/98-CR (School Finance), DA 11/01-SR, DA 11/06-SR, DA 11/11-CR (Ad-Hoc School Finance Committee)]*
- E. **The NJSBA believes that the State should explore predictable and dedicated alternative methods of special education funding, including but not limited to, lottery, business fees, insurance and grants.**

State Aid to School Districts

- A. **The NJSBA believes** in an equitable distribution of education aid and related support payments which ensure that all school districts have an opportunity to benefit from governmental financial assistance.
- B. **The NJSBA believes** that as long as aggregate-income is used as a measure of local ability to pay for school costs, school districts and municipalities should have the benefit of a formal appeal process to challenge the assignment of income, similar to the formal appeal process available to challenge property values assigned to a municipality. *[Authority: DA 11/99-CR (School Finance)]*
- C. **The NJSBA believes** that when a new governor takes office, school districts should receive at least as much state aid as they received in the prior fiscal year and that upward aid adjustments should be made to compensate districts for increased costs in areas including but not limited to, student enrollment, special education, transportation, insurance, health care and utilities. The State shall not take a school district's allowable accrued surplus by reducing the district's aid in the amount of the surplus. *[Authority: DA 5/96-CR (School Finance), BD 3/02, DA 11/11-CR (Ad-Hoc School Finance Committee)]*
- D. **The NJSBA believes** that local school districts educating the children who reside in state tax-exempt properties should not be adversely impacted in bearing the local cost of education for those students. NJSBA supports seeking aid from the state to fully fund the education of such students. *[Authority: DA 11/01-SR, DA 11/05-2, DA 11/06-SR, DA 11/11-CR (Ad-Hoc School Finance Committee)]*

Fiscal Notes on Proposed Legislation

The NJSBA believes that every piece of proposed legislation affecting school districts should contain a note stating the financial impact on school districts, if any. *[Authority: DA 5/67-8, DA 12/77-16, DA 11/96-CR (School Finance), DA 5/97-CR (School Finance), DA 11/01-SR, DA 11/06-SR, DA 11/11-SR]*

Constitutional Convention

- A. **The NJSBA believes** that convening a constitutional convention to address property tax relief and/or reform abdicates the legislature's constitutionally enumerated obligation to impose taxes. [Authority: DA 5/05-4]
- B. **The NJSBA believes** that the legislature is the appropriate body to decide how to implement tax reform and that a special session of the legislature is the correct and most efficient alternative to address property tax reform. [Authority: DA 5/05-4, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR]

Council on Local Mandates

The NJSBA believes that additional mandates imposed on local boards of education should have an identified funding source or appropriation. All enacted legislation affecting education should be forwarded to the Council on Local Mandates for review. The Council should be authorized to initiate proceedings and rule on unfunded mandates without the need for local districts to file costly complaints. In the absence of the Council on Local Mandates timely review of education legislation containing unfunded mandates, the NJSBA shall seek Board of Directors approval to initiate and file a complaint with the Council on behalf of all the local boards of education in New Jersey. [Authority: DA 5/12-2]

Cross References:	3000	Concepts and roles in business and noninstructional operations
	3100	Budget planning, preparation and adoption
	3210	Local funds
	3230	Federal funds
	3350	Tuition expense
	3350	Tuition expense
	5119	Transfers
	6141.1	Experimental/innovative programs
	6142.2	English as a second language; bilingual/bicultural
	6147	Standards of proficiency
	6171.3	Economically disadvantaged and Title 1
	6171.4	Special education
	6174	Summer school
	6200	Adult/community education
	9112	Elections/appointment

Key Words: finance, revenue, state aid, funding, convention, mandates

Rationale for change: This proposed new policy language incorporates the recommendation of the Special Education Task Force that our funding system should be one that rewards districts and schools that meet ambitious learning goals, prioritizes resources, models fairness, transparency, predictability and equity, decreases achievement gaps and provides the opportunity for the development of local educators to manage resources effectively as needed. This could be achieved through a funding mechanism that is sensitive to legitimate variations in school districts' capabilities to meet student needs, including, but not limited to, proficiency levels, demographics, socioeconomic status, geographical location and physical abilities.

Further, the proposed language incorporates the Task Force recommendation that the state should explore predictable alternative supplemental methods of special education funding, including, but not limited to lottery, business fees, insurance, and grants.

POSITIONS AND POLICIES ON EDUCATION

Intervention and Referral Services for General Education Pupils FILE CODE 6164.1

School Climate

A. The NJSBA believes that the State should promote and fund school district efforts to investigate methods to ensure that students receive personalized attention, where appropriate, in an effort to prevent feelings of alienation and friendlessness. [Authority: DA 11/99-ER (A), DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]

B. The NJSBA believes that local districts should promote school climates that embrace the inclusion of all students of all abilities in all aspects of district programming and services. The State should provide the necessary funding, including transportation and IEP-managed support services, to promote inclusive climates and practices.

Teacher-Mentor Programs

The NJSBA believes that teacher-mentor matchmaker programs are beneficial and may assist students in receiving the support, guidance and tutoring that will help them succeed. Boards of education should consider establishing teacher-mentor matchmaker programs. [Authority: DA 11/99-ER(A), DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]

Early Intervention Programs

The NJSBA believes that programs providing support services for elementary school students with behavioral problems could reduce the need to later classify these students as emotionally disturbed. [Authority: DA 5/99-15, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]

Cross Reference: 5119 Transfers
5131.5 Vandalism/Violence

Key Words: climate, mentor, tutoring, early intervention

Rationale for change: This new policy language incorporates the Task Force recommendation, which states:

Professional Development & Technical Assistance--The Department of Education should continue and expand professional development and technical assistance to school districts on "applying scientifically based findings to facilitate systemic changes related to the provision of services to children with disabilities, in policy, procedure, practice, and the training and use of personnel"(IDEA, sec.663). Areas of importance include: understanding neurodevelopmental variation, multi-tiered intervention systems, creating an inclusive school culture and climate, progress monitoring and developing positive parent educator relationships. Districts that have a large number of students with IEPs in segregated schools and classrooms should receive technical assistance to ensure adequate supports in the least restrictive environment.

Technical Assistance: Facilitating Savings—The State should redouble its efforts to assist districts in creating efficiencies and improving program quality.

Statute enacted in 2007 (N.J.S.A. 18A:8-7) calls on the county offices of education to "facilitate shared special education services within the county including, but not limited to direct services, personnel development, and technical assistance." Other provisions of the law direct the county offices to work with districts to develop in-district special education programs and services including providing training in inclusive education, positive behavioral supports, transition to adult life, and parent-professional collaboration; and to provide assistance to districts in budgetary planning for resource realignment and reallocation to direct special education resources into the classroom.

POSITIONS AND POLICIES ON EDUCATION

Remedial Instruction

File Code 6171.1

State Graduation Requirements and Remedial Programs

The NJSBA believes boards of education should provide remediation or special attention to all students who fail to meet local and/or state high school graduation requirements and proficiency standards. Remediation should begin as early as possible. The State should assume its fair share of the cost of these remedial programs. [Authority: DA 10/78-CR (Graduation Requirements), DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]

After School Busing for Remedial Instruction

The NJSBA believes that the state should provide transportation aid for reimbursement of after-school busing services for remedial instruction. **The State should provide transportation funding for all students of all abilities in order to more fully participate in district after school programs.** [Authority: DA 12/86-2, DA 12/90-12, DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]

Cross References: 3220 State funds
3541.1 Transportation routes and services
6146 Graduation requirements

Rationale: Special Education Task Force recommendation on Shared Services: Transportation, states—

The NJDOE should continue to encourage shared transportation services through initiatives such as common county calendars and incentives.

The Task Force's 2013 survey indicates that there is room for growth in the shared special education transportation services. Although a wide majority of respondents indicate that they share transportation services, 12.2% identified "transportation" problems, such as school starting and ending times, as obstacles to increasing shared services. The survey also identified "transportation" as the third greatest driver of special education costs.

Further, the Task Force recommended that the State should redouble its efforts to assist districts in creating efficiencies and improving program quality.

POSITIONS AND POLICIES ON EDUCATION

Special Education

FILE CODE

6171.4

IDEA Funding

The NJSBA believes that the federal Individuals with Disabilities Education Act (IDEA) should be fully funded at its authorized threshold of 40 percent of the cost of special education. *[Authority: DA 12/80-2, DA 11/97-CR (Special Education), DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]*

Federal and State Funding

- A. **The NJSBA believes** that New Jersey's system of financing public education should enable all local school districts to provide appropriate public educational opportunities for all of New Jersey's educationally disabled students without unduly burdening local taxpayers.
- B. **The NJSBA believes** that the State should fund 100 percent of the costs of all required special education services in excess of a district's regular education per pupil amount. Excess cost funding for special education should be excluded from the spending growth limitation calculation. The State's excess cost system for State aid for special education should include prior approval procedures and appropriate monitoring.
- C. **The NJSBA believes** that State aid for special education should be calculated on a current year basis.
- D. **The NJSBA believes** that State reimbursement for the actual cost of providing transportation for special education students should be provided on a current year basis.
- E. **The NJSBA believes** that State aid for special education should "follow the student" to whatever school district is required to provide special education services for that student. In the alternative, the school district receiving State aid for special education services for a student shall reimburse the school district providing such services. If State aid for special education cannot "follow the student," the State should provide the additional funds necessary to provide special education services.
- F. **The NJSBA believes** that the State should provide an emergency interest-free loan fund to which school districts may apply when unanticipated special education costs threaten a district's ability to provide a T&E education to all of its students.
- G. **The NJSBA believes** that State aid should be available for extended academic year special education programs.
- H. **The NJSBA believes** that the State should provide for a second child count date in the second semester of the school year.
- I. **The NJSBA believes** that the State should provide funding for the identification and provision of programs and services for children with educational disabilities ages 3-5.

- J. **The NJSBA believes** that all New Jersey educationally disabled students should be provided an appropriate public education within New Jersey, and, where possible, within the regular school environment. When residential placements of educationally disabled students are necessary:
1. The State should assume all non-instructional costs for students placed in residential facilities;
 2. A school district's residential placement instructional cost responsibility should be limited to no more than two times the district-wide per pupil costs for the preceding school year;
 3. The State should assume full financial responsibility for the residential costs of court-mandated institutionalizations. *[Authority: DA 12/68-21, DA 12/72-CR (Urban Education), DA 12/72-CR (Special Education), DA 5/73-CR (Special Education), BD 11/74, DA 6/78-20, DA 1/79-10, DA 1/80-23,25, DA 12/81-CR (Urban Education), DA 12/83-17, DA 6/84-12, DA 12/88-5,5A,6, DA 12/90-11, BD 10/91, DA 12/91-3, DA 12/91-CR(QEA), DA 6/92-4, DA 12/94-5, DA 11/97-CR (Special Education), DA 11/99-4, DA 5/00-CR (Joint Committee)]*
- K. **The NJSBA believes** that federal and state law should specifically prohibit any court, administrative body or other entity from requiring a school board or state located within the United States to provide for a child's education, residential cost or the cost of any other service provided outside the United States. *[Authority: DA 11/03-4, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]*

Tuition Costs

- A. **The NJSBA believes** the district responsible for paying the special education costs for pupils placed by the Division of Developmental Disabilities (DDD) in any alternate living arrangement to be the district of residence of the parents or legal guardian until the pupil reaches the age of 21.
- B. **The NJSBA believes** that a school district that receives special education students from another school district should be able to set its tuition rate as accurately as possible, without unnecessary state bureaucratic limitations.
- C. **The NJSBA believes** that public schools should receive fair consideration in determining their special education tuition rates. Private schools for the disabled should have the same tuition rate calculations and procedures and non-allowable costs as do public schools. *[Authority: DA 6/87-13, DA 11/97-CR (Special Education), DA 11/97-SR, DA 5/98-9, DA 5/02-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]*

Medicaid Reimbursement

The NJSBA believes that the Medicaid reimbursement split between the State of New Jersey and local school districts should not be skewed toward the State. *[Authority: DA 12/94-12, DA 11/97-CR (Special Education), DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]*

Shared Services

- A. **The NJSBA believes** interagency programming and collaboration should be encouraged to meet the diverse needs of educationally disabled students. Health and other special service agencies should bear the costs of non-education-related services.
- B. **The NJSBA believes** that districts should have the flexibility to contract with each other, intermediate units and private providers in an effort to provide child study team services in the most efficient manner possible. *[Authority: DA 11/95-CR (Shared Services), DA 11/97-CR (Special Education), DA 5/01-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]*

Teacher Certification and Professional Development

- A. **The NJSBA believes** that, prior to certification, all teachers should complete an appropriate educational program on understanding the nature and needs of students eligible for special education and related services.
- B. **The NJSBA believes** The state should require that teacher preparation programs have, as part of their curriculum, content in adapting curriculum, instruction, and assessment to meet the needs of all learners in the inclusive classroom. Pre-service teachers should have ample opportunity to learn and apply the instructional methods associated with multiple intelligences, multi-sensory instruction, differentiated instruction, intensive instruction, Universal Design for Learning, curriculum-based assessment, and assistive technology. Pre-service teachers should be equipped to establish learning environments that maximize attention and learning through the careful application of positive behavior supports and effective communication. Further, teacher preparation programs for pre-service teachers earning the Pre-Kindergarten through 3rd grade or the elementary education (K-6) certifications should include content in teaching students with reading disabilities.
- B. C. **The NJSBA believes** that all currently certified teachers should be required, as part of their continuing professional development, to participate in in-service programs related to special education students and programs. *[Authority: DA 12/75-CR (Special Education), DA 11/97-4, DA 11/97-CR (Special Education), DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]*

Regulatory Equivalency and Waiver for Special Education Rules and Regulations

The NJSBA believes that school districts should have flexibility in meeting special education requirements. Flexibility should be available as either a waiver or equivalency to a specific rule so that school districts can provide effective and efficient special education programs. *[Authority: DA 12/84-A, DA 11/97-CR (Special Education), DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]*

Transportation of Special Education Pupils

The NJSBA believes that school districts that provide inter-district transportation to educationally disabled children should have the flexibility to solicit bids for that transportation in a manner that is most cost-efficient to the school district, including but not limited to a per pupil, per vehicle or per mileage basis. *[Authority: DA 12/83-15, DA 11/97-CR (Special Education), DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]*

Records of Educationally Disabled Students

The NJSBA believes that records of educationally disabled students should be maintained, accessed, transferred and destroyed in the same fashion as those of non-disabled students. *[Authority: DA 12/86-8, DA 11/97-CR (Special Education), DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]*

Early Identification/Intervention

The NJSBA believes that early identification and provision of suitable educational programs for educationally disabled children, age birth to five, reduces educational deficiencies and permits earlier and easier transfer into the regular classroom setting. *[Authority: DA 12/68-21, DA 5/73-CR (Special Education), BD 11/74, DA 1/80-25, DA 12/81-CR (Urban Education), DA 6/89-CR (Early Childhood Education), DA 11/97-CR (Special Education), DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]*

Awareness of Needs of Educationally Disabled

The NJSBA believes in the importance of increasing awareness of the needs of educationally disabled students and their parents at all levels; state, county and local. [Authority: DA 12/85-CR ESC Study, DA 11/97-CR (Special Education), DA 11/12-SR]

Parental Involvement

The NJSBA believes in the importance of parental involvement. All special education delivery agencies--including local and special purpose school districts, intermediate units and operational arrangements--should establish policies, bylaws, rules or operational guidelines creating advisory councils or other appropriate mechanisms designed to foster parental participation in agency affairs. [Authority: DA 12/85-CR (ESC Study), DA 11/97-CR (Special Education), DA 11/12-SR]

Interscholastic Competition - Disabled Students

The NJSBA believes that the New Jersey State Interscholastic Athletic Association (NJSIAA) is in the best position to determine how to provide interscholastic competition for disabled students on a local, regional and/or statewide basis, consistent with legal mandates of the Americans with Disabilities Act and congruent with the financial restrictions on local school districts. [Authority: DA 12/93-4, DA 11/97-CR (Special Education), DA 11/12-SR]

Cross References:	1400	Relations between other governmental agencies and the district
	1430	State and national units
	3220	State funds
	3230	Federal funds
	3240	Tuition income
	3324.1	Contracts
	3541.1	Transportation routes and services
	4112.2	Certification
	4131.1	Inservice education/visitations/conferences
	5020	Role of parents/guardians
	5118	Nonresidents
	5125	Pupil records
	5131	Conduct/discipline
	6111	School calendar
	6141.1	Experimental/innovative programs
	6142.12	Career education
	6145.2	Interscholastic competition
	6178	Early childhood education/preschool

Key Words: special education, funding, IDEA, transportation, certification,

Rationale: This change would make NJSBA policy concerning teacher certification and professional development consistent with the recommendations of the NJSBA Special Education Task Force. Specifically, the task force recommended:

Professional Development: Pre-service Teachers – The state should require that teacher preparation programs have, as part of their curriculum, content in adapting curriculum, instruction, and assessment to meet the needs of all learners in the inclusive classroom.

Pre-service teachers should have ample opportunity to learn and apply the instructional methods associated with multiple intelligences, multi-sensory instruction, differentiated instruction, intensive instruction, Universal Design for Learning, curriculum-based assessment, and assistive technology. Pre-service teachers should be equipped to establish learning environments that maximize attention and learning through the careful application of positive behavior supports and effective communication. Further, teacher preparation programs for pre-service teachers earning the Pre-Kindergarten through 3rd grade or the elementary education (K-6) certifications should include content in teaching students with reading disabilities.

Full-Day Kindergarten

- A. The NJSBA believes that full-day kindergarten programs benefit students. Technical assistance from the Department of Education and financial incentives including state funds for program planning, staff development, and renovation or construction of suitable kindergarten classrooms should be made available to districts seeking to convert from a half-day to full-day program.
- B. The NJSBA believes that full-day kindergarten programs should be developmentally appropriate.
- C. The NJSBA believes that full-day kindergarten should not be mandated by the State unless state funds are provided to meet the need for necessary additional facilities and staff.
- D. The NJSBA believes that full-day kindergarten programs should be supported under the T&E budget and the state funding formula should apply the same per-pupil cost weight for full-day kindergarten programs that is used for the elementary grades 1-5. [Authority: DA 6/89-CR (Early Childhood Education), DA 11/97-SR, DA 5/01-2, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]

Early Childhood Development and Education

- A. The NJSBA believes that healthy development begins during the pre-natal period and that education begins at birth. Ideally, every child during the early childhood period (commonly defined as birth through age eight) should be provided with a continuum of developmental experiences that will enable him/her to grow and learn to his/her potential. **In order to promote a positive and inclusive climate, these programs should embrace the inclusion of all students of all abilities.**
- B. The NJSBA believes that the development of a comprehensive system of early childhood programs and services is a wise investment of public and private funds that will likely produce long-term educational and social dividends.
- C. The NJSBA believes that early childhood development and education should be a priority issue in the state and the nation. State, county, and local structures should be developed through which all education, health, and social welfare agencies work together to provide appropriate programs for young children and their parents.
- D. The NJSBA believes that the public schools can play an important role in the development of a comprehensive system of early childhood development and education through partnerships with other agencies and organizations that offer family-focused programs and services for young children and their families. School leaders should actively participate as members of community coordination bodies and state, county, and regional panels convened to plan and provide support for services to children and families.
- E. The NJSBA believes that programs that provide medical and nutritional services for mothers and infants in at-risk populations can result in healthier babies and avert later educational problems.
- F. The NJSBA believes that the smooth transition between early intervention programs and school-based preschool programs can be facilitated by adequate articulation between program administrators, teachers, and parents.
- G. The NJSBA believes that appropriate school staff (i.e., counselor, nurse, social worker) should be assigned the responsibility for planning collaboration of the child and family services in schools.
- H. The NJSBA believes that parents are children's "first teachers" and supports programs that through joint sponsorship of schools, community groups and social service agencies provide parenting education and aid to young parents.

I. The NJSBA believes that federal and state funding should be available to support child development programs for parents of children in the first three years of life; address the need for more trained early childhood professionals in early childhood education; and provide services for at-risk children under the age of three and their families. [Authority: DA 6/89-CR (Early Childhood Education), DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]

Preschool Programs

A. The NJSBA believes that the development of age-appropriate preschool programs for three- and four-year olds that include full-day care for children of working parents should be encouraged. Programs should provide an environment that is racially and culturally integrated and allows for the [mainstreaming] **inclusion** of children with educational disabilities **with their peers in the general education environment.**

B. The NJSBA believes that preschool programs should provide for the recognition of cultural and language diversity and efforts should be made to hire staff that can reflect the ethnic and cultural heritage of the children being served.

C. The NJSBA believes that preschool staff should have an understanding of the emotional needs of young children and be knowledgeable about school and community resources available to families to meet identified needs.

D. The NJSBA believes that preschool programs can be improved through the collaborative efforts of the public schools and community-based programs, including joint staff training opportunities and program articulation. Local school districts should be encouraged to work with community groups, institutions of higher education and the corporate sector to develop partnerships targeted to the delivery of quality preschool programs. [Authority: DA 6/89-ER (Early Childhood Education), DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]

Primary Grades (Pre- Kindergarten through Grade Three)

A. The NJSBA believes that a statement of philosophy, objectives, and principles for early childhood programs should be developed at the district and school level to provide a framework for development of policies, curriculum, instructional materials, program assessment, staff development and teacher evaluation.

B. The NJSBA believes that education programs for 4- to 8- year olds should be regularly evaluated to ensure that the quality and effectiveness of the classroom environment is consistent with exemplary early childhood practices.

C. The NJSBA believes that primary grades (pre-kindergarten through grade three) should be structured to provide a continuum of educational experiences for young children through cooperative planning by teaching teams and coordination of activities.

D. The NJSBA believes that the State Department of Education should make available staff training and technical assistance to local school districts so that teachers, administrators, board of education members, and parents are able to recognize and articulate developmentally appropriate practices and be able to structure early childhood programs according to accepted practices. [Authority: DA 6/89-CR (Early Childhood Education), DA 11/97-SR, DA 11/02- SR, DA 11/07-SR, DA 11/12-SR]

Child Care

A. The NJSBA believes that school-based before/after school programs can help meet the childcare needs of working parents. Local boards of education should be encouraged to work with municipal government, community-based groups and agencies, and parents to form partnerships that allow for the assessment of childcare needs; collaborative planning, and delivery of comprehensive services to make optimum use of all available resources.

B. The NJSBA believes that state and federal incentives should be available to fund the development of child care programs that target high-need populations such as infants of adolescent parents and young children with disabilities.

C. The NJSBA believes that boards of education should work with social service agencies and other school districts to develop childcare programs that meet the needs of adolescent parents. [Authority: DA 6/89-CR (Early Childhood Education), DA 11/97-SR, DA 11/02-SR 11/07-SR, DA 11/12-SR]

Administration of Early Childhood Programs

A. The NJSBA believes that an early childhood education unit should exist within the department of education and should be sufficiently staffed to provide local boards of education with on-going technical assistance; staff training; research information, and successful program models, and to coordinate early childhood efforts with the department of human services. [Authority: DA 6/89-CR (Early Childhood Education), DA 11/97-SR]

B. The NJSBA believes that the department of education should provide technical assistance to local boards of education to enable them to expand and improve their early childhood programs. Assistance should include pre-service and in-service training for teachers and administrators; program design, implementation, and evaluation techniques; and identification of developmentally appropriate practices.

C. The NJSBA believes the commissioner of education and the State Board of Education should have the benefit of a state-level advisory committee to advise them on early childhood policies, programs, and legislation. Representation on the advisory committee should include NJSBA, other statewide child advocacy organizations, Head Start agencies, local school districts, community-based programs, and parents.

D. The NJSBA believes that school districts should be permitted to provide programs using a blend of funding streams, including federal, state and local monies. Private sources of funding should be sought from foundations and the corporate sector. Federal and state funding should be available to support early childhood education programs and to enable school districts to build or renovate facilities for early childhood education and child care programs.

E. The NJSBA believes that boards of education should explore all options for providing facilities suitable for early childhood programs. Options should include, but not be limited to, unused elementary and high school classrooms, under-utilized public community-based facilities, and shared facilities with other school districts.

F. The NJSBA believes that on-going public awareness activities should emphasize: current demographic information related to young children and their families, the impact of unresolved social problems on the education system; the educational and social benefits of good quality, comprehensive early childhood development programs; and the need for creativity in early childhood education planning. [Authority: DA 6/89-CR (Early Childhood Education), DA 6/90-CR (Early Childhood Education), DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]

Certification for Early Childhood Education

The NJSBA believes that teachers of young children should have the appropriate training, knowledge, and experience. An early childhood teaching certificate should be required for teachers of preschool through grade three.

The NJSBA believes that the State Board of Education should consider the development of an Early Childhood/Special Education Certificate. [Authority: DA 6/89-CR (Early Childhood Education) DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]

Cross References: 1500 Relations between area, county, state, regional, and national associations and NJSBA
1600 Relations between other entities and the district
1600.1 School/business partnerships

3220 State funds
4112.2 Certification
5020 Role of parents/guardians
5134 Married/pregnant pupils
5141 Health
5142 Pupil safety
5145.4 Equal educational opportunity
6142.1 Family life education
6171.4 Special Education

Key Words: early childhood, preschool, certification

Rationale: Task Force research identified themes and practices that improve the academic outcomes of special education students. These practices overlap with the body of work on effective schools. The overlap suggests that, to improve academic achievement for special education students, priority be given to successful strategies in general education with attention to inclusive practices.

Inservice Training

- A. The NJSBA believes that local board members, in order to be effective, should have opportunities to participate in on-going inservice training activities throughout their term of service. Board of education policies should endorse board member attendance at programs designed to improve their knowledge and skill in governing the district and statutorily required board member attendance at an NJSBA Board Member Orientation Conference. [Authority: 6/91-7: DA 11/98 – SR]
- B. The NJSBA believes that boards of education should provide an orientation program for their new board members regarding district operations. The program should include information about the policies and practices of the local board, as well as providing copies of recent board minutes, negotiated contracts, and committee reports in the public domain. [Authority: 12/77-CR(Turnover) 11/98-SR]
- C. The NJSBA believes that board members and chief school administrators should have on-going joint training in their roles, responsibilities and ethics, collaborative teamwork, leadership team performance and self-assessment, to enable them to understand their distinct policy-making and administrative roles and how to carry them out successfully. [Authority: DA 11-03 ER (A)]
- D. The NJSBA believes that school board members should not be singled out for mandated continuing education because they are public officials who perform roles in our public school system which are parallel to those performed by all other state, county, and municipal officials. [Authority: DA 5/03-SR; DA 11/06-2, DA 5/08]

E. The NJSBA believes that board of education members should receive training that includes exposure to the legal, fiscal and programmatic aspects of special education to help promote the achievement of all of the students in their districts.

Preservice Training

- A. The NJSBA believes that school board candidates should have access to board candidacy publications.
- B. The NJSBA believes that the Association should make preservice training available to board of education candidates, both on the county and regional levels. [Authority; DA 6/91-7; DA 5/76-CR (Competency); DA 12/92 – SR; 11/98 – SR; DA 5/03-SR, DA 5/08]

Assistance to State-Operated School Districts

The NJSBA believes that it is well-suited to provide assistance to state-operated school districts, including, but not limited to inservice training for members of school boards who are appointed to serve in an advisory capacity in state-operated school districts. [Authority; BD 3/90; DA 5/03-SR, DA 5/08]

Cross References: 9111 Elections/appointment

Rationale: The Task Force made the following recommendations:

Professional Development—School districts and regional centers should provide targeted professional development to avoid IDEA violations.

Such training, done regularly, would prevent costly procedural and substantive errors, reduce legal exposure and promote and preserve a positive working relationship among districts, parents and the children that they serve.

Research shows the importance of (a) school leaders who can create, support and celebrate a culture of positive relationships, professionalism and trust in special education, and (b) the linkage between effective school board governance and student achievement.

Technical Assistance: IDEA Compliance—The Department of Education should continue and expand professional development and technical assistance to school districts on “applying scientifically based findings to facilitate systemic changes related to the provision of services to children with disabilities, in policy, procedure, practice, and the training and use of personnel” (IDEA, sec. 663).

BIBLIOGRAPHY

- Ahern, E. (2010). "Financing special education: State funding formulas," *inForum*. Project Forum, National Association of State Directors of Special Education Programs, Alexandria, VA,
- Alberto, P., and Troutman, A.C. (2009). *Applied behavior analysis for teachers*. 8th ed. Upper Saddle River, N.J.: Merrill/Pearson.
- Augenblick, Palaich and Associates, (2011). *Analysis of New Jersey's census-based special education funding system*, prepared for the New Jersey Department of Education.
- Baker, B., Sciarra, D., and Farrie, D. (2012). *Is school funding fair? A national report card*. Education Law Center, Newark, NJ.
- Baker, B. and Ramsey, M. (2010). What We Don't Know Can't Hurt Us? Equity Consequences of Financing Special Education on the Untested Assumption of Uniform Needs, *Journal of Education Finance*, Winter 2010, 245–275.
- Baker, B.D., Green, P.C., Ramsey, M.J. (2013). Financing Education for Children with Special Needs, in *Handbook for Leadership and Administration for Special Education.*, Crockett, J.B, Billingley, B & Boscardin, M, (Eds.), Taylor and Francis Publishers.
- Batsche, G. (2006). *Response to intervention: policy considerations and implementation*. Alexandria, VA: National Association of State Directors of Special Education.
- Berrueta-Clement, J.R., Schweinhart, L.J., Barnett, W.S., Epstein, A.S., & Weikart, D.P. (1984). *Changed Lives: The effects of the Perry Preschool Program on youths through age 19*. Ypsilanti, MI: High/Scope Press.
- Blue Ribbon Commission on Special Education Costs, (1999). *Report of the Blue Ribbon Commission on Special Education Costs*, Montpelier, VT.
- Burns, M.K., Jacob, S., Wagner, A.R. (2007). Ethical and legal issues associated with using response-to-intervention to assess learning disabilities. *Journal of School Psychology*, 46, 263 - 279.
- Campbell-Whatley, G., Floyd, L., O'Farrow, K.S., & Smith, C.T. (2013). Response to intervention and inclusion: facilitating collaborative arrangements. In Campbell-Whatley, G. and Lyons, J.E. *Leadership practices for special and general educators*. (pp. 123-136). Columbus, OH: Merrill-Prentice Hall.
- Chambers, J.G. and Levin, J.D. (2009). *Determining the Cost of Providing an Adequate Education for All Students*, Washington, D.C.: National Education Association.
- Cole, D.A., & Meyer, L.H. (1991). Social integration and severe disabilities: A longitudinal analysis of child outcomes. *The Journal of Special Education*, 25, 340-351.

BIBLIOGRAPHY

- Committee on the Prevention of Reading Difficulties in Young Children, Commission on Behavioral and Social Sciences and Education, National Research Council. (1998). *Preventing reading difficulties in young children*. Snow, C.E., Burns, M.S., and Griffin, P. (Eds.) Washington, D.C.: National Academy Press.
- Darling-Hammond, L. (2010). *The flat world and education: how America's commitment to equity will determine our future*. New York: Teachers College Press.
- Deno, S, Maruyama, G.G., Espin, C., and Cohen, C. (1990). Educating students with mild disabilities in general education classrooms: Minnesota alternatives. *Exceptional Children*, 57, 150-61.
- Donavan, M. S., & Cross, C. T. (Eds.). (2002). *Minority students in special and gifted education*. Washington, DC: National Academy Press.
- England, J. (1996). Teaching team concept helps Missouri district's inclusion effort. *Inclusive Education Programs*, 4, 6-7.
- Education Law Center. (2008). *The Right to Special Education in New Jersey: A Guide For Advocates*, (2nd Ed.). Newark, New Jersey: Education Law Center.
- Epstein, D., (2011). *Measuring inequity in school funding*. Washington, D.C.:The Center for American Progress.
- Equity and Excellence Commission, U.S. Department of Education. (2013). *For each and every child—a strategy for education equity and excellence*. Washington, D.C.: U.S. Department of Education.
- Fisbaugh, M.S. & Gum, P. (1994). *Inclusive education in Billings, Montana: a prototype for rural schools*. (ERIC Document Reproduction Service No. Ed 369636)
- Fletcher, J. M., & Vaughn, S. (2009). Response to intervention: Preventing and remediating academic difficulties. *Child Development Perspectives*, 3(1), 30–37.
- Fletcher, J. M., Lyon, G. R., Fuchs, L. S., & Barnes, M. A. (2007). *Learning Disabilities: From Identification to Intervention*. New York: Guilford.
- Fuchs, D., Mock, D., Morgan, P.L., & Young, C.L. (2003). Responsiveness-to-intervention for the learning disabilities construct. *Learning Disabilities Research & Practice*, 18(3), 157-171.
- Guthrie, J.W. (2001). Constructing new finance models that balance equity, adequacy and efficiency with responsiveness. *Education Finance in the States: Its Past, Present and Future*. Retrieved from: <http://www.ecs.org/clearinghouse/28/19/2819.htm>

BIBLIOGRAPHY

- Giagreco, M.F. and Broer, S.M.,(2007). School-based screening to determine overreliance on paraprofessionals, *Focus on Autism and Other Developmental Disabilities*, 22(3), 149-158.
- Giagreco, M.F. and Broer, S.M. (2005). Questionable utilization of paraprofessionals in inclusive schools: Are we addressing symptoms or causes? *Focus on Autism and Other Developmental Disabilities*, 20(1) 10-26.
- Hehir, T. and Katzman, L.I. (2012). *Effective inclusive schools: designing successful schoolwide programs*. San Francisco, CA: Jossey-Bass.
- Hess, F.M, and Osberg, E. (2010). *Stretching the school dollar: How schools and districts can save money while serving students best*. Cambridge, MA: Harvard Education Press
- Hess, R., (June 16, 2011). Rethinking special education spending. [web log comment] *Education Week*. Retrieved from http://blogs.edweek.org/edweek/rick_hess_straight_up/
- Hollingsworth, J. & Ybarra, S.,(2009). *Explicit direct instruction: The power of the well-crafted, well-taught lesson*. Twin Oaks, CA: Sage-Corwin Press.
- Hughes, C. and Dexter, D.D. (2014). The use of RTI to identify students with learning disabilities: a review of the research. *RTI Action Network*, The National Center for Learning Disabilities, Inc. Retrieved from <http://rtinetwork.org/learn/research/use-rti-identify-students-learning-disabilities-review-research>.
- Huberman, M., Navo, M., and Parrish, T. (2012). Effective practices in high-performing districts serving students in special education. *Journal of Special Education Leadership*, 25(2)
- Huberman, M.; Navo, M; Parrish, T. (2011). *Academically strong California districts for students in special education*. San Francisco, CA: California Comprehensive Center at WestEd.
- Hunt, P., Soto, G., Maier, J., & Doering, K. (2003). Collaborative teaming to support students at risk and students with severe disabilities in general education classrooms. *Exceptional Children*, 69, 316-334.
- Institute on Education Law and Policy, Rutgers University-Newark and the New Jersey School Boards Association (2007). *Shared services in school districts: Policies, practices and recommendations*. Newark, NJ: Rutgers University-Newark.
- Jenkins, J., Jewell, M., Leicester, N., O'Connor, R.E, Jenkins, L. & Troutner, N.M. (1992). Accommodations for individual differences without classroom ability groups: An experiment in school restructuring. *Exceptional Children*, 60, 344-359.
- Jennings, M. (2007). *Leading effective meetings, teams, and work groups in districts and schools*. Alexandria, VA: Association for Supervision and Curriculum Development.

BIBLIOGRAPHY

Kolbe, T., McLaughlin, M. and Mason, L. (2007) *Special education funding in New Jersey: A policy analysis*. College Park, MD: University of Maryland.

Lee, V. E., and Burkham, D.T., (2002). *Inequality at the starting gate*. Washington, DC: Economic Policy Institute.

Levenson, N. (2009). A win-win approach to reducing special education costs. *The District Management Journal*. Boston, MA: District Management Council.

Levenson, N. (2012). Boosting the quality and efficiency of special education. Washington, D.C.: Thomas B. Fordham Institute.

Levenson, N. (2011). Something has got to change: Rethinking special education. Working Paper. Washington, D.C.: American Enterprise Institute.

McColl, A. & Meier, I. (2013). Laws and Policy Affecting Schools: Going Beyond Compliance, In Campbell-Whatley, G., & Lyons, J. *Leadership Practices for Special and General Educators*, Boston, MA: Pearson.

McCook, J. E. (2009). *Leading and managing RTI: five steps for building and maintaining the framework*. Horsham, PA: LRP Publications.

Molenaar, M. and Luciano, M. (2007). *Financing special education in New Jersey*. Retrieved from <http://www.njsba.org/specialeducation>.

New Jersey Department of Education. (2012) *Educational adequacy report*. Trenton, New Jersey: New Jersey Department of Education.

New Jersey Department of Education. (2007). *A formula for success: all children, all communities*. Trenton, NJ: NJ Department of Education.

Odden, A. (2007). Final Report on the *Reviews of the Report on the Cost of Education* in New Jersey. Madison, WI: University of Wisconsin.

Palestis, M. (2001). How to avoid costly litigation in special education matters: Steps districts can take to avoid court, *School Leader*, November/December.

President's Commission on Excellence in Special Education. (2002) *A new era: revitalizing special education for children and their families*. Retrieved from: <http://www.ed.gov/initd/commissionsboards/whspecialeducation/reports.html>

Parrish, T. (2014). Who's paying the rising cost of special education? Center for Special Education Finance, American Institutes for Research. (Web) Last accessed March 12, 2014

BIBLIOGRAPHY

- Parrish, T., Harr, J., Anthony, J., Merickel, A., and Esra, P. (2003). *State special education finance systems, part 1, 1999-2000*. Palo Alto, CA: Center for Special Education Finance, American Institutes for Research.
- Rea, P.J., McLaughlin, V.L., & Walther-Thomas, C., (2002). Outcomes for students with learning disabilities in inclusive and pullout programs. *Exceptional Children*, 68, 203-224.
- Schiff, D. and Morgan, N. P. (2009). A nationwide overview of delivering and managing special education more effectively. *The District Management Journal*, The District Management Council, Vol. 1, Spring.
- Schweinhart, L.J., Montie, J., Xiang, Z., Barnett, W.S., Belfield, C.R., and Nores, M. (2005). *Lifetime Effects: The High/Scope Perry Preschool Study Through Age 40*, Ypsilanti, MI: High/Scope Press, High/Scope® Educational Research Foundation (194-215).
- Stech, D. J. (2013). A study of the use of response to intervention (RTI) in determining and reducing Special Education Classifications. (unpublished research paper). Montclair State University, Montclair, NJ.
- U.S. Department of Education. (2010). *A blueprint for reform: the reauthorization of the Elementary and Secondary Education Act*. Washington, D.C.: U.S. Department of Education.
- Vaughn, S., Wanzek J, & Fletcher J.M. (2007) Multiple tiers of intervention: A framework for prevention and identification of students with reading/learning disabilities. In Taylor, B.M., and Ysseldyke J., (Eds.), *Effective instruction for struggling readers*. (pp. 173-196) New York: Teachers College Press.
- Vermont Reads Institute and Vermont Statewide Steering Committee on RTII. (2012). *Vermont multi-tiered system of supports response to intervention and instruction (MTSS-RtII) field guide*. Burlington, VT: VRI at UVM.
- Walker, H.M., Stiller, B., Serverson, H.H., Feil, E.G., and Golly, A. (1998). First step to success: Intervening at the point of school entry to prevent antisocial behavior patterns. *Psychology in the Schools*. 35(3) 259-269.
- Wanzek, J, Vaughn, S. (2007). Research-based implications from extensive early reading interventions. *School Psychology Review*, 36(4), 541-561.
- Weikart, D. P., Deloria, D., Lawser, S., & Wiegertink, R. (1970). Longitudinal results of the Ypsilanti Perry preschool project. *Monographs of the High/Scope Educational Research Foundation*. Ypsilanti, MI: High/Scope Press.

APPENDICES

- A.** Results of 2013 Survey: Special Education Trends and Best Practices
- B.** Survey Instrument: Alternative Funding Nationwide
- C.** Special Education: What Board of Education Members Should Know
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- E.** North Hunterdon-Voorhees Special Education Study

Results of 2013 Survey: Special Education Trends and Best Practices

The NJSBA Special Education Task Force surveyed school district superintendents and special education directors on the trends and practices affecting the financing and delivery of services. The survey was modeled after one that was issued in 2007 as part of the NJSBA-sponsored project, “Financing Special Education in New Jersey,” and was designed to identify changes in cost-drivers and strategies over the past six years, as well as new trends in special education.

Survey responses were collected from May 2 through August 12, 2013.

Approximately one-quarter, or 142, of the state’s 570¹ operating school districts participated in the 2013 survey. Responding districts are located in the following regions of the state: North, 42.3%; Central, 33.1%; and South, 24.6%.² All 21 counties are represented in the results.

The responding districts are distributed by grade organization as follows: elementary (K-6/K-8), 52.1%; K-12, 38.7%; secondary (7-12/9-12), 6.4%; and vocational, 2.8%.³

When distributed across the New Jersey Department of Education’s district factor groups, a measure of socio-economic status, the majority of responding districts are found to be located in middle-income and wealthy communities.⁴ Seven of the respondents are former Abbott districts. However, when considering the student enrollment of the responding districts, rather than the number of responding districts, there is a somewhat more balanced representation among the various socio-economic levels.⁵

The student population of the responding school districts represents 23.2% of the statewide enrollment for 2012-2013.⁶

¹ The number does not include the state’s 10 educational services commissions and 3 jointure commissions.

² The state’s three regions comprise the following counties: NORTH (Bergen, Essex, Hudson, Morris, Passaic, Union, Sussex, and Warren); CENTRAL (Hunterdon, Mercer, Middlesex, Monmouth, Ocean, and Somerset); and SOUTH (Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem).

³ The response rate from districts in each of the grade organizations corresponds roughly to the following statewide proportions: Elementary, 47.8%; K-12, 37.7%; Secondary, 8%; and Vocational, 2.7%.

⁴ The District Factor Groups measure a community’s population based on six factors related to income, occupation and educational levels. The most recent district factor grouping is based on 2000 U.S. Census data. It includes eight categories, ranging from A, lowest, to J, highest. The proportion of responding districts within four pairings of these groups follows: A and B, 14.8%; CD and DE, 20.4%; FG and GH, 29.6%; and I and J, 32.4%. Vocational school districts constitute 2.8% of the respondents. (When all 570 operating school districts are divided into these pairings, the proportions are as follows: A and B, 18.6%; CD and DE, 26.3%; FG and GH, 28.9%; and I and J, 22.5%. Vocational and vocational-special services school districts make up 3.7% of the state total. The percentages do not include special services-only districts.)

⁵ When broken down according to the District Factor Group pairings, the student population represented in responding districts is as follows: A and B, 25.8%; CD and DE, 17.4%; FG and GH, 25%; and I and J, 30.5%. Vocational schools account for 1.3% of the student population in the responding districts.

⁶ Using student population groups based upon those in the New Jersey Department of Education’s “Taxpayer Guide to Education Spending,” the responding districts fall into the following enrollment categories: 0 – 400 students, 15.5%; 401 – 750, 15.5%; 751 – 1800, 33.1%; 1801 – 3500, 17.6%; and 3501 or more, 18.3%.

Cost Drivers

The 2013 survey asked school district officials to rate the impact of various factors on district special education costs since 2007-2008. Respondents rated each factor on a scale of 3 to 0 as follows: Large impact (3); Moderate impact (2); Small impact (1); No impact (0). The nine factors provided in the survey questions included—personnel, autism spectrum programs, in-class support for inclusion in general education classroom, out-of-district placement; transportation, increase in classified students, assistive devices, related services, and due process/litigation. Respondents were also given the option of designating “other.”

As in 2007, the three factors with the highest composite rating are personnel, out-of-district placement and transportation.

Impact on Special Education Costs	
2013 Composite Rating	2007 Composite Rating
1. Personnel (2.54)	1. Personnel
2. Out-of-district placement (2.47)	2. Transportation
3. Transportation (2.34)	3. Out-of-district placement

When the results are narrowed down to “large impact” factors, the rankings change:

‘Large Impact’ on Special Education Costs - 2013	
Factor	Percentage of Respondents
1. Out-of-district placement	61.3%
2. Personnel	60.8%
3. Autism spectrum programs	51.6%
4. Transportation	49.4%

The 2007 survey did not list “autism spectrum programs” as a choice when asking respondents to identify special education cost drivers. However, it was mentioned as a factor by

respondents who identified “other” cost-drivers. The NJSBA task force included it as a choice in this 2013 survey question because of trends observed by task force members, as well as the findings of the 2007 NJSBA-sponsored study.⁷

Other large-impact cost factors, identified in the 2013 survey, included “increase in classified students,” identified by close to 40% of school officials. Also cited frequently was “In-class support for inclusion in the general education classroom,” identified by 36.1% of respondents.

The 2007 survey included “due process” as a possible cost-driver in special education. While school officials did not cite “due process” as often as other factors, they did identify it as problematic in other parts of the survey.⁸ Similarly, in the 2013 survey, “due process/litigation” received a composite rating of 1.54, ranking just above “assistive devices.” However, in a separate query, school officials most frequently identified placing the burden of proof on the party challenging a child’s individual education program (IEP), rather than on the school district as is now the case, as a change in law needed to control special education costs.

⁷ Molenaar, Mari, Ed.D. and Michael Luciano, *Financing Special Education in New Jersey*, New Jersey School Boards Association, September 2007, p.5 (www.njsba.org/specialeducation) “The main cost drivers in special education are tuition and transportation for out-of-district placements, programs for students with autism, related services and resource programs.”

⁸ *Ibid*, p.64. “‘Due process,’ which was one of the ten factors specified on the list, ranked last among the cost factors... Nonetheless, due process was a frequently listed concern in separate survey questions addressing needed regulatory change and the cost, financing and effectiveness of programs. Due process involves parental rights to challenge a student’s individual education program.”

For example, a special education director from a K-12 school district in southern New Jersey stated the following in the 2013 survey:

The largest impact on special education is that the “Burden of Proof” is placed on the district. In ALL other legal situations, the burden of proof is placed on the plaintiff, not the defendant. Because the burden of proof is on the district, parents can make frivolous accusations and claims that are not warranted but needlessly provided because the legal fees outweigh the cost of services. Personnel that know this take the side of the parent. This costs the district greatly. If you sincerely want to reduce the cost of special education, transfer the burden of proof back to the plaintiff.

Trends and Strategies Affecting Costs since 2007

The task force considered several findings of the 2007 study concerning trends affecting the cost and delivery of special education services.

The **classification rate** (excluding speech) has leveled off at about 15% of the entire student population. The placement rates have remained essentially unchanged over the past ten years.⁹

...the number of preschool teachers more than doubled from 436 in 1995 to 943 in 2005. This may reflect the increasing number of preschool students with disabilities and the **severity of their disabilities**.

The U.S. Office of Special Education and Rehabilitative Programs cited New Jersey for having the highest proportion of students with disabilities in **separate settings** (both public and private).¹⁰

Educators often talk of blurring the lines between regular and special education. Even after classification, students are likely to continue receiving most of their **instruction in the general education class**. ...teachers are being asked to differentiate more, adapt to in-class support models, and spend more time on IEP accommodations in general education classes.¹¹

[**Shared services** are] already occurring to a large extent in transportation, classes for students with low-incidence (or severe) disabilities, related services, child study team services, and professional development. ... there are impediments that work against additional sharing.¹²

To assess the current impact of these and other trends, the task force asked school officials to indicate their districts’ experiences since 2007-2008 with the following: frequency of classification; severity of classifications; frequency of *declassification*; out-of-district private placements; out-district public placements; sharing programs and services with other school districts; and inclusion in the general education classroom.

⁹ *Ibid*, p.6

¹⁰ *Ibid*, p.7

¹¹ *Ibid*, p.14

¹² *Ibid*, p.7

Respondents indicated if these trends or strategies “increased,” “remained constant” or “decreased” since 2007.

Increases in “inclusion” were cited most often (67.5% of respondents), followed by “severity of classifications” (55.3%) and “frequency of classification” (48.4%). Conversely, the growth of inclusion likely resulted in the largest number of school officials identifying “out-of district private placement” and “out-of-district public placement” as two trends that are decreasing. In spite of those results, the survey shows that out-of-district placement remains a cost driver.

Trends and Strategies Affecting Special Education Costs since 2007				
	Increased	Constant	Decreased	N/A
Frequency of classifications	48.4%	44%	6.3%	1.3%
Severity of classifications	55.3%	43.4%	1.3%	0%
Frequency of declassification	8.9%	76.4%	10.8%	3.8%
Out-of-district private placements	34.6%	34%	22.6%	8.8%
Out-of-district public placements	26.9%	51.9%	14.4%	6.9%
Shared services	26.3%	45%	2.5%	26.3%
Inclusion	67.5%	30.6%	0.6%	1.3%

A special education director from Morris County described additional costs associated with inclusion:

With budget constraints and keeping our more involved students in district, there are other "soft costs" that increase. Assistive technology, assistants and training are all factors that cost, but are necessary if a district is to maintain the integrity of its programs and services.

Inclusion

The 2007 NJSBA-sponsored study noted efforts to promote inclusion, including a state New Jersey project “to help improve and expand in-school programs for the disabled...to bring more special education students back to their local districts.”¹³ Meeting the least-restrictive environment requirement of the federal and state special education statutes and regulations has posed staffing and financial challenges to school districts, the earlier study found. Additionally, since the publication of the report, the U.S. Department of Education¹⁴ and the New Jersey Legislature¹⁵ have addressed the issue of access to extra-curricular activities by students with disabilities.

¹³ *Ibid*, p.27

¹⁴ See: Galanter, Seth M., “Guidance on the obligations of public elementary and secondary schools under Section 504 of the Rehabilitation Act of 1973, United States Department of Education, Office for Civil Rights,” January 25, 2013 at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201301-504.pdf>, and *Students with Disabilities: More Information and Guidance Could Improve Opportunities in Physical Education and Athletics*, No. GOA-10-519, at 1, 31, United States Government Accountability Office, June 2010 at <http://www.gao.gov/assets/310/305770.pdf>

¹⁵ P.L. 2009, ch. 109 (www.njleg.state.nj.us/20082009/PL09/109 .HTM), and N.J.S.A. 18A:11-3.2 *et seq.*

For its 2013 survey, therefore, the NJSBA task force asked school officials about the type of personnel and equipment they have used to support inclusion.

Personnel

To respond to the query, “*What type of personnel is used in your school district to support inclusion?*” respondents were provided the following seven selections and asked to indicate all that applied: 1:1 (personal) aide; bus aide; classroom/instructional aide; shadowing; co-teacher (special and subject certified staff); adapted physical education; and extra-curricular support (e.g., athletic programs). Respondents were also able to describe “other” types of personnel.

Over 90% of the superintendents and special education coordinators indicated that their districts use “co-teachers (special and subject-certified staff)” to support inclusion. “Classroom/instructional aide” was cited by 86.9% of respondents. Over 80% of respondents noted the use of 1:1 aides.

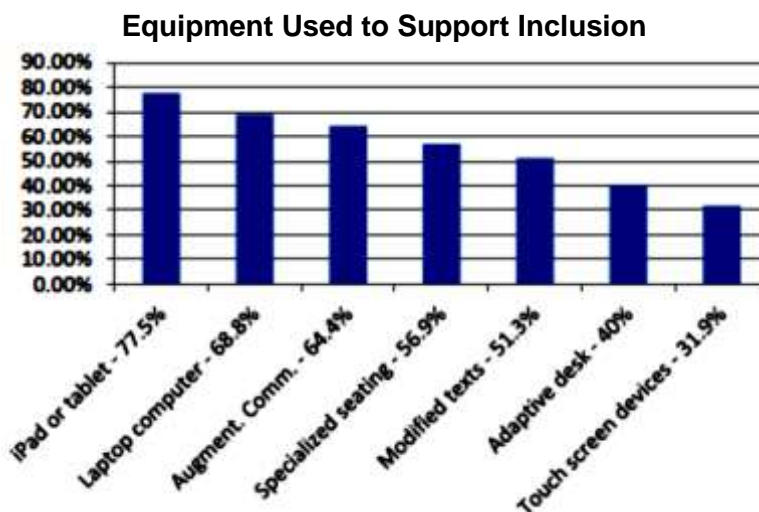
In addition, over 12% of the respondents identified the need for other types of staff to support inclusion. Most frequently cited were behaviorists or behavioral consultants. Other examples included nurses, transition-to-work coordinators, and specialists in academic intervention and parent training/information.

Personnel to Support Inclusion	
Position	Percentage of Respondents
1. Co-teacher	90.6%
2. Classroom aide	86.9%
3. 1:1 personal aide	82.5%
4. Bus aide	42.5%
5. Adapted physical education	41.3%
6. Extra-curricular support	27.5%
7. Shadowing	22.5%

Equipment

In response to the question, “*What type of equipment is used in your district to support inclusion?*” the superintendents and special education directors chose among the following: specialized seating; adaptive/modified desk or table; augmentative communication; modified texts; laptop computer for personal use; iPad or tablet; and touch screen devices.

Responses indicated that since 2007 districts have adopted new technology to support inclusion efforts. In 2013, 77.5% of the superintendents and special education directors indicated that their districts used iPads or tablets to help special education students in the general education classroom. Over two-thirds identified laptop computers as equipment used for this purpose, while 31.9% said their districts use touch screen devices.



The 2007 NJSBA-sponsored study found augmentative communications devices to be among one of the most commonly used assistive devices, along with FM amplification systems, recorded books, and learning software.¹⁶

In 2013, augmentative communication devices were cited by 64.4% of respondents. In addition to the types of equipment provided as choices, respondents to the most recent survey cited interactive white boards and hearing assistive devices as equipment used to support inclusion.

Shared Services

Previous research conducted or sponsored by NJSBA, state agencies and higher education shows that a large number of local school districts engage in shared services.¹⁷ For more than three decades, the sharing of services has been promoted through state policy initiatives, such as the Inter-local Services Act¹⁸, the REDI¹⁹ and REAP²⁰ funding and grant programs, the Uniform Shared Services and Consolidation Act²¹ and state education regulation.²²

NJSBA partnered with the Institute on Education Law and Policy at Rutgers-Newark on a study, *Shared Services in School Districts: Policies Practices and Recommendations*, in 2007. A survey conducted as part of the project indicated that 97 percent of school districts in four representative counties engaged in shared services with other school districts, municipalities, counties or other entities. The services most frequently cited were transportation, insurance, supplies and special education classes, identified by 56% of the respondents.²³ Additionally, 53% of the participating districts cited physical therapy, occupational therapy and speech therapy as a shared services, while 31% indicated the sharing of child study team services.²⁴

Financing Special Education in New Jersey, the 2007 study sponsored by NJSBA, also asked school officials about special education services they shared with other districts. Most frequently cited were “transportation,” followed by “physical therapy, speech and occupational therapy” and “child study team services.”²⁵

¹⁶ Molenaar and Luciano, p.69

¹⁷ Institute on Education Law and Policy of Rutgers, The State University of New Jersey, and the New Jersey School Boards Association, *Shared Services in School Districts: Policies Practices and Recommendations, Appendices*, 2007, pp. 2-9. (<http://www.njsba.org/news/research/shared-services/appendices.pdf>)

¹⁸ P.L. 1973, ch. 208; N.J.S.A. 40:8A-1 *et seq.* See New Jersey State League of Municipalities website at http://www.njslom.org/interlocal_interlocalservicesact.html.

¹⁹ Regional Efficiency Development Initiative, P.L. 1999, c. 60 (http://www.njleg.state.nj.us/9899/Bills/PL99/60_.HTM); N.J.S.A. 40:8B-14 *et seq.*

²⁰ Regional Efficiency Aid Program, P.L. 1999, c.61 (http://www.njleg.state.nj.us/9899/Bills/PL99/61_.HTM); N.J.S.A. 54:4-8.76 *et seq.*

²¹ P.L. 2007, ch.63 (http://www.njleg.state.nj.us/2006/Bills/PL07/63_.HTM)

²² “School District Fiscal Accountability, Efficiency and Budget Procedures,” N.J.A.C. 6A:23A (<http://nj.gov/education/code/current/title6a/chap23a.pdf>)

²³ IELP-Rutgers Newark and NJSBA, *Shared Services in School Districts: Policies Practices and Recommendations*, pp. 27-28 (<http://www.njsba.org/news/research/shared-services/report.pdf>). The four counties included in the survey were Bergen, Burlington, Essex and Somerset.

²⁴ *Ibid*, p.27

²⁵ Molenaar and Luciano, p.65

For the current survey, the NJSBA Special Education Task Force concentrated on the types of services being shared, the entities that school districts partner with, and changes in law and regulation that would further promote sharing.

Shared Service Partners

In response to the query, *Identify special education programs, services and personnel that your district currently shares with, or purchases from, other entities*, the 2013 survey offered school administrators a menu of 17 services. The officials identified the ones that they currently share and the entity with which they partner. The five entities were “Neighboring school district(s),” “Consortia,” “Educational Services Commission,” “Jointure Commission” and “Special Services School District.”

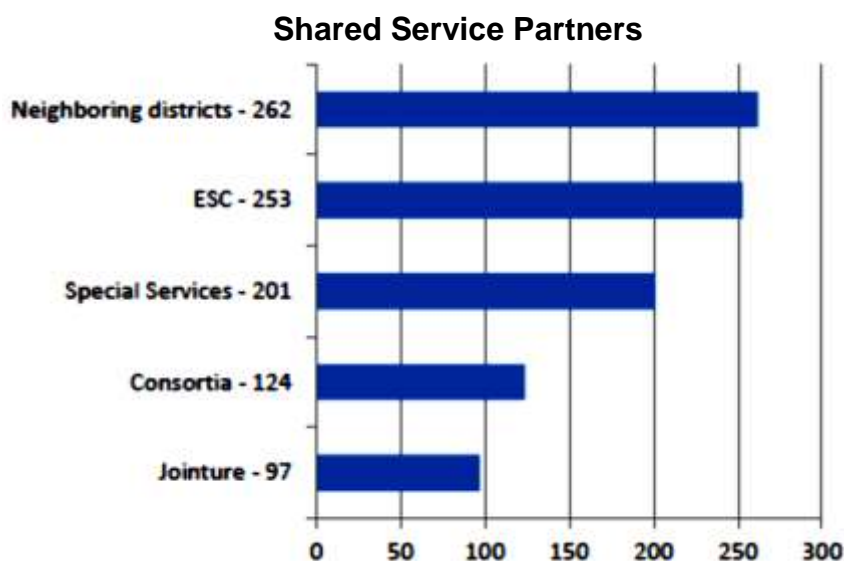
Four service areas are shared by a majority of the respondents: Transportation (92.5%); Professional development (73.4%); Occupational therapy/physical therapy (OT/PT) services and/or evaluations (59.7%); and Extended school year programs (59.2%).

- Approximately half of the school officials whose districts share **transportation services** identified “Educational Services Commission” or “Jointure Commission” as the provider.
- **Professional development** was delivered in cooperation with “Neighboring school district(s)” or “Consortia” in 58% of the cases.
- **OT/PT** was provided in cooperation with “Neighboring school districts” or “Consortia,” according to 38.8% of the respondents, and by “Educational Services Commissions” in another 30% of the cases.
- Over 44% of the school officials indicated that they provided **extended school year programs** with “Neighboring school districts” or through “Consortia.” In 27.6% of the cases, the program was offered through a “Special Services” school district.

Service	Percentage of Respondents Indicating that Service Is Shared	Entity Sharing or Providing Service				
		Neighboring school district(s)	Consortia	Educational Services Commission	Jointure Commission	Special Services School District
Transportation	92.50%	25%	14.10%	37%	14.10%	9.80%
Professional Development	73.40%	41.60%	16.80%	17.70%	9.70%	14.20%
OT/PT (services and/or evaluations)	59.70%	16.20%	22.50%	30%	6.30%	25%
Extended school year programs	59.20%	40.20%	4.60%	14.90%	12.60%	27.70%
Self-contained classes	52.10%	41.30%	2.70%	12%	14.70%	29.30%
CST evaluations	46.90%	23.30%	10%	43.30%	1.70%	21.70%
Speech therapists	43.70%	20%	12.70%	34.60%	5.40%	27.30%
Parent training	41.30%	32%	18%	22%	12%	16%
Behaviorist	38.70%	6.50%	30.40%	23.90%	10.90%	28.30%
1:1 Aides	30.90%	21.10%	2.60%	36.80%	13.20%	26.30%
CST personnel	30.30%	33.30%	8.30%	22.20%	5.60%	30.60%
Home-based programs	26.10%	10%	20%	40%	10%	20%
Community-based instruction	17.40%	20%	0%	35%	20%	25%
Counseling services	15.20%	11.80%	17.60%	17.60%	11.80%	41.20%
Social skills program	14.80%	5.90%	23.50%	41.20%	5.90%	23.50%
Family/sibling support programs	13.50%	46.70%	13.30%	6.70%	0%	33.30%
Athletic and co-curricular activities	13.20%	64.30%	0%	0%	7.10%	28.60%

The 2007 NJSBA-sponsored study found “child study team services” to be the third most frequently cited shared service. In the 2013 survey, “CST evaluations” ranked as the sixth most cited shared service, identified by 46.9% of superintendents and special education directors. “CST personnel” was cited as a shared service by 30.3% of respondents.

New Jersey has eight special services school districts, established to provide programming for students with severe physical and learning disabilities, and ten educational services commissions and three jointure commissions, founded to provide shared services, such as special education programming and transportation, to member districts. Generally, these units serve limited territories, usually a county and/or surrounding region. While respondents frequently cited these entities as sources of shared services, they indicated that the largest number of shared programs, services and personnel were obtained through individual arrangements with neighboring school districts (262).



The survey also gave respondents the opportunity to provide information on shared service arrangements with non-school entities. Twenty-seven school officials provided examples, including OT/PT through hospitals and subcontractors; behaviorist programs through a university and private contractors, home-based programs through private contractors, and professional development through regional academy.

Potential Shared Services

The 2013 survey asked superintendents the open-ended question, *What other types of special education services could be shared to manage costs?* The examples most frequently indicated that, *with one addition*, potential growth in shared services remains concentrated in the same areas identified by the 2007 NJSBA-sponsored study.²⁶ These areas include the following:

- Special classes for students with low-incidence disabilities and autism spectrum disorder;
- Related services, including OT/PT and counseling;
- Behaviorist/applied behavioral analysis;
- Child study team services;
- Transportation, and
- Professional development.

²⁶ Molenaar and Luciano, p.66

The additional growth area identified in the 2013 survey encompasses career training and transition.

Potential Shared Services <i>Five Most Frequently Cited</i>	
2013	2007
1. Special classes	1. Related services
2. Related services	2. Special classes
3. Behaviorist/applied behavior analysis	3. Transportation
4. Child study team services	4. Behaviorist/applied behavior analysis
5. Job coaching/transition services	5. Child study team services

Other replies involve shared staffing, including the following: special education administrators, teachers (multi-sensory reading, deaf education), psychologists, nurses, assistive technology specialists, autism service consultants, out-of-district placement specialists, adaptive physical education teachers, and paraprofessionals.

An administrator in an elementary school district in central New Jersey cited the potential for public school-private school partnerships and the need for less state-applied red-tape to establish such arrangements:

The private school public school partnership is an initiative I am undertaking at this time. If a state-recognized private school and a district want to partner, it should be a streamlined process because the nature of this arrangement is a win-win for both institutions but definitely for kids.

A small district may save more money by hiring part-time personnel, rather than sharing services, according to an elementary school district special education coordinator:

The assumption that sharing is always the most cost effective method may in some cases be incorrect. Many small districts have addressed costs by hiring part-time rather than full-time staff. We recently hired a new speech therapist. In an effort to contain costs, we reached out to our Ed Services commission but found it was significantly more expensive to contract through them even with the savings of no health benefits.

The special education director in a central New Jersey high school district noted that overemphasizing cost will not benefit quality of service:

...while cost is a driving factor, minimizing costs is not necessary a one-to-one match in delivering least-restrict educational services.

Impediments to Shared Services

The 2013 special education survey posed the following open-ended query to superintendents and special education administrators: *Describe any impediments your district has encountered in attempting to share special education services.*

Over half (51.3%) of the respondents identified obstacles to sharing services, encompassing logistics, personnel, finances, attitude and federal/state regulation. Just over 7 percent stated that they found no impediments. The remainder indicated that the query did not apply to their districts.

The chart below provides a breakdown of impediments identified by the survey respondents.

2013 Survey	
Impediments to Sharing Special Education Services	
<u>Frequency</u>	<u>Factor</u>
21.4%	PERSONNEL/STAFFING <ul style="list-style-type: none"> • Availability of staff • Staff travel times • Continuity of staffing • Inadequate support when sharing administrator • Difference in job descriptions • Differences in pay scales/workloads
20.4%	LOCAL CONTROL <ul style="list-style-type: none"> • Lack of authority over services • Reluctance to accept students from other districts • Concern about management/oversight • Differences in policy, beliefs, expectations • Control over placement
12.2%	TRANSPORTATION <ul style="list-style-type: none"> • Distance • Start and end times
12.2%	SCHEDULING <ul style="list-style-type: none"> • Difference in school day and calendar • Conflicting staff schedules
9.2%	COST <ul style="list-style-type: none"> • Apportionment • Charges by shared-service entities
7.1%	PARENTAL RESISTANCE
6.1%	PLANNING/TIME CONSTRAINTS
5.1%	LACK OF PROGRAMS <ul style="list-style-type: none"> • Accessibility • Availability
3.1%	STATE AND FEDERAL STATUTE AND REGULATION
3.1%	SPACE

In the NJSBA-sponsored 2007 special education study, respondents cited similar concerns, although “scheduling” and “transportation” were the two factors most frequently mentioned.²⁷

Another NJSBA-sponsored study published in 2007, on shared services in general, identified impediments based on analysis of statute and regulation, implementation of policy, and community attitudes. In addition to statutory/regulatory obstacles, the researchers identified the following impediments: local control; poor relationship with municipal government; lack of direction from the New Jersey Department of Education, and inexperience in sharing services.²⁸

²⁷ Molenaar and Luciano, p.66: “Scheduling (75), transportation (62), supervision (52) and cost allocation (40) were cited most frequently as difficulties in sharing services. Balancing needs (28), space constraints (19) and planning-training (18) were indicated as well. The impediments that would be very difficult to overcome were control issues, such as local loyalty and territoriality (38), reluctance to share (17), and parent rights perceptions (12). Six districts mentioned the resistance to share with other socio-economic populations.”

²⁸ IELP Rutgers-Newark and NJSBA, pp.58-60

Significantly, the study also identified local interpretation of least-restrictive environment requirements as an obstacle to sharing services. The report cited a provision of New Jersey Administrative Code addressing “Placement in the least restrictive environment.” The current wording of the regulation follows:

Students with disabilities shall be educated in the least restrictive environment. Each district board of education shall ensure that...[s]pecial classes, separate schooling or other removal of a student with a disability from the student's general education class occurs *only when* the nature or severity of the educational disability is such that education in the student's general education class with the use of appropriate supplementary aids and services cannot be achieved satisfactorily. (*Emphasis added.*)²⁹

The researchers observed, “...this provision – and, in general, the requirement to place students in [the] least restrictive environment – could be interpreted (and apparently has been interpreted by some) to allow placement in a program in a neighboring school district, jointure commission or educational services commission *only when* a suitable program could not be provided in the student’s home district.” (*Emphasis added.*)³⁰ They concluded, “...the concept of least restrictive environment need not preclude shared services or joint provision of special education programs.”³¹ Further, the final report stated, “All public school programs should be considered equally ‘restrictive,’ in an effort to promote efficiency without excluding students with disabilities or diluting their programs.”³²

Changes in Law/Regulation

Through an open-ended question, the survey asked superintendents and special education director to identify changes in law and regulation that would enable them to manage costs. More than one-third of the school officials participating in the 2013 Special Education Task Force survey identified the adjudication process for special education program challenges, especially due-process and burden of proof, as an area in need of change.

Over 21% of all responses to the question identified placement of the burden of proof on school districts, rather than on the party bringing the challenge, as a problem. A 2007 New Jersey statute places the burden of proof in cases challenging a child’s IEP on the school district, rather than on the party bringing a complaint.³³ During the legislative process, school officials and school board attorneys expressed concern that the statute would increase legal fees and staff time to review and prepare documents and make fear of litigation a factor in reaching an agreement on an IEP challenge.³⁴ The statute was enacted following a 2005 U.S. Supreme Court decision,

²⁹ *N.J.A.C. 6A:14-4.2*

³⁰ IELP Rutgers-Newark and NJSBA, p.57

³¹ *Ibid*, p.56

³² *Ibid*, p.57

³³ *P.L. 2007, c. 331* (http://www.njleg.state.nj.us/2006/Bills/PL07/331_.HTM); *N.J.S.A. 18A:46-1.1*

³⁴ Kaye, Donna M., Esq., “The Pendulum Swings Again: A new law changes the burden of proof in special education cases,” *School Leader*, May-June 2008, Vol. 38, No. 6, NJSBA, pp. 12, 15, 40, 42. (http://www.njsba.org/legal_02/pendulum-swings-again.htm). “Some school board attorneys suggest that when the district bears the burden of demonstrating the appropriateness of a student’s program rather than requiring the parents to first demonstrate a specific problem, the district is placed in the difficult position of disproving a negative that has not been clearly defined. This can increase the length of cases because it requires the district to present additional rebuttal testimony and evidence after the parents present their position. While the number of special

Schaffer v. Weast, which placed the burden of proof in such cases on the plaintiff, usually the parents in the absence of state legislation directing otherwise. School officials also suggested statute and code to address the costs of out-of-district placement (13.4%), changes in state and federal funding (10.7%), and relaxation of restrictions on class size (8/7%).

What changes in law or regulation would enable your school district to better manage special education costs without affecting program quality and availability?	
Frequency	Change Needed
38.9%	Adjudication Process <ul style="list-style-type: none"> Place burden of proof on party bringing complaint (21.5%) Eliminate parents' unilateral ability to obtain independent education evaluations (8.1%) Remove hearing process from Office of Administrative Law/Create Special Panel (4.7%) Increase OAL knowledge of special education issues (4.7%)
13.4%	Out-of-district placement costs <ul style="list-style-type: none"> Cap tuitions for public and private separate settings Eliminate private schools' ability to bill post-audit after conclusion of fiscal year Allow pro-rated tuition payments, so that receiving institution does not retain full year's payment when student is moved back to district Require student to remain in home district program for period of time before being eligible for private placement Eliminate parents' right to make unilateral placement at district expense
10.7%	Funding <ul style="list-style-type: none"> Expand expenditures covered by Extraordinary Special Education Aid Provide incentive funding for early intervention strategies Full funding of federal IDEA Fund mental health services Transportation
8.7%	Allow larger class sizes and more flexibility for age ranges
6.7%	Promote inclusion <ul style="list-style-type: none"> Require professional development for general education teachers Allow dual-certification teachers (elementary education/special education) to teach classes in which students have individual education programs
6%	Clarification/relaxation of requirements <ul style="list-style-type: none"> Responsibility for evaluations when student is in private setting Roll back state requirement to those of federal government Clarification of OT/PT guidelines
2%	Allow teachers to serve as case managers (An equal number of respondents opposed the concept)
2.7%	Composition of child study teams <ul style="list-style-type: none"> Eliminate requirement that team include learning disabilities teacher consultant
	Other comments: <ul style="list-style-type: none"> Eliminate state testing requirement for special education students Regionalize/consolidate small school districts Classify some related services as medical costs to obtain reimbursement from insurers

As part of NJSBA's 2007 study, *Financing Special Education in New Jersey*, a survey asked school officials to suggest statutory and regulatory concerns. Areas most in need of attention

education cases reaching due process may not be enormous, school officials know that even one due process matter can take an enormous toll on district resources." (p.40)

were out-of-district placement costs and federal and state funding, according to respondents.³⁵ The report also noted that special education directors believed placement of the burden of proof on the plaintiff, rather than the school district, would expedite resolution of disputes.³⁶

Determining Staffing Levels

The survey asked respondents to identify the process used to determine special education staffing levels and the factors that entered into the decision.

In over one-third of the responses, the school officials cited the student’s IEP or individual needs as a driving force in staffing. A large number of responses referenced state administrative code governing the delivery and staffing of special education programming³⁷, particularly rules pertaining to class sizes and staffing ratios.

<i>What process does your district follow to determine staffing levels for special education programming?</i>	
<u>Frequency</u>	<u>Process</u>
34.4%	IEP/Student Needs
18.9%	Administrative Code
15.6%	Collaboration/Consultation
12.3%	Analysis of Data and Projections
9.0%	Enrollment
6.6%	Least Restrictive Environment Requirements
3.2%	Other factors

A number of administrators described collaborative work by administrators, child study teams and other professional staff to determine programming and staffing, as well as methods and tools to analyze data, including software programs, before reaching such decisions.

Descriptions of collaborative efforts and analyses methods follow:

When an IEP meeting is held, the information regarding the meeting's outcomes is inputted into an excel spreadsheet with formulas. This information is compared with the school's data system. With coordination between district and school level administration, staffing needs are determined. Please note that during the entire school year, there is a strong articulation between teachers, Child Study Team members and administration regarding the importance of facilitating student independence and what the facilitation should look like. In addition, the instructional aides receive professional development regarding facilitating student independence and data collection.

*Special Education Director
Regional high school district, Central New Jersey*

³⁵ Molenaar and Luciano, p.65: “Primary concerns were the high cost of out-of-district placements (tuition – 43% and transportation – 13%) and inadequate state and federal funding (44%). Next most frequently cited were the issues of age range, class size, due process and burdensome paperwork.”

³⁶ *Ibid*, p.14: The U.S. Supreme Court decision of 2005 (*Schaffer v. Weast*) shifted the burden of proof to the plaintiff (usually parents) in due process cases, i.e., challenges to a child’s placement or IEP. The 2007 study found that directors of special services supported this decision since it will help clarify issues in dispute earlier in the process, thereby increasing the possibility for resolution.

³⁷ N.J.A.C. 6A:14-4.1 *et seq.* (<http://www.nj.gov/education/code/current/title6a/chap14.pdf>)

Beginning in January, case managers determine course projections. The guidance department prepares course sections, which are compared against current numbers of teaching assignments. Projections for incoming students from the elementary schools are also factored in. If the numbers increase significantly, additional staffing is proposed.

*Superintendent
Regional high school district, Northwest New Jersey*

Each February/March, my CST and I meet with each special education/general education teacher separately to discuss the needs of each classified student. They make recommendations for programming for the next year. The information is collated, and a plan for the distribution of staff is made. This is revised as the annual reviews occur...

*Special education director
Elementary school district, Camden County*

We conduct early projections beginning in December/January of each year and move the children forward into the next grade. [The projection includes] all new referrals in-process and those we can anticipate. At that point, we estimate the staffing requirements for the upcoming school year, leaving some room for late referrals. This process is followed again in May after many of the annual reviews are completed and after most of the new referrals are initiated. However, referrals are unpredictable, and parents frequently make referrals in late June. We also have students who move into the district during the summer. Consequently, this can be a difficult process to negotiate.

*Special education director
K-12 district in Bergen County*

Staffing levels are determined by IEP driven needs along with current testing data. Many of our students are placed in general education settings. With staffing needs, we have been extremely conscientious about hiring dual certified staff which has supported our needs tremendously.

*Special education director
Vocational school district*



New Jersey School Boards Association

413 West State Street • Trenton, NJ 08618 • Telephone: 609.695.7600 • Toll-Free: 888.88NJSBA • Fax: 609.695.0413

The New Jersey School Boards Association has formed a Special Education Task Force to look at how we might be able to deliver services in a more cost-effective manner while promoting greater student achievement. As part of this inquiry, we are investigating the different sources of revenue states use for special education. Specifically, we are interested in non-tax-based revenues, such as lotteries, business fees, requiring insurance companies to cover some conditions, etc.

We are reaching out to knowledgeable individuals in each state with this short set of questions. We hope this information will be useful as we all try to provide funding for special education services. After we compile the information, we will be happy to share it with you.

What state do you represent?

In 2012, what did your state spend, in total, from state, federal, local and other sources, for Special Education?

In 2012, did your state use any non-tax-based revenue sources (lottery, business fee, etc.) to fund special education?

- Yes
- No
- Don't know (Please enter the name of someone we may contact for this information.)

Please select all sources that your state used in 2012.

- Lottery
- Foundation Grants
- Other Grants
- Business fees
- Other (Please describe below)
- The Commissioner of Education
- Other

Please describe any foundation grants your state used to fund special education.

Approximately how much revenue did the foundation grants provide to support special education in your state?

In what year did your state begin using revenue from foundation grants to support special education?

If authorization was required for the use of these foundation grants, please identify who provided it.

- State Legislature
- The Governor
- The Commissioner of Education
- Other: (please write in.)

Please describe any other grants your state used to fund special education.

Approximately how much revenue did these other grants provide to support special education in your state?

In what year did your state begin using revenue from these other grants to support special education?

If authorization was required for the use of these other grants, please identify who provided it.

Title:

Affiliation:

Phone Number:

Thank you for your help with this important project. If you have any questions, please call John Burns, Esq., Counsel, NJSBA at (609)278-5275 or via email at jburns@njsba.org



Peggy McDonald, Ed.D., Director, NJ Office of Special Education Programs

SPECIAL EDUCATION – WHAT BOARD OF EDUCATION MEMBERS SHOULD KNOW

WHO IS RECEIVING SPECIAL EDUCATION AND/OR RELATED SERVICES?

- ✘ October 2012 NJSMART
- ✘ 202,850 students, ages 6 through 21
- ✘ 17,692 students, ages 3 through 5

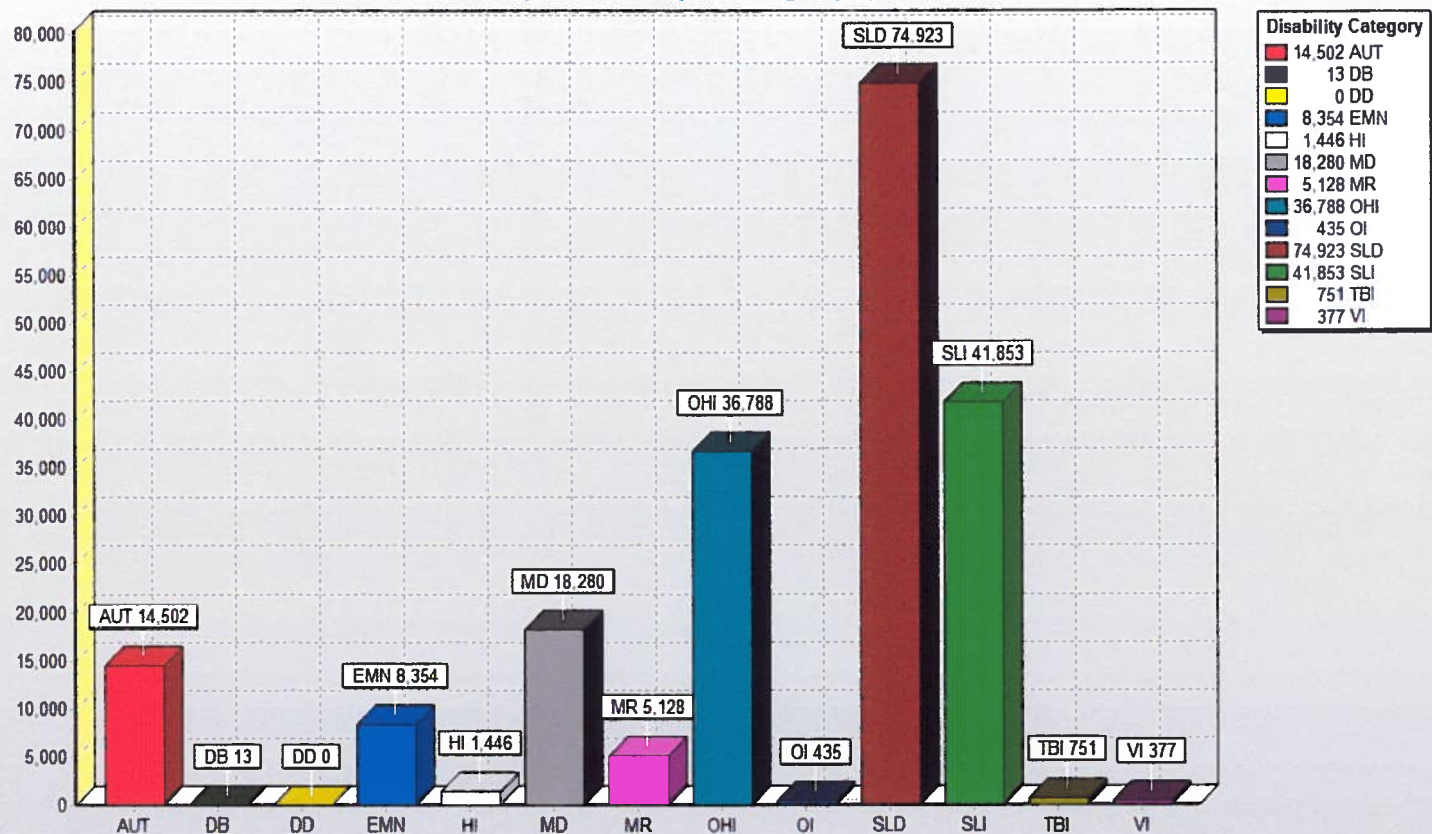


WHO IS RECEIVING SPECIAL EDUCATION AND RELATED SERVICES?

- ✘ 171,844 (84.7%) were represented by 4 categories of disability
 - + Learning disabilities (74,923 or 36.9%)
 - + Speech-Language Impairment (formerly language impairment plus speech (41,853 or 20.6%)
 - + Other Health Impairments (36,788 or 18.1%)
 - + Multiple disabilities (18,280 or 9.0%)

WHO IS RECEIVING SPECIAL EDUCATION AND/OR RELATED SERVICES?

Student count by Disability Category (6-21)



WHO IS ELIGIBLE?

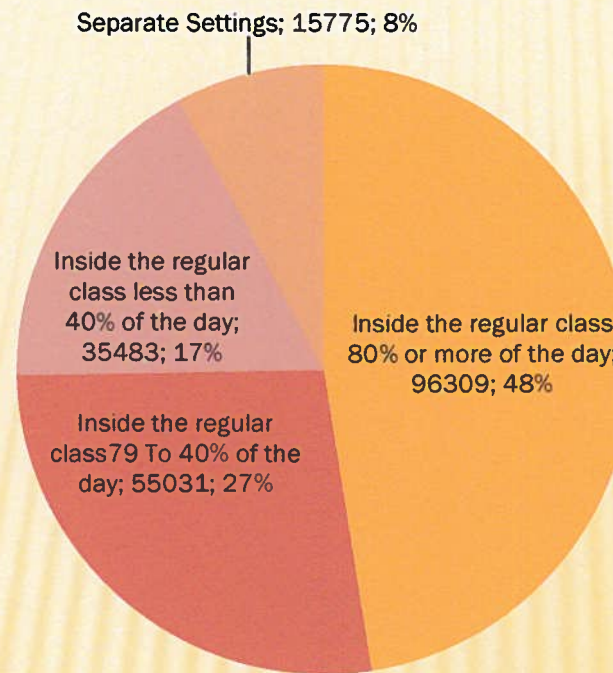
- ✘ Meets Eligibility Criteria for one or more categories of disability
- ✘ The disability adversely affects educational performance
- ✘ The student needs special education and related services
- ✘ Not eligible due to lack of instruction in reading or math or if student is ELL

Percent of All Students Eligible for Special Education and Related Services, Ages 3 through 21

Year	Eligibility Rate
2005	16.80
2006	16.91
2007	17.07
2008	15.42
2009	15.87
2010	15.47
2011	15.58
2012	15.50

WHERE ARE SERVICES DELIVERED?

STUDENT COUNT



■ Inside the regular class 80% or more of the day ■ Inside the regular class 79 To 40% of the day
■ Inside the regular class less than 40% of the day ■ Separate Settings

OUTCOMES: WHAT DO THE DATA SAY?

✘ Graduation Rate

- + 2011 Target: 75%
- + 2011 - 4 year cohort: 73%
- + 2012 - 5 year rate: 78%

✘ Dropout Rate

- + 2011 - Baseline
- + 2011 - 15.36%

OUTCOMES: WHAT DO THE DATA SAY?

✘ Achievement

+ Met District AMOs: 53.88% (264/490)

+ Participation Rates: 99% Math and LAL

+ Proficiency:

✘ Math: 47.28% proficient or advanced proficient

✘ Target: 53.3% (3-8 + 11)

✘ LAL: 38.56% proficient or advanced proficient

✘ Target: 45.7% (3-8 + 11)

OUTCOMES: WHAT DO THE DATA SAY?

✘ Postschool Outcomes

- + Enrolled in Higher Education: 42%
- + Enrolled in Higher Ed or Competitively Employed: 69%
- + Enrolled in Higher Ed or some type of postsecondary ed or training or competitively employed or some other employment: 80%

STATE PERFORMANCE PLAN INDICATORS

- ✘ Suspension/Expulsion
- ✘ Disproportionality
 - + All disabilities
 - + Specific disabilities
 - + Placement
 - + Suspension
- ✘ Placement
- ✘ Preschool outcomes

FEDERAL FOCUS

- × Results Driven Accountability
- × State Performance Plan –
 - + Improvement Plan measuring results
- × Determinations
- × Public Reporting

OSEP GOAL

- ✘ Develop and Implement statewide coordinated system of supports to:
 - + *Improve achievement of students with disabilities and*
 - + *Reduce Special Education Achievement Gap*



College & Career Readiness

Academic Achievement
Employment
Post Secondary Education
Independent Living

Increase Placement in LRE

Increase Assessment Proficiency

Increase Graduation Rates

Reduce Suspension and Expulsion Rates

Reduce Disproportionality

Reduce Dropout Rate

Improve Transition Planning

Increase Parent Involvement

Improve preschool outcomes

TIERED INTERVENTIONS

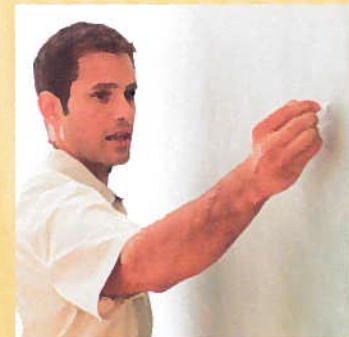
Individual School Intervention – High Intensity
Target Group: Priority and Focus Schools

Individual School Intervention – Moderate Intensity
Target Group: Priority and Focus Schools and Districts
Identified Based on Data Analysis

Topical Strategies, Technical Assistance and Web-based
Resources
Target Group: All Districts and Schools

BEST PRACTICES IN IMPROVING OUTCOMES FOR STUDENTS WITH DISABILITIES

- ✘ Interventions in General Education
- ✘ Administrative Accountability for Programs, Instruction and Student Progress
- ✘ Instruction in Common Core – Alignment for All Students with Appropriate Modification/Adaptations
- ✘ Assessments that measure the progress of all students
- ✘ Co-teaching/ Consultation
- ✘ Professional Development (PLCs)
- ✘ Universal Design for Learning
- ✘ Engagement



QUESTIONS TO ASK

- ✘ How do classification rates in our district compare to state rates?
- ✘ Are our students with disabilities placed in the least restrictive environment with appropriate supports? How do our placement rates compare to state rates?
- ✘ Do students with IEPs have access to our district curricula? Have modifications and accommodations been added to those curricula to meet the needs of our students?
- ✘ Are there appropriate interventions (e.g., supplementary reading and math programs, behavior interventions) available for kids prior to referral to special education?
- ✘ What outcomes do our students with IEPs achieve after high school? Higher Education? Postsecondary Education?

QUESTIONS TO ASK

- ✘ How are our students with IEPs doing on state and district assessments – achievement and growth from one year to the next?
- ✘ Do we have alternate district assessments to measure growth of all students?
- ✘ What outcomes do our students with IEPs achieve after high school? Higher Education? Postsecondary Education? (each district participates in a postschool outcome study once every six years)

SOLUTIONS

- × Multi-Tiered System of Support
 - + Assessments: screening, diagnostic, progress monitoring
 - + Interventions tied to assessment
 - + Methods to measure effectiveness of interventions
- × Placement in the Least Restrictive Environment
- × Curricula based on Common Core Standards
- × Instruction based on Curriculum with Appropriate Modifications/Accommodations
- × Universal Design for Learning

RESOURCES

- ✘ www.state.nj.us/education
 - + Common Core
 - + Model Curriculum
 - + Data – NJSMART, Special Education Data
 - + Web Resources (special education link)



Special Education Funding
in New Jersey

January 31, 2013

1

History

- ▶ **Comprehensive Educational Improvement and Funding Act of 1996 (CEIFA)**
 - ▶ Judicial Response
 - Abbott IV Ruling: "The amount of aid provided for those programs... is not based on any actual study of the needs of the students in the [special needs districts] or the costs of supplying necessary programs."
 - ▶ Led to needs based study
- ▶ **Replaced with School Funding Reform Act of 2008 (SFRA)**
 - ▶ Development started in 2002
 - ▶ Relied upon Professional Judgment Panels (PJP)
 - ▶ First used in the 2008-2009 school year

▶ 2

Tiers to Census

- ▶ CEIFA provided gradations of state aid according to special education “tiers” of severity
 - ▶ Tier 1 – Speech Only
 - ▶ Tier 2 – Mild
 - ▶ Tier 3 – Moderate
 - ▶ Tier 4 – Severe
- ▶ Concern about fiscal incentive to “over classify”
- ▶ General concern over onerous reporting and questions of proper classification
- ▶ SFRA turned to a census formula

▶ 3

Special Education Census Funding

- ▶ SFRA adopted a census approach used by other states
- ▶ Eliminates the incentive of over classification
- ▶ Simplifies the funding mechanism and avoids assigning disability categories to the tiers
- ▶ Mechanics:
 - ▶ Determine the average classification rate statewide
 - ▶ Determine the statewide average “excess” cost for providing special education services
 - ▶ Apply district enrollment:

$$\text{Census Amount} = (\text{District Enrollment} * \text{State Average Classification Rate} * \text{State Average Special Ed Cost} * \text{GCA})$$

▶ 4

SFRA Special Education Census Figures

School Year	Census Special Ed. %	Census PP Amount
2008-2009	14.69%	\$10,897
2009-2010	14.69%	\$11,262
2010-2011*	14.69%	\$11,262
2011-2012*	14.69%	\$11,583
2012-2013	14.70%	\$14,929
2013-2014 **	14.78%	\$15,337

*Modified formula used

** Proposed, not final

▶ 5

Two Phases in Determining Equalized Funding Under SFRA

- ▶ **Phase I** - Determine the cost of providing a thorough and efficient education

- ▶ **Phase II** – Allocate the costs between the State and local school districts

▶ 6

Basics of the SFRA

- ▶ Determine resources needed for each district's student body mix – dubbed "Adequacy Budget"
 - ▶ Foundation formula
 - ▶ Base per pupil amount
 - ▶ Additional weights for grade levels, at-risk, LEP
 - ▶ Additional cost for special education students ***
 - ▶ Categorical Aid provided to all districts
- ▶ Determining local portion
 - ▶ Called Local Fair Share
 - ▶ Department uses local property valuation and income data to estimate ability to raise levy

▶ 7

Equalization Aid

- ▶ The concept:
 - ▶ Adequacy Budget represents the estimated sufficient level of resources to ensure the provision of NJ's educational standards
 - ▶ Adequacy Budget is supported by both a state and local share
 - ▶ Local Fair Share represents what a community should be able to contribute in local property taxes (levy)
- ▶ $\text{Equalization Aid} = \text{Adequacy Budget} - \text{Local Fair Share}$

▶ 8

Special Education Aid

- ▶ A portion (2/3) of the census amount is included in the adequacy budget and is paid through equalization aid as part of the adequacy budget
- ▶ A portion (1/3) is paid as categorical aid
- ▶ The equalization aid portion is considered wealth equalized because of the state/local split
- ▶ The categorical portion is provided to each district with no wealth equalization.

▶ 9

Speech

- ▶ SFRA transitioned speech funding to a census method similar to general special education
- ▶ Applies the statewide average speech classification rate
- ▶ Census cost is determined using resources defined by the PJP panels when constructing SFRA
- ▶ Average classification rate and cost are applied to district's total enrollment – same census calculation
- ▶ Difference: 100% of speech census is included in adequacy budget
 - ▶ Subject to wealth equalization

▶ 10

SFRA Speech Census Figures

School Year	Census Speech %	Census Speech PP Amt
2008-2009	1.897%	\$1,082
2009-2010	1.897%	\$1,118
2010-2011*	1.897%	\$1,118
2011-2012*	1.897%	\$1,150
2012-2013	1.77%	\$1,187
2013-2014 **	1.72%	\$1,221

*Modified formula used

** Proposed, not final

▶ 11

Extraordinary Aid

- ▶ **An additional aid category to help defray the cost of particularly high cost special education students**
 - ▶ Portion of costs above \$40,000 for in-district students
 - ▶ Portion of costs above \$55,000 for private placement students
- ▶ **Provided as a reimbursement**
 - ▶ Districts must submit requests based on actual cost of educating those students that are eligible
- ▶ **Funding has increased significantly**
 - ▶ FY2009 - \$52 million
 - ▶ FY2013 - \$163 million

▶ 12

Summary of Special Education Funding

- ▶ **Special Education Census**
 - ▶ 2/3 funded through equalization aid
 - ▶ 1/3 funded through categorical aid
- ▶ **Speech Census**
 - ▶ 100% funded through equalization aid
- ▶ **Extraordinary Special Education Aid**
 - ▶ Reimbursement for costs that exceed specified threshold
 - ▶ All districts eligible

North Hunterdon Voorhees Feasibility Study Report

October 18, 2012

Executive Summary: this report is based on information collected during the “Focus Groups” with the Regional Superintendents, Business Administrators, Special Education Administrators and Child Study Team members. The Hunterdon County Superintendent and Hunterdon County Special Education Supervisor participated in these focus groups. Additional statistical data was requested and supplied by the districts. All information the districts provided was considered and helped to develop the recommendations. The recommendations are developed in two parts; the first are suggestions that can be addressed immediately and the second part, reflects a significant staffing recommendation that should be implemented over time. For the Part I recommendations that are suggested for the immediate implementation, it would lead to increased “Shared Services” if as many elementary districts as possible adopt the suggestions for improved child study team procedures, one IEP system, instructional aides, Occupational Therapy and Physical Therapy. If all districts do not adopt these recommendations then they should serve as a roadmap for future change.

Report Based On:

- Focus Group Information
- Child Study Team service delivery: Case Loads vs. Level of Service
- The feasibility and cost of an electronic IEP program for the region
- OT and PT services that are currently being delivered with recommendations as to how they might be delivered more efficiently without a loss of quality
- The evaluation criteria and process used by each district
- The early intervention programs used in each district
- Analysis of New Jersey’s Census-Based Special Education Funding System

RFP data requested but was not provided by districts

- Current in-district special education classes by district
- Out of district placements by district
- Special Education Transportation

Part I: The following recommendations can be addressed immediately

Finding: the percentage of special education students in all districts is disproportionately high and exceeds NJDOE state averages

Citation: the school-based data supplied by each district. See below:

District	Total Enrollment	Total Classification	Percentage of Classified
Bethlehem	515	84	16.31
Califon	140	26	18.57
Clinton Glen Gardner	499	100	20.04
Clinton	1,620	311	19.20
Franklin	296	42	14.19
Hampton	116	19	16.38
High Bridge	393	93	23.66
Lebanon Boro	89	12	13.48
Lebanon	746	137	18.36
Tewksbury	708	90	12.71
Union	509	82	16.11
N. Hunterdon	1,801	293	16.27
Voorhees	1,108	205	18.50
	8,540	1,494	17.49%

Analysis: based on the above data, the classification rate ranges from a low of 12.71% to a high of 23.66% with a mean of 17.49%. This 17.49% percentage is above NJDOE averages and it is 3.49% above the NJDOE Census Based Funding formula. The high number of classified students may indicate special education services are being provided to non-disabled students. The wide range in classification numbers also indicates a wide range in individual district practice in determining eligibility.

Recommendation: the NHV Regional Elementary School Districts must adopt a Board approved Child Study Team Procedure Manual that will ensure compliance with NJAC 6A: 14-3.5. This would include the utilization of the “Severe Discrepancy” methodology. All districts must adopt the same procedures and utilize the same statistical formula when determining the severe discrepancy. It is recommended that the districts adopt a “regression formula” to determine how significant the discrepancy is between ability and achievement. A regression formula is considered more accurate because it takes into consideration the correlation between ability and achievement and also the phenomenon of “regression toward the mean”. In addition the districts must review their procedures for determining eligibility under the categories of Communication Impaired, Other Health Impaired and the district’s criteria for determining for eligibility for speech and language service in NJAC 6A: 14-3.6. The regional elementary school districts should plan professional development for successful implementation of the new CST Procedure Manual.

Finding: using limited information there appears to be a lack of data that documents the effectiveness of interventions in general education which then leads to a high number of classified students.

Citation: only three out of the twelve districts provided information on this NJDOE requirement. See below:

District	General Ed. Interventions	Activities
Bethlehem Township	No data	
Califon Boro	No data	
Clinton Town/Glen Gardner	No data	
Clinton Township	YES	K-8 Basic Skills intervention in class and pullout. I&RS team meetings Behaviorist on staff for behavioral consultant Counseling and social skill are provided Specialized computer programs. CST consults
Franklin Township	No data	
Hampton Boro	No data	
High Bridge Boro	YES	Assessment and data monitoring I&RS team interventions Behavior managements through BIPs Classroom interventions
Lebanon Boro	No data	
Lebanon Township	YES	Tier I RTI support for all K-4 students Tier II RTI support as pullout Tier III support in reading and math
Tewksbury Township	No data	
Union Township	No data	
NH High School	No data	
Vorhees Reg	No data	

Analysis: Clinton, High Bridge and Lebanon all provide extensive pre-interventions yet they all have 18.8 to 19.9 percent of their students classified. There is a disconnect between current practice and effective interventions.

Recommendation: the NHV Regional School Districts adopt a Board approved Child Study Team Procedure Manual that will include the implementation of an “Intervention and Referral Services (I&RS) Team. The regional school districts should plan professional development for successful implementation of the I&RS Team.

Finding: all districts in the NHV Regional Schools District should adapt one IEP data management system.

Citation: only two out of twelve school districts provided information on data management. See below:

District	IEP MANAGEMENT SYSTEM
Bethlehem Township	No data
Califon Boro	No data
Clinton Town/Glen Gardner	No data
Clinton Township	IEP Direct
Franklin Township	No data
Hampton Boro	No data
High Bridge Boro	TIENET
Lebanon Boro	No data
Lebanon Township	No data
Tewksbury Township	No data
Union Township	No data
NH High School	No data
Vorhees Reg	No data

Analysis: Even with only two districts providing data, there are two different IEP management systems in place.

Recommendation: the NHV Regional Elementary School Districts must utilize the same IEP data system that is currently implemented at the two high schools.

Finding: the amount of **“Shared Services”** currently in place seems to be limited to professional development and sharing limited child study team services.

Citation: the shared services information each district provided. See below:

District	Special Education Shared Services	Services
Bethlehem Township	No data	
Califon Boro	No data	
Clinton Town/Glen Gardner	No data	
Clinton Township	YES	Professional Development Training offered by district to other districts
Franklin Township	No data	
Hampton Boro	No data	
High Bridge Boro	YES	Part-time CST members including speech/language, LDT-C and social worker
Lebanon Boro	No data	
Lebanon Township	YES	Sending-receiving tuition services School psychologists
Tewksbury Township	No data	
Union Township	No data	
NH High School	No data	
Vorhees Regional	No data	

Analysis: Based on the data there is a limited amount of shared services currently in place both among the elementary districts and with the Educational Services Commission. At this time the shared services includes Professional Development and sharing a limited number of child study team staff members. There is no procedure to seek out additional opportunities for shared staff members and other services.

Recommendation: there is a need to create more extensive shared services with the Educational Services Commission or the districts must create their own “Shared Service” model. The following are recommended areas for the creation of new “Shared Services”

Shared Services Area # 1 - Aides

Finding: the data the districts provided for aide salaries and benefits were extensive and each district’s compensation package varied.

Citation: the individual district’s salary guides for aides and compensation packages. See below:

District	Aide Hourly Rate	Aide - Total	Full Time Benefits/Y or N	Part Time Benefits/Y or N
Bethlehem Township	19,500. to 20,500. Per year	8 full time	No	X
Califon Boro	None	None	None	None
Clinton Town/Glen Gardner	18.64 per hour 28,787.to 29,544. Per year	10	No	X
Clinton Township	16.57 per hour	31 full time 1 part time	Yes	No
Franklin Township	11.00-12.00 per hr (high school) 18.00 per hour (certificate) 22.50 per hour (grandfather rate)	12 full time		
Hampton Boro	6,000. Contract for .5 aide	3.5 total – 2 FT contracted at 25,542. (ESC)	No	No
High Bridge Boro	10.00 to 13.95 per hour	25 20 no benefits	3 benefits	2 benefits
Lebanon Boro	None	None	None	None
Lebanon Township	14.03 to 16.67 per hour	22.75 (FTEs)	17 benefits	5.75 non benefits
Tewksbury Township	14.65 to 18.42 per hour	11	5 benefits	6 non benefits
Union Township	17.50 per hour	7	Yes	
NH High School	None	None		
Vorhees Regional	None	None		

Analysis: there is no consistency among the elementary districts as the compensation for aides. There are contracted aides and non-contracted aides. There are aides that receive benefits and in other district aides that receive no benefits. In terms of hourly pay rates they range from 11.00 per hour as the low rate to a high of 22.50 per hour in the same district.

Recommendation: As an elementary aide compensation standard it is recommended the elementary districts use the North Hunterdon Educational Service Commission compensation package of \$25,542.00 with no benefits for a full time aide. Part-time aides compensation should be pro-rated based on the above new compensation standard. All districts must immediately adopt this compensation package for all new hires.

Shared Services Area # 2 - Occupational Therapy

Findings: the data the districts provided on salary and benefits were both extensive and each district’s compensation package varied.

Citation: the individual district’s salary guides for OT compensation packages. See below:

District	OT Hourly Rate	OT - Full or Part Time	OT – Benefits Y or N	OT – Average Cost Per Student
Bethlehem Township	87.50	Part-time	No	54.69 per hour
Califon Boro	None	None	None	None
Clinton Town/Glen Gardner	78.00	Part-time	No	58.50 (45 min session)
Clinton Township	90.00	Full-time (2.6 FTEs)	Yes	No data
Franklin Township	85.00 (in-district) 88.00 (OOD)	Part-time	No	Annually 2,049. (In-district) 1,397. (OOD)
Hampton Boro	86.50 (agency)	Part-time	No	7,785. Per year
High Bridge Boro	86.50	Part-time	No	2,545. Per year
Lebanon Boro	None	None	None	None
Lebanon Township	86.50	Part-time	No	2,294. Per year
Tewksbury Township	86.50 97.00 (home)	Part-time	No	3,114. Per year (2x per week/30 min session)
Union Township	87.75	Part-time	No	1,601. Per year
NH High School	None	None	None	None
Vorhees Regional	None	None	None	None

Analysis: there is no consistency among the elementary districts as the compensation for Occupational Therapists. With the exception of Clinton Township with 2.6 full-time OTs all other districts employ part-time OTs or hire agencies to provide OT services. Only in Clinton do OTs receive benefits and in other district OTs that receive no benefits. In terms of hourly pay rates they range from 78.00 per hour as the low rate to a high of 97.00 per hour.

Recommendation: with the high number of students receiving OT the NHV Regional School Districts should create one hourly rate with no benefits for direct service. The district should also establish a standard fee for OT evaluations and re-evaluations.

Shared Services Area #3 - Physical Therapy

Physical Therapy: the data the districts provided on salary and benefits were both extensive and each district's compensation package varied.

Citation: the individual district's salary guides for PT and compensation packages. See below:

District	PT Hourly Rate	PT - Full or Part Time	PT – Benefits Y or N	PT – Average Cost Per Student
Bethlehem Township	75.00	Part-time	No	60.00
Califon Boro	None	None	None	None
Clinton Town/Glen Gardner	78.00	Part-time	No	58.50 per week for 45 min session
Clinton Township	205.00	Part-time	No	8,100 per year (1 xpw)
Franklin Township	105.00 (OOD)	Part-time	No	959.00 per student
Hampton Boro	No PT 2011/12	X	X	X
High Bridge Boro	82.00	Part-time	No	4,004.33 per student
Lebanon Boro	None	None	None	None
Lebanon Township	82.00	Part-time	No	2,710.00 per student
Tewksbury Township	86.50 (in-district) 97.00 (home)	Part-time Agency	No	3,114. Per student (2xpw / 30 min)
Union Township	95.23	Part-time	No	1,714.00 per student
NH High School	None	None	None	None
Vorhees Regional	None	None	None	None

Analysis: there is no consistency among the elementary districts as the compensation for Physical Therapists. All districts employ part-time PTs or hire agencies to provide PT services. No districts provide benefits but there is a wide range in individual hourly pay rate; in terms of hourly pay rates they range from 75.00 per hour as the low rate to a high of 205.00 per hour.

Recommendation: with the number of students receiving PT the NHV Regional School Districts should create one hourly rate with no benefits for direct service. The district should also establish a standard fee for PT evaluations and re-evaluations.

Shared Services Area #4 - Utilization of the Child Study Team

Findings: the child study team - special education student ratio averages **13.7** special education students for every child study team member. In the region these are an excellent ratios and significantly lower than comparable districts.

Citation: The personnel and classification data provided by the districts.

District	Total CST Personnel (FTE)	Number of Classified Students	Ratio Personnel: Classified Students
Bethlehem	5.30	84	15.8
Califon	4.30	26	6.0
Clinton Glen Gardner	5.00	100	20.0
Clinton	16.50	311	18.8
Franklin	2.77	42	15.1
Hampton	1.00	19	19.0
High Bridge	4.66	93	19.9
Lebanon Boro	2.00	12	6.0
Lebanon	7.90	137	19.5
Tewksbury	6.10	90	14.7
Union	5.60	82	14.6

Analysis: there is a wide range in the special education student to CST personnel ratio. Based on the above data the ratio ranges from a low of 6.0 students per CST personnel to a high of 20.0 of special education students to CST personnel. While it is difficult to provide services in smaller districts with the generous personnel ratio you expect a more significant role for each child study team member in general education. With the high classification rates, this is not the current situation.

Recommendation: all efforts should be made to increase the current CST member's efficiency and role in general education. The CST members should be part of the school based grade level teams, participate in professional development and monitor I&RS plans. Each of the 11 districts must review current personnel and their utilization in general education.

Part II: The following recommendations can be implemented over time

Consolidation of Child Study Team Services: for increased efficiency and true cost saving, the NHV Regional School District should consider consolidating special education administrative and child study team services. The following recommendations for consolidation of child study team services are designed to provide cost savings for the regional school district. It must be understood and accepted, these reductions will impact the level of services to special education students that are currently provided.

Findings: based on the data provided by each district in the K-8 school districts there are 912 special education students supported by 52.6 (FTEs) special education staff for a 1:17.3 ratio student to staff. In comparable districts the student: staff ratio is closer to 1:30. There are 11 K-8 school districts in the region. A possible model would be to divide the K-8 region into two special education districts; group A being Bethlehem, Califon, Clinton/Glen Gardner, Clinton and Franklin. Group B would include Hampton, High Bridge, Lebanon Boro, Lebanon Township, Tewksbury and Union.

District	Number of Special Education Students	Current CST Personnel (FTE)	Cohort
Bethlehem	84	5.30	A
Lebanon Boro	12	2.00	A
Hampton	19	1.00	A
Franklin	42	2.77	A
Tewksbury	90	6.10	A
Total	247	17/3.40	
Califon	26	4.30	B
Clinton Glen Gardner	100	5.00	B
Clinton	311	16.5	B
High Bridge	93	4.60	B
Lebanon Township	137	7.90	B
Union Township	82	5.60	B
	749	43/7.3	

Analysis: the goal for efficiency of scale is to develop a larger special education mode for implementation of programs and services. Currently there would be in Cohort A servicing 247 special education student that results a 1:3.4 ratio. In Cohort B there would be 43 staff servicing 749 special education students.

Recommendation: the K-8 superintendents and BAs must create a new special education consortium with a goal to implement more effective special education administrative and child study team services. It our recommendation through attrition and staff changes to reduce the overall personnel-staffing model to a 1:25 ratio. Using 70,000.00 as the average compensation package, the results can be expected. In Cohort A there would be a reduction of 7 staff members from 17 to 10, a \$490,000.00. In Cohort B, there should be a reduction from 43 staff to 30 staff that would result in saving of approximately \$900,000.00. This plan projects an annual saving for the elementary regional school districts of more than one million dollars.

The new special education consortiums are aligned with the current sending/receiving high school relationships. It is also our recommendation to align all special education programs (including programs for disabled preschooler and for children with autism) and services including all related services along the new consortiums design.

Special Note: it is the understanding of the authors of this report; in the past consideration has been given within the NHV Regional School District to create a new regional special education district. After giving this idea considerable consideration, it is our opinion, at this time, resources are in place within the region to address the recommendations in this report and there is no need to create a new special education regional district.

Conclusions: from all the data reviewed, it is evident the regional school districts have comparatively high cost for special education. The shared services recommended in this report can make it possible to provide special education programs and services like a small district and enjoy the economy of scale of a larger district.

Respectfully submitted,

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