

# **New Jersey Task Force on Improving Special Education for Public School Students**



August 2015

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## **Introduction**

The Task Force on Improving Special Education for Public School Students (P.L.2013, Chapter 31) (Appendix B) was established by the Legislature to “study issues associated with improving the funding, delivery and effectiveness of special education programs and services for public school students.” Issues to be studied included, but were not limited to, the following:

- The evaluation of practices for classifying and educating students who are eligible for special education programs and services;
- The development of best practices for education professionals working with special education students;
- Strategies to reduce the costs associated with the placement of eligible students in out-of-district public schools or private schools, including the development of in-district special education programs and services; and
- The development of standards and appropriate oversight to ensure that programs and services address the needs of students, focus on student achievement, and assess the effectiveness of programs and services.

## **Vision Statement**

The members of the Task Force share a common vision, which is the desire to break down the historically perceived silos of special education and general education, and employ all of the resources that are available to improve the service delivery and effectiveness of programs for all students, including students who are eligible for special education services.

The Task Force hopes to advance this vision by removing the “special education” labels that have been traditionally used to distinguish students, staff, and resources within special services programs or departments to emphasize that all children are an equal part of the school community. Instead of “special education students” and “general education students,” all should be recognized as “students.” Likewise, school staff, including teachers, administrators, therapists and other professionals and paraprofessionals, should be recognized not as special education staff, but as respected educators within the school community.

Further, the Task Force and this report will promote the use of people first language when referring to students, parents, and staff to further the common goal of improving the outcomes for all students in New Jersey.

## **Task Force Actions**

This Task Force met 10 times between July 2014 and February 2015 (Appendix C). During the initial meetings, the Task Force identified numerous topics relevant to the charges mandated by the legislation and requested and examined extensive data from the New Jersey Department of Education (Department), including federal Individuals with Disabilities Education Act (IDEA) grant awards, special education student counts by eligibility category and placement, post-school outcomes, proficiency rates for students with disabilities, sample monitoring reports, dispute resolution activities, and private schools for students with disabilities. In addition, the Task Force invited speakers who presented on various topics including the following: funding, monitoring, approved private schools for students with disabilities, and the dispute resolution process. The Task Force also reviewed the reports of the previous task forces that have examined these issues. In October, the Task Force formed the following three subgroups, in order to expedite deliberations: Classifying, Educating, and Best Practice; Funding, Accountability, and Reducing Costs; and Standards and Oversight. Each subgroup designated a chair and a secretary to record minutes. The subgroups convened in addition to the Task Force meetings to discuss the assigned topics in more detail and develop recommendations for the Task Force's consideration.

The Task Force additionally held four public hearings throughout the state, which were attended by 158 individuals, 56 of whom delivered oral presentations (Appendix C). The written testimony from the hearings, as well as emails and letters which were received, were distributed to the Task Force for consideration.

During the final five meetings, the subgroup chairs summarized the discussions and draft recommendations for the full Task Force, in order to gather feedback and additional recommendations. At the final two meetings, each subgroup Chair presented finalized recommendations to the Task Force; Jean Pasternak and Kristin Hennessy also put forward individual recommendations. Each recommendation was finalized and voted upon by all members present. While the Task Force decided that it would report any recommendation that passed by a simple majority of the Task Force, it should be noted that most of the recommendations had unanimous support from the Task Force. The Task Force also agreed to note a recommendation that received four or more votes, but not a majority vote, in a minority section of this report.

The Task Force is presenting 27 recommendations for consideration.

## **Recurring Themes**

The following common themes were discussed by all three subgroups and emerged frequently during Task Force discussions.

### **Complexity**

Complexity is a theme that recurred frequently in the Task Force's discussions. The legislative charge "*to study issues associated with improving the funding, delivery, and effectiveness of special education programs and services for public school students*" represents a broad and complex mandate. Additionally, complexity is apparent at the student level, as special education services must be based on individual needs.

New Jersey's large number of school districts (over 600) and range of placements (from placement in the general education classroom to out-of-district placements in either public or private schools for student's eligible for special education and related services) add to the complexity of special education. The nature of special education as a service that is shaped by federal, state and local school district policy is by definition complex.

### **Early Identification and Remediation of Reading Disabilities**

The Task Force recognized the need for a systematic, coordinated system of early intervention that is data-driven, where student progress is monitored with fidelity and frequency, with program and instruction adapted appropriately.

### **Least Restrictive Environment**

The Task Force recognized the importance of interaction with peers in general education programs and the opportunity for typical peer role models. Many of the recommendations of the Task Force require a change in mindset and training of educators in inclusive education practices. However, the Task Force also agreed that high-quality service may be provided in public schools, or specialized settings, depending on what most effectively meets students' needs.

### **Multi-Tiered System of Supports**

The Task Force recognized the importance of a Multi-Tiered System of Supports (MTSS) for ALL students. MTSS is an evidence-based model that uses data-based problem-solving to integrate academic and behavioral instruction and intervention. The integrated instruction and intervention is delivered to students in varying intensities (multiple tiers) based on student need and seeks to ensure that resources reach the appropriate students at the appropriate levels to accelerate the performance of all students to achieve and/or exceed proficiency.

### **Partnerships**

The Task Force recognized that children benefit most when our educational system forms a partnership with parents, students, teachers, related services professionals, and school administrators.

## **Special Education is Not a Place**

The Task Force recognized that in many Local Education Agencies (LEAs), distinct silos between general education and special education contribute to thinking of special education as a “place” where students go, rather than an effective system of supports that help students succeed. Many of the changes recommended by this Task Force require general education initiatives. The division between general and special education is a cause for increased cost, lack of accountability, decreased effectiveness, and lower achievement for students who receive special education services.

## **Transition to Adult Life**

The Task Force recognizes the need for eligible students to receive special education services and supports to help them succeed in postsecondary education, employment, and independent living. Many of the recommendations are focused on improving achievement to ensure that these students are prepared for the demands of college, career, and adult life.

## **Recommendations**

### **Funding, Accountability, and Reducing Costs**

In New Jersey, programs for students eligible for special education and related services are supported by state aid and local property tax revenue, with additional funding provided by the federal government. However, the shortfall in promised funding by the federal government appropriated for IDEA has imposed a heavy burden on local boards of education, as well as on New Jersey tax payers, and the State of New Jersey as a whole. For practicality, the Funding, Accountability, and Reducing Costs work group focused on state and local support for special education programs. It is important to note that fiscal constraints at the state level, restrictive budget caps on special education services, and pressures on local property taxes compound not only special education funding, but regular education funding as well.

The Funding, Accountability, and Reducing Costs work group is unanimous in the belief that school funding is the fundamental issue that impacts special education and service delivery in New Jersey. The work group recommends that the school funding formula be reevaluated with a particular eye on how state special education aid reaches and impacts all of New Jersey's student's eligible for special education and related services.

#### **Context: Funding in New Jersey Today**

Prior to the current school funding formula, state aid for special education was designed to fund those costs attributed to the individual students eligible for special education and related services, over and above the costs determined to be used for students in general education programs. Such additional "excess costs" became part of the aid formula that supported special education children and was calculated on a specific per pupil basis. This type of funding is known as "categorical special education aid" and flows to all school districts regardless of wealth.

While the revenue comes from both state and local tax revenues, the spending for such programs is accounted for in the general fund portion of the budget, sometimes referred to as the operating budget. The significance of the general fund budget as a source of program funds is that special education spending must compete with all other spending in the Fund (Appendix D, Table 1).

In 2008-2009, a new school funding formula known as the School Funding Reform Act (SFRA) was enacted with bipartisan support, which changed the approach and calculation method of state special education categorical aid. Under SFRA, special education costs are calculated by averaging the statewide classification rate (set for the past several years at around 14.69 percent) and multiplying that rate times each local district's total student enrollment. The result is then multiplied by the state-average "excess cost" factor (approximately fifteen thousand dollars). The average "excess cost" is derived by finding the average of all districts' actual special education costs per pupil, less the "base" per pupil amount. This process is known as "census-based funding."

Currently, special education students are the only specific group of students whose costs are not related to their specific enrollment count under SFRA. For example, the SFRA attaches funding "weights" to some students (i.e., Limited English Proficiency (LEP) students, at risk students who qualify for free and reduced lunches). One of the intents of the SFRA was to distribute aid to all school districts in an

equitable and predictable basis that takes into account the needs of all students, including at-risk students, limited English proficient students, and students with special education needs.

At the present time, categorical aid, including special education aid, security aid, and transportation aid are the only aid types allocated to all districts in the state, regardless of wealth. Nearly all districts receive at least some state aid for special education through categorical aid. However, the amount of categorical special education aid has been reduced under SFRA. While there has been continued growth in special education costs to deliver appropriate programs, categorical special education aid, alone, is actually \$161 million less today than it was in 2007-2008. (Appendix D, Table 1). This is due primarily to the way the 2008-2009 SFRA formula calculates and distributes funding attributed to special education costs; specifically, that a portion of special education costs are now funded through equalization aid. (Appendix D, Table 2).

Consequently, districts with higher local wealth factors that do not get any equalization aid are provided with state aid for only one-third of the special education cost estimate (through categorical aid). The SFRA legislation allows districts to appeal if they can demonstrate they have a disproportionately high rate of students with high-cost, low-incidence disabilities that is causing a financial burden. However, funds to support such appeals have never been appropriated nor have appeals been filed to date.

\*Note: Districts that receive equalization aid do so based upon by their district wealth, so that the amount of equalization they do receive for special education support will vary, dependent on where districts fall on the Department's wealth formula scale as it is currently designed.

The Task Force approved the following recommendations presented by the Funding, Accountability, and Reducing Costs subgroup:

#### **Recommendation #1:**

**The New Jersey Legislature should reevaluate the school funding formula with a particular eye on how state special education aid reaches and impacts all New Jersey students eligible for special education and related services. The New Jersey Legislature should review the impact of SFRA by directing the Department to analyze and reevaluate the state funding formula and create a formula that stabilizes general and special education funding and ensures that state aid follows students eligible for special education and related services as well as general education students.**

Rationale Recommendation #1: SFRA does not generate special education costs for each student eligible for special education and related services individually, as it does for other groups through student weights. The Task Force believes that an effective formula must provide additional cost factors based on the actual number of special education students in each district rather than applying the state average classification rate.

All classified pupils are entitled to services related to their disability. SFRA determines costs not by disability need and not by the individual classified pupil. Rather, a statewide 'census-based average' method is applied to extrapolate each district's special education enrollment by taking total district enrollment, multiplied by a statewide classification rate. The result is then multiplied by the state average "excess cost" for special education. The resultant estimate of each district's special education costs is then divided for distribution as follows: one third of the amount is dedicated to "categorical" aid; the remainder two-thirds of that cost is distributed as "equalization" aid based on the current wealth formula in place. Categorical aid for special education is less now than was provided in FY 2008, and average classification rates were

updated for fiscal year 2013 and for fiscal year 2014; at the same time the application of equalization aid has not resulted in an even spread across districts.

In addition to not providing state aid according to students' Individualized Education Programs (IEPs), there are two negative conclusions that the Task Force has drawn about this census-based method: 1) changes to the method of funding special education seem to have exacerbated "crowding out" in school budgets by pitting special education student needs against general education student needs, and 2) SFRA is now in its 7<sup>th</sup> year of enactment and the Task Force has concluded that this funding method is clearly not working to reduce the proportion of classified students in districts overall. This approach has been proven to be misplaced and inappropriate. Classification rates are driven by the students' needs as determined by Child Study Teams, and according to their IEPs, services must be provided to each classified student. Like the rest of SFRA's weights for higher costs for some students, special education aid should be determined by accounting for individual student needs as specified by their respective IEPs.

#### **Recommendation #2:**

**The analysis of school funding conducted by the Department should include, but not be limited to the following:**

- **Assessment of costs of services by geographic area and socioeconomic indicators,**
- **Extraordinary aid effectiveness and efficiencies, and**
- **Transportation services and costs.**

**Fiscal accountability should be an integral part of the aid process.**

Rationale Recommendation #2: The knowledge of actual cost and aid factors is critical for making informed decisions that can stabilize funding for special education programs, including the needs of specific IEPs. These criteria should be evaluated annually for their fiscal relevance and modifications should be made where necessary. In order to evaluate effectively, these factors need to be tracked consistently, based on uniform determinants, across all districts. To perform these annual evaluations meaningfully, fiscal accountability implies the need to record expenditures for special education in a relative and consistent manner across all districts.

#### **Recommendation #3:**

**As part of the continuum of placement options, the Department should encourage school districts and charter schools to establish partnerships with agencies such as special services school districts, educational service commissions, jointure commissions, approved private schools for students with disabilities, as well as other school districts, to increase the provision of programs and services for students eligible for special education and related services in their neighborhood schools.**

#### **Recommendation #4:**

**The Department should encourage districts and charter schools to explore effective partnerships between county programs and approved private schools for students with disabilities and disseminate information on existing effective partnerships.**

Rationale Recommendations #3 and #4: The NJDOE should continue to encourage special services school districts, educational service commissions, jointure commissions and approved private schools for students eligible for special education and related services to establish cost-effective partnerships with neighboring school districts. Some of the benefits of these partnerships include: reduced transportation costs, shared services and increased collaboration between professionals and related services providers, and sharing of administrative resources and operational overhead. Neighborhood schools also benefit by receiving additional revenue from the usage of their facilities, which can be used to offset program costs. These partnerships will enable students with disabilities to interact, while remaining close to home in their neighborhood school, with their non-disabled peers where appropriate.

**Recommendation #5:**

**School districts and charter schools should maximize the use of Coordinated Transportation Services Agencies (CTSAs) for transportation, including routes across county lines, and ensure use of the minimum number of vehicles, with the first priority being the needs of the student, and where a cost benefit exists.**

Rationale Recommendation #5: The Department should continue to encourage districts to partner together through the use of CTSAs as a way to maximize cost savings and improve efficiencies. Maximizing district use of CTSAs will expand the potential cost savings throughout the counties and across the state. Length of ride, student age, and classification must remain a priority when considering the use of a CTSA. Consideration should be given to transportation routes based on student enrollment at the nonpublic/private schools, rather than based solely on what district the student resides. Routing with the destination in mind will ensure the minimal number of vehicles needed.

## Recommendations

### Standards and Oversight

The Task Force considered the development of standards and exercise of oversight at both the local and state level. Recommendations in this section are reflective of the Task Force's belief in the value of parent engagement and an educational community that is informed and knowledgeable about special education. The Task Force recognizes special education parent advisory groups (SEPAGs) as a mechanism for facilitating two-way communication and the exchange of information between parents of students and school districts in educational matters that affect students with special needs. These groups should be sufficiently flexible to function in accordance with local needs, should be guided by best practices, and regulated by the state in several enumerated areas to enhance their effectiveness. Current New Jersey regulations state that, "Each district board of education shall ensure that a special education parent advisory group is in place in the district to provide input to the district on issues concerning students with disabilities." (N.J.A.C. 6A:14-1.2 (h)).

The Task Force also believes that school leaders should be trained so that they are informed and knowledgeable about special education, recognizing that research has shown a link between knowledgeable, effective school board governance and student achievement. Also, the Task Force recommends that the state enhance its existing data collection efforts regarding post-graduation information on individual outcomes of students who received special education programs or services, in the belief that quality data supports a better understanding of how programming affects the long-term success and achievement of students. Other recommendations underscore the importance of assuring that parents are afforded the safeguards and procedural protections of federal and state law, through efficient monitoring of school district practices that safeguard parent protections. The Task Force also believes that additional guidance is warranted on cost criteria for independent educational evaluations requested by parents as well as on the role that a student's district of residence plays in overseeing out-of-district placements (Appendix E, Reference 2).

Finally, DOE data on dispute resolution in special education indicates that New Jersey has a high rate of dispute resolution activity compared to many other states. Recognizing the toll that disputes inevitably take on students, parents, and school districts alike, the Task Force recommends taking a closer look at the factors that contribute to disputes and litigation and that affect the cost, length, and outcomes of proceedings to help reduce disputes and improve the state's dispute resolution system and procedures within the parameters of federal law (Appendix E, Reference 3).

The Task Force approved the following recommendations presented by the Standards and Oversight subgroup:

#### **Recommendation #6:**

The Department, in collaboration with the Statewide Parent Advocacy Network (SPAN), should develop a best practices manual, with input from parent advocates and other groups as appropriate, to provide school district boards of education and administrators a framework for ensuring that each special education parent advisory group (SEPAG) has the opportunity to provide meaningful input to the district administration, and that district administration has the opportunity to receive meaningful input.

**Recommendation #7:**

The Department should create and periodically update regulations to ensure the following:

- Reasonable assistance is provided by school districts and charter schools to organize and maintain viable SEPAGs that represent all parents and guardians of students eligible for special education and related services;
- SEPAGs facilitate a framework for parents and guardians to 1) provide meaningful input to school districts relating to all areas of policy and program that affect students eligible for special education and related services, and 2) facilitate communication from the district to parents and guardians about programs, resources, and topics relating to special education and related services;
- The organization and support for SEPAGs have parity with supports that are provided to other Parent Teacher Associations, Parent Teacher Organizations, and Parent Foundations; and
- Representatives of the SEPAG report to the district's Board of Education on an annual basis.

The Department should ensure that regulations regarding SEPAGs are monitored and enforced by the Department regularly.

**Recommendation #8:**

The Department should ensure that school board members and other school leaders receive training on the legal, programmatic, and fiscal aspects of IDEA and state special education regulations, as well as best practices, in order to promote the achievement of all students including those with learning disabilities, recognizing the established link among effective governance, leadership and student achievement.

**Recommendation #9:**

The Department should ensure that the focus of the State Longitudinal Data System group includes a component measuring the individual outcomes of students eligible for special education and related services after graduation and beyond age 21.

**Recommendation #10:**

The Department should conduct thorough and efficient monitoring of special education regulations that protect parental procedural safeguards including, but not limited to:

- timeframes for districts to provide notice and required documents;
- timeframes for districts to provide written notice to parents when specific requests are denied or placements are recommended;
- complete and accurate recording of parental concerns in individualized education programs (IEPs); and
- provision of a parental copy of the IEP to be given at the end of IEP meetings.

**Recommendation #11:**

The Department should provide guidance for usual and reasonable cost criteria for Boards of Education to include in their policies regarding independent educational evaluations to enhance consistency and clarity across the state.

**Recommendation #12:**

The Department shall clarify the obligation and accountability of the student's district of residence with regard to vetting and monitoring of out-of-district placements.

**Recommendation #13:**

The Department should task an independent body with conducting a focused study on the effectiveness and efficiency of the state's dispute resolution procedures. The study would include the collection of information/data through surveys and interviews, including anecdotal data, and a report with recommendations to follow.

**Other Recommendations for Consideration**

The following recommendations received four or more votes, however, did not receive a majority vote:

1. The Department's district monitoring process should include parents as one of the formal constituents it consults for feedback.
2. The Department shall create and periodically update regulations to enhance the functioning and independence of SEPAGs, to ensure that SEPAGs are afforded supports on a reasonable par with other district groups, and to ensure annual reporting to the board of education.

## **Recommendations**

### **Classifying, Educating, and Best Practice**

The following recommendations are based on best practices and are intended to better support school districts in making educational decisions to enhance teaching and learning for all students in both general and special education settings. The focus of these practices is to utilize an array of scientific, evidence-based resources and data-based decisions in making programming recommendations for all students. Included in these recommendations is the expectation that educators and parents will collaboratively make a commitment to increasing student achievement and will value the success of each individual child. Consistency and fidelity of programming across the state will be supported by the Department in order to enhance the effectiveness of special education programming and services for public school students.

The Task Force approved the following recommendations presented by the Classifying, Educating, and Best Practice Working Group:

#### **Recommendation #14:**

The Department should require each district to develop a Response to Intervention (RTI) system or a multi-tiered system of support that includes:

- A district-wide, multi-level instructional and behavioral system for preventing school failure;
- Universal screening in the area of the identified weaknesses, specifically in grades K-2 (The Department should provide a list of recommended screening tools for reading, mathematics, and behavior to be used in school districts);
- Scientific, evidence-based instruction;
- Progress monitoring;
- Interventions;
- Data-based decision making for instruction and movement within this comprehensive system, and for referral to determine special education eligibility, when appropriate; and
- Monitoring by the Department.

#### **Recommendation #15:**

Each school district should establish and implement a rigorous, consistent, effective, coordinated system for the planning and delivery of an RTI system or a multi-tiered system of support that is designed to assist all students who are experiencing academic and behavior difficulties. The system, which encompasses the current intervention and referral services (I&RS) system, should include:

- Training of all staff members on this process;
- Scientific, evidence-based practices, supports and strategies;
- Use of multiple sources of data during the pre-referral period;
- Measurable goals and objectives to ensure student growth;
- Information provided to the School Improvement Panel (ScIP) to identify trends and needs to drive professional development plans and decisions; and

- A team that includes the student, parent, and experienced staff members, who are flexible and responsive to student needs.

**Recommendation #16:**

The Department should provide school districts with free access to technical assistance, models, materials, and other supports to assist school districts in implementing an I&RS system.

**Recommendation #17:**

The Department should provide clear and specific guidelines for an instance when a suspected disability exists and there is no severe discrepancy between the student’s current achievement and the intellectual disability and the district chooses to use a multi-tiered system of supports.

**Recommendation #18:**

The Department should disseminate guidance regarding the collection and use of classroom-based and other assessment data to determine eligibility and the appropriateness of programs and services for students with disabilities by the IEP team.

**Recommendation #19:**

The Department should amend the New Jersey Quality Single Accountability Continuum (NJQSAC) to ensure the implementation of I&RS in accordance with state regulations.

**Recommendation #20:**

The Department should develop a list of exemplar Child Find practices, make it available on the Department website as a resource, and distribute it, along with the Department of Health’s brochure on the Early Intervention System, to doctors’ offices and other agencies.

**Recommendation #21:**

School districts and charter schools should ensure meaningful participation of students eligible for special education and related services in activities that will prepare them for transition to adulthood that include:

- IEP goals for community-based instruction (CBI) and opportunities for career development, including job sampling, internships, volunteer opportunities and where appropriate, paid work experiences;
- Opportunities for students to practice and acquire self-advocacy and independent living skills within the context of their home community;
- Development of instructional strategies and educational opportunities that are based within students’ home communities, leading to those community connections which will assure meaningful opportunities for adult work and other forms of contribution for those students whose educational program is not in their home community;
- Transitional assessments to identify skills and services;
- Exposure to health care resources;
- Parental support with the transition to post-secondary needs;
- Activities necessary to prepare for post-secondary education; and
- Transition services coordination.

Districts are encouraged to engage in partnerships with other public and private agencies to provide the delivery of appropriate and effective transition services.

**Recommendation #22:**

To promote a positive school climate and to increase the performance of students academically, behaviorally, socially and emotionally, school districts and charter schools should ensure that all students have access to:

- Increased availability of coordinated social and mental health services;
- Positive behavioral interventions and supports;
- Differentiated instruction;
- Functional behavioral assessments (FBAs) and approved behavior intervention plans (BIPs);
- Instruction in social and emotional standards; and
- Trauma-informed care.

**Recommendation #23:**

The Department should provide guidance on the creation of Professional Learning Communities (PLCs) that are committed to ensuring that all students are successful through inclusive educational practices by engaging in collaborative professional development opportunities in the following areas:

- Strengthening skills for general educators in supporting diverse learners to mitigate, where appropriate, resort to classification;
- Strengthening the I&RS team at the district and school level to maintain diverse learners within general education settings;
- Accessing the New Jersey Core Curriculum Content Standards for students with disabilities;
- Paraprofessional training;
- High quality reading programs and instruction;
- Inclusive practices for students with low incidence disabilities;
- Evidenced based practices and resources for both the general education and special education teachers, specifically in the area of reading;
- Cultural competence and developing empathetic, collaborative relationships with families; and
- Collaboration among general education teachers, special education teachers and district and school level leadership in facilitating inclusive practices, access to the general education curriculum and collaboration with families.

**Recommendation #24:**

Teacher preparation courses at the collegiate level and teacher certification requirements should include training in the following areas:

- Differentiated instruction;
- Evidenced based practices;
- Collaboration and inclusion of students with disabilities in the general education curriculum and general education classroom;
- Parent communication; and
- Cultural sensitivity.

Require that teacher preparation programs require that students have field based experiences in settings that educate both general education students and students eligible for special education and related services.

**Recommendation #25:**

To advocate and explore better options for students with disabilities in state assessments, the Department should:

- Analyze the performance and participation from the first year of Partnership for Assessment of Readiness for College and Careers (PARCC) for students with disabilities by disability category;
- Review participation eligibility criteria for Dynamic Learning Maps (DLM); and
- Explore alternative ways to measure performance and progress for students with disabilities in the New Jersey Core Curriculum Content Standards.

**Recommendation #26:**

The Department should devote more resources to inform and assist school districts around implementing person-centered planning strategies that are designed to encourage meaningful student and parent participation in IEP development to facilitate collaboration and communication, as well as understanding among parents, educators, the student and the community; and to maintain parent-school relationships during times of disagreement or conflict.

**Recommendation #27:**

The Department and other agencies should enlist experienced and expert master educators and professionals to conduct seminars on best practices for writing an instructionally relevant IEP including a high quality Present Levels of Academic Achievement and Functional Performance (PLAAFP) section and measurable goals and objectives. Seminars should be made available for professional development online as well as through in-person training sessions.

**Other Recommendation Considered:**

The following recommendation received four or more votes, however, did not receive a majority vote:

1. The Department should develop clear guidelines regarding the necessary components of screening tools school districts may use to screen students specifically for dyslexia. Such guidance must indicate that any dyslexia-screening tool must explicitly assess a student's ability to decode (read) and encode (spell) words. The Department must develop clear guidance on appropriate decoding and encoding skills that dyslexic students must achieve at specific grade levels in order to become independent readers by the end of third grade. The dyslexia screening tool should allow teachers, parents and students the ability to monitor student progress to insure the student is progressing appropriately. The current tools used to assess independent reading levels, such as the Developmental Reading Assessment (DRA), are insufficient to meet this requirement. The State Board of Education should approve regulations that require districts to adhere to this guidance.

## **Appendix A**

### **Task Force Members**

Kevin Ahearn, New Jersey Association of School Administrators

Marie Blistan, New Jersey Education Association

John J. Driscoll, parent representative

Barbara Frascella, New Jersey Principals and Supervisors Association

Kristin P. Hennessy, teacher representative

Princess Hogue, American Federation of Teachers

Donna Kaye, New Jersey School Boards Association

Margaret Kinsell, Statewide Parent Advocacy Network of New Jersey

Catherine Lindenbaum, New Jersey Parent-Teacher Association

Peggy McDonald, New Jersey Department of Education (facilitator)

Jean Pasternak, parent representative

Chris Sarandoulis, ASAH

Deborah Spitalnik, Council of Developmental Disabilities

Corinne Steinmetz, New Jersey Association of School Business Officials

Lynne Strickland, Garden State Coalition of Schools

Kevin Sturges, The Arc of New Jersey

Kerri Lee Walsifer, special services director representative

## Appendix B

### Legislation

P.L.2013, CHAPTER 31, *approved March 12, 2013*

Senate, No. 600

Identical Bill Number: A1365 (1R)

Sponsors: Senator Jennifer Beck, Senator M. Teresa Ruiz, Assemblyman David P. Rible, Assemblywoman Mary Pat Angelini, Assemblyman Jason O'Donnell, Assemblywoman, Donna M. Simon

**AN ACT** establishing a Task Force on Improving Special Education for Public School Students.

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

1. The Legislature finds and declares that:
  - a. According to the Department of Education, there are approximately 215,000 students in the state currently eligible to receive special education and related services, and the excess cost of providing special education and related services beyond general education is an additional \$11,000 per pupil;
  - b. Despite the ever-increasing allocation of state and local dollars to fund special education services each year, many public schools in the state are ill-equipped to provide effective special education and related services for their students within the district and must send students to out-of-district public schools or private schools in order to meet their needs, which increases the overall cost of providing special education and creates additional hardships for the students and their parents;
  - c. A series of recent newspaper articles alleged that millions of dollars are squandered on special education programs each year due to fraud, a lack of oversight, a failure to document the effectiveness of programs, the need to send students to out-of-district public or private schools, and a lack of uniform standards for educating students with certain disabilities such as autism;
  - d. Many parents and guardians of students requiring special education feel that the programs and services do not adequately meet the needs of their children, and that the current system is too inflexible to allow for necessary programmatic changes; and
  - e. It is therefore in the public interest of special education students and the parents or guardians of those students to establish a task force to study various issues related to improving service delivery and providing appropriate and cost-effective special education programs and services for public school students.

2. There is established a Task Force on Improving Special Education for Public School Students to consist of 17 members as follows: the Commissioner of Education, ex officio, or a designee; and 16 members appointed by the Governor, including one parent or guardian of

a public school student receiving special education services, one parent or guardian of a student attending a private school for students with disabilities, one public school special education teacher, one director of special education services for a school district, one representative of the Arc of New Jersey, one representative of the New Jersey Council on Developmental Disabilities, one representative of the New Jersey Parent-Teacher Association, one representative of the New Jersey Association of School Administrators, one representative of the New Jersey Education Association, one representative of the New Jersey School Boards Association, one representative of the New Jersey Principals and Supervisors Association, one representative of the New Jersey Association of School Business Officials, one representative of the Statewide Parent Advocacy Network of New Jersey, one representative of the Garden State Coalition of Schools, one representative of ASAH, and one representative of the American Federation of Teachers.

3. Appointments to the task force shall be made within 30 days of the effective date of this act. Vacancies in the membership of the task force shall be filled in the same manner as the original appointments were made. Members of the task force shall serve without compensation but shall be entitled to their actual and necessary expenses incurred in the performance of their duties pursuant to this act.

4. It shall be the duty of the task force to study issues associated with improving the funding, delivery, and effectiveness of special education programs and services for public school students. The task force shall examine issues including, but not limited to: the evaluation of practices for classifying and educating students who are eligible for special education programs and services; the development of best practices for education professionals working with special education students; strategies to reduce the costs associated with the placement of eligible students in out-of-district public schools or private schools, including the development of in-district special education programs and services; and the development of standards and appropriate oversight to ensure that programs and services address the needs of students, focus on student achievement, and assess the effectiveness of programs and services.

5. Staff and related support services shall be provided to the task force by the Department of Education. The task force shall also be entitled to call to its assistance and avail itself of the services of the employees of any state, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes.

6. The task force may meet and hold meetings at the place or places it designates and shall present its findings and recommendations to the Governor, the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the State Board of Education, and the Commissioner of Education no later than 180 days following its organizational meeting.

7. This act shall take effect immediately and the task force shall expire upon submission of its report pursuant to section 6 of this act.

## **Appendix C**

### **Task Force Meeting Dates**

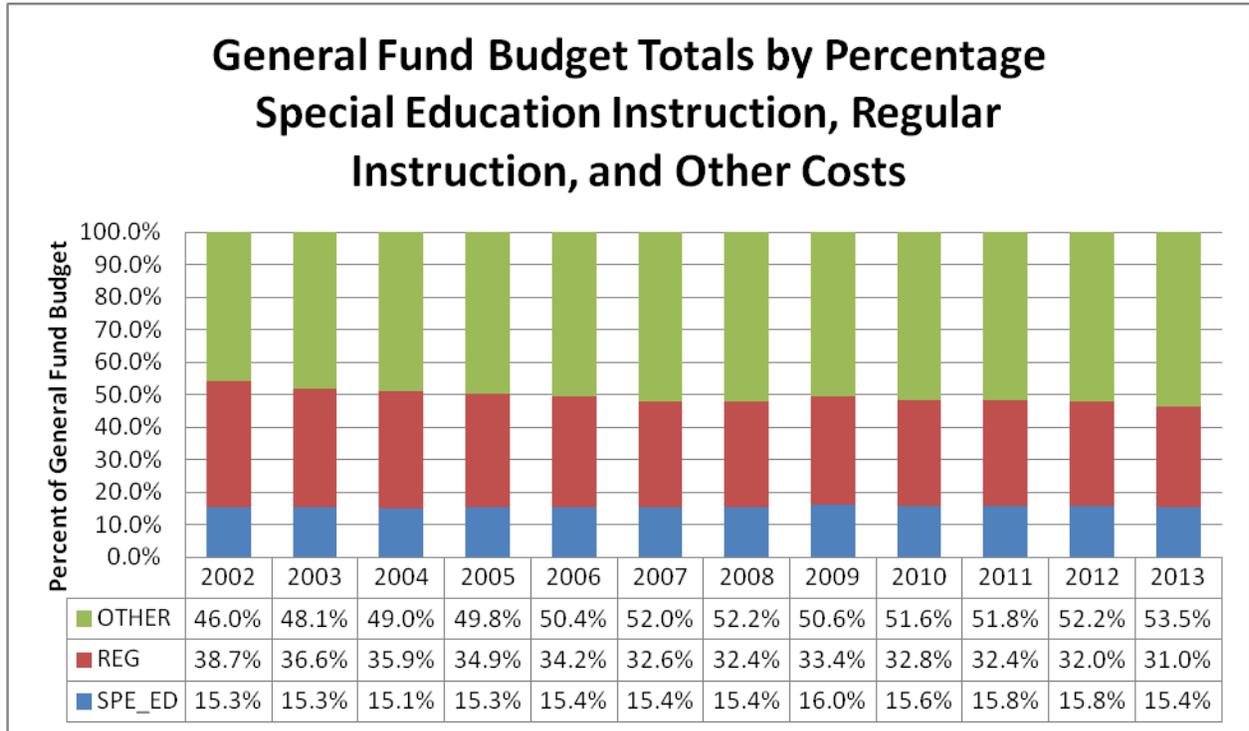
July 1, 2014  
August 11, 2014  
August 26, 2014  
September 9, 2014  
September 23, 2014  
October 7, 2014  
October 28, 2014  
November 18, 2014  
December 9, 2014  
February 6, 2015

### **Public Hearings**

October 16, 2014	Learning Resource Center-South, Mullica Hill, New Jersey
October 23, 2014	Learning Resource Center-North, East Orange, New Jersey
October 27, 2014	N.A. Bleshman Regional Day School, Paramus, New Jersey
October 29, 2014	Learning Resource Center-Central, Trenton, New Jersey

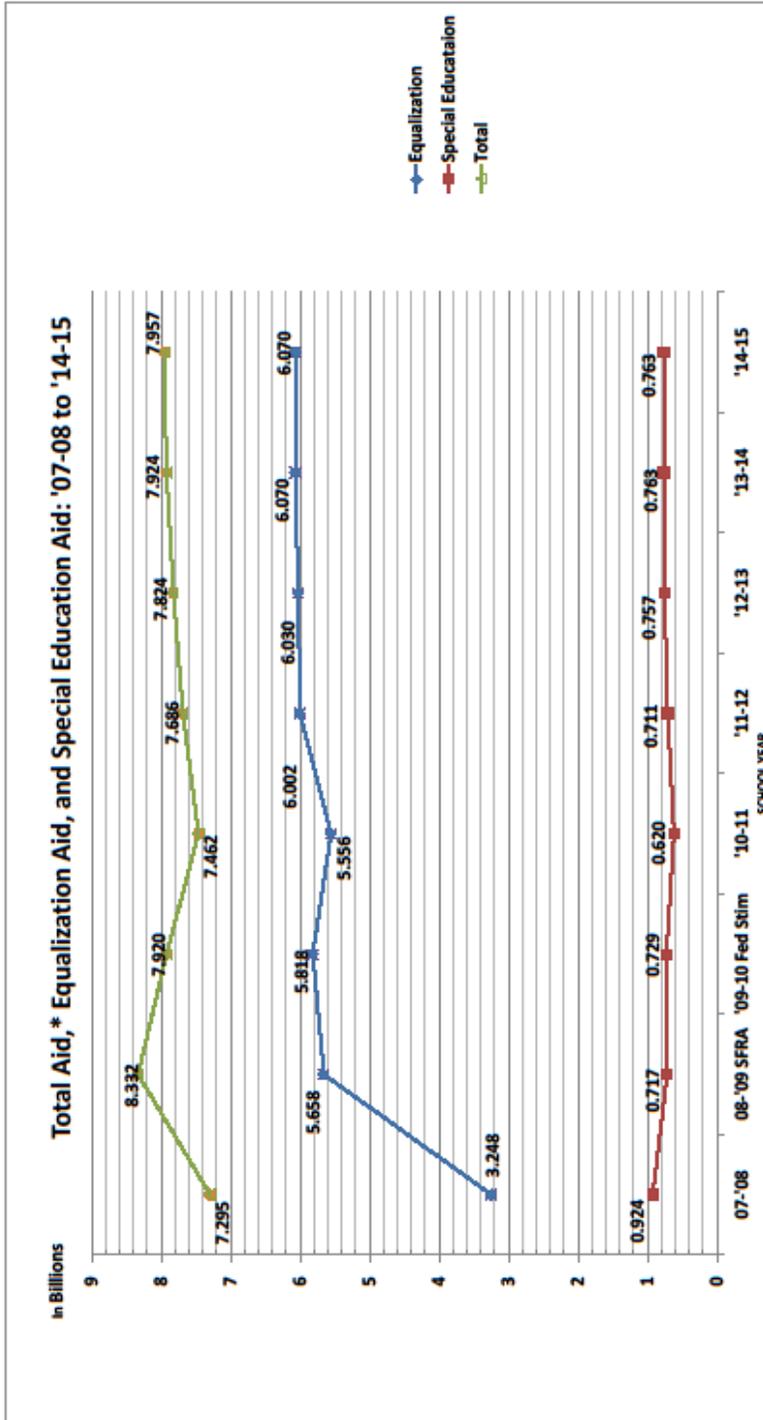
## Appendix D

### Table 1



# Appendix D

## Table 2



\*Total Aid refers to the sum of all state aid, excluding Debt Service Aid, reported annually in the State Aid Summaries on the Department of Education (DOE) website. For the '14-'15 School Year, Total Aid in the State Aid Summary includes the following: Equalization Aid, Education Adequacy Aid, Choice Aid, Transportation Aid, Special Education Aid, Security Aid, Under Adequacy Aid, Supplemental Enrollment Growth Aid, PARCC Readiness Aid, Per Pupil Growth Aid, Adjustment Aid, and Additional Adjustment Aid. While Total Aid includes all aid categories, the aid categories may vary from year to year. Consult the DOE website at <http://nysed.org/education/data/> for the aid categories in the other years reported above. Prepared by Garden State Coalition of Schools May 2014

## **Appendix E**

### **References**

Reference 1: N.J.A.C. 6A:14 at <http://www.state.nj.us/education/code/current/title6a/chap14.pdf>  
(New Jersey Special Education Code)

The START Project operated by the New Jersey Statewide Parent Advocacy Network (SPAN) is funded through IDEA Part B funds to assist parents in starting and running parent groups at <http://www.spannj.org/START/>

Reference 2: N.J.A.C. 6A:14 at <http://www.state.nj.us/education/code/current/title6a/chap14.pdf>  
(New Jersey Special Education Code)

34 CFR § 300.502 at <http://idea.ed.gov/explore/view/p/.root.regs.300.E.300%252E502>.  
(Federal regulation about a school district's obligation to pay for independent educational evaluations)

Reference 3: Dispute Resolution Data Summary for New Jersey 2004-05 to 2012-2013 at [http://www.directionservice.org/cadre/pdf/NJ\\_2012-13\\_DRData.pdf](http://www.directionservice.org/cadre/pdf/NJ_2012-13_DRData.pdf)  
EMAPS User Guide: IDEA Part B Dispute Resolution Survey at <http://www2.ed.gov/about/inits/ed/edfacts/emaps-idea-part-b-dispute-resolution-user-guide-v1.pdf>

## Appendix F

### Glossary

**Behavior Intervention Plan (BIP)** - is a plan that targets one to three of a student's undesirable behaviors with interventions that are linked to the functions of the behavior; each intervention specifically addresses a measurable, clearly-stated targeted behavior. A BIP can include prevention strategies, which stop the behavior before it begins, as well as replacement behaviors, which achieve the same function as the disruptive behavior without causing disruption. For students without disabilities, the BIP can be adjusted as the student improves without another meeting; however, frequent monitoring is still required. For students with disabilities, the BIP is a legal document that is a part of an individualized education program (IEP).

**Community-based Instruction (CBI)** - is sustained and repeated instruction that takes place in the community rather than in a school building.

**Coordinated Transportation Services Agencies (CTSA)** - are the shared responsibility between two or more agencies working together to improve output by combining existing resources. Effective coordination of transportation results in both agencies increasing ridership, increasing revenue and/or decreasing costs, providing better service, or some combination of these benefits. Coordination has shared objectives, such as eliminating redundant route services or optimizing under-utilized vehicles, and each agency participating in the coordination must share the responsibility of reaching those objectives. When implemented effectively, coordination can result in better or equivalent services, lower costs and/or increased revenue for transportation providers who are constantly under pressure by management, officials and tax-paying residents to cut costs and produce revenues.

**Differentiated Instruction** - is a framework or philosophy for effective teaching that involves providing different students with different avenues to learning (often in the same classroom) in terms of: acquiring content; processing, constructing, or making sense of ideas; and developing teaching materials and assessment measures so that all students within a classroom can learn effectively, regardless of differences in ability. (Source: Association for Supervision and Curriculum Development)

**Dispute Resolution** - refers to the process under the *Individuals with Disabilities Education Improvement Act* of 2004 (IDEA 2004), and its implementing federal regulations of 2006, that require each state to have regulations designed to protect the rights of children and their parents. These provisions define actions that parents may take when they disagree with the local school regarding the identification, evaluation, educational placement and services of their child, or the provision of a free appropriate public education to their child. These actions include parents and school entering into mediation to resolve the dispute; the parent filing a complaint that the school has erred procedurally in meeting its special education obligations; and/or the parent or local school filing a request for a due process hearing to have a hearing officer determine the appropriate outcome for the child.

**Early Intervention** - is a system of coordinated services that promotes the child's age-appropriate growth and development and supports families during the critical early years.

**Educational Service Commissions** (New Jersey 18A:6-52) - are created by the State Board of Education upon petition of five or more boards of education in one or more counties. These commissions conduct programs of education research and provide educational and administrative services. The establishing districts contribute to the support of educational services commissions.

**Functional Behavioral Assessments (FBAs)** - is a method to determine why individuals exhibit specific behavior and how the environment interacts with the individual and those behaviors. Any Functional Behavioral Assessment must include these steps - identify and define the specific problem behavior; collect information about the occurrence of the behavior through observation, systematic data collection, and interviews of the child, parents, and staff; identification of the antecedent events and consequences surrounding the behavior; identification of the function or purpose of the behavior; and development of a hypothesis about the behavior. Once the assessment is complete, interventions can be created based on the hypothesis and other relevant information.

**Independent Educational Evaluation (IEE)** – is defined in federal regulations as “an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question.” 34 CFR §300.502(a)(3)(i).

**Individualized Education Program (IEP)** - is the legal document that defines a child's special education program. An IEP includes the disability under which the child qualifies for Special Education and Related Services, the services the team has determined the school will provide, the yearly goals and objectives and any accommodations that must be made to assist learning.

**Intervention and Referral Services (I&RS)** - is a system of services that identify learning, behavior and health difficulties of students; collect thorough information on the identified learning, behavior and health difficulties; develop and implement action plans which provide for appropriate school or community interventions or referrals to school and community resources, based on the collected data and desired outcomes for the identified learning, behavior and health difficulties; provide support, guidance, and professional development to school staff who identify learning, behavior and health difficulties; provide support, guidance, and professional development to school staff who participate in each building's system for planning and providing intervention and referral services. (Source: N.J.A.C. 6A:16-8.2)

**Jointure Commission** - is established by two or more school districts to provide for education of the handicapped. These commissions consist of representatives from the constituent school district boards. Their fiscal needs are apportioned to the establishing districts.

**Local Education Agency (LEA)** - is a public board of education or other public authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a state, or for a combination of school districts or counties that is recognized in a state as an administrative agency for its public elementary schools or secondary schools.

**Multi-Tiered System of Support (MTSS)** - is a set of strategies for preventing problem behavior that utilizes evidence-based research in applied behavior analysis and the field of systems change.

**New Jersey Common Core State Standards (CCCS)** - are the standards that provide local school districts with clear and specific benchmarks for student achievement in nine content areas. Developed by panels of teachers, administrators, parents, students, and representatives from higher education, business, and the community, the standards are influenced by national standards, research-based practice, and student need. The New Jersey Core Curriculum Content Standards include Preschool Teaching and

Learning Standards, as well as nine K-12 standards for the following: 21<sup>st</sup> Century Life and Careers; Comprehensive Health and Physical Education; Science; Social Studies; Technology; Visual and Performing Arts; and World Languages.

**New Jersey Quality Single Accountability Continuum (NJQSAC)** - is the Department of Education's monitoring and evaluation system for public school districts. The system shifts the monitoring and evaluation focus from compliance to assistance, capacity-building and improvement. It is a single comprehensive accountability system that consolidates and incorporates the monitoring requirements of applicable state laws and programs and complements federally required improvements. The system focuses on monitoring and evaluating school districts in five key components that, based on research, have been identified to be key factors in effective school districts.

**Partnership for Assessment of Readiness for College and Careers (PARCC)** - is a group of States working together to develop a set of assessments that measure whether students are on track to be successful in college and their careers. They are high quality, computer-based K–12 assessments in Mathematics and English Language Arts/Literacy that give teachers, schools, students, and parents better information about whether students are on track in their learning and for success after high school, and tools to help teachers customize learning to meet student needs. (Source: <http://www.parcconline.org/policies-and-guidance>)

**The Present Levels of Academic Achievement and Functional Performance (PLAAFP)** - is the first written statement in the IEP documentation of the child's ability and current achievement at the time the IEP is written. The PLAAFP includes information on all areas that are affected by the child's disability and how the disability impacts the child's progress within the general education curriculum. Information for the PLAAFP is gathered from the evaluation, classroom assessments, and formal standards-based testing along with the comments and observations of teachers, parents and other knowledgeable individuals.

**Response to Intervention (RtI)** - is a multi-tier approach to the early identification and support of students with learning and behavior needs. The 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.

**School Funding Reform Act (SFRA)** - is Senate Bill S4000: an act providing for the maintenance and support of a thorough and efficient system of free public schools and revising parts of the statutory law.

**School Improvement Panels (ScIP)** - were established based upon provisions in the TEACHNJ Act and AchieveNJ where every school must establish a School Improvement Panel whose role is to ensure, oversee, and support the implementation of the district's evaluation, professional development (PD), and mentoring policies at the school level. The ScIP also ensures that teachers have a strong voice and significant opportunity to help shape evaluation procedures within each school. The ScIP must include the school principal, an assistant/vice principal or a designee if the school does not have one, and a teacher.

**Special Education Parent Advisory Groups (SEPAG)** – were established in a provision in New Jersey Administrative Code 6A:14-1.2(h) that states: "Each board of education shall ensure that a special education parent advisory group is in place in the district to provide input to the district on issues concerning students with disabilities." The purpose of these groups is to provide opportunities for parents and community members to offer input to their districts on critical issues relating to students with disabilities.

**Special Services School Districts** - are established by resolution of the county board of chosen freeholders for the education and treatment of handicapped children. Each district is governed by a board of education consisting of the county superintendent of schools plus six members appointed by the director of the board of chosen freeholders with the consent of the board. Fiscal requirements are determined by a board of school estimate and are provided by the county and state governments.

**Statewide Parent Advocacy Network (SPAN)** - is an independent 501(c)3 organization committed to empowering families as advocates and partners in improving education and health outcomes for infants, toddlers, children and youth. SPAN is New Jersey's Parent Training and Information Center; Family to Family Health Information Center; Family Voices State Affiliate Organization; Parent to Parent USA affiliate; and a chapter of the Federation of Families for Children's Mental Health.