



The New Jersey Coalition for Special Education Funding Reform

Comments in Opposition to S-610, February 6, 2012

The New Jersey Coalition for Special Education Funding Reform, established in 1996, is comprised of statewide organizations concerned with special education funding and policy. Collectively, we represent tens of thousands of parents and other education advocates.

We seek a special education funding mechanism that is adequate, efficient, equitable, predictable, flexible, transparent, fully placement-neutral, and accountable for both spending and student outcomes. We believe that policy must be informed by objective data in areas such as funding, costs and best practice.

While we support the concept of shared services as a means to improve access to high-quality services and reduce costs, we oppose this bill, as written, for several reasons:

I) The Bill will not save money, but rather will be costly to New Jersey taxpayers.

- Under the provisions of the bill, neighboring counties will assume responsibility for coordinating services in those counties that do not currently have a County Special Services District, Jointure Commission or Educational Services Commission. This will most certainly cost money, and whether paid by state, county or local tax dollars, will divert public funds that could better be used for direct instruction.
- Districts are not required to avail themselves of the shared services proposed in the bill, all but guaranteeing costly duplication of services – not coordination of existing services.
- There are no data to show that the public regional providers designated in the bill are less costly to New Jersey's taxpayers. While published tuition of such providers may be somewhat less than the tuition charged by private providers, there are "hidden" costs such as employee benefits, health care, pension, construction and others, which are paid by county or state tax dollars, or through debt on bonds, all of which make the full cost to taxpayers much higher. State dollars should be spent enhancing local capacity to serve students, not creating new, costly, segregated regional public programs.
- The bill fails to address coordination of educational services by other providers, such as New Jersey's private special education schools, charter schools, independent schools, approved agencies and clinics, university-based resources, non-profit groups and other

private providers, many of which are a source of high quality, cost-effective programs in our state's special education system and likewise would greatly benefit from coordination of special education services. As written, it would ensure costly duplication of existing, privately operated services, at public expense.

- The bill inappropriately addresses coordination of services that are managed and overseen by other departments in state government, including the Departments of Children and Families, (crisis response), Human Services (respite care), and Health and Senior Services (early intervention). An educational agency should not coordinate services over which it has no authority. These agencies already have their own coordinating structures, thus duplicating existing services.

- The bill lacks a fiscal note. Any organization assuming responsibility for work of this scope needs public funding, whether state, county or local.

II) The proposed structure of the County office will create an inherent conflict of interest.

- Any agency, public or private, responsible for coordinating shared services between and among local providers should not also be a direct provider of those services, and therefore, a competitor. Among other things, this bill would specifically allow a large, regional special education provider agency to operate the database for placement options, giving the provider agency new authority including "gate keeping" responsibilities, and all but ensuring that the provider agency will wield an inappropriate level of influence over Child Study Team (CST) placement decisions. This serves to remove choice from the local district and the parents to whom Congress, under the Individuals with Disabilities Education Act, delegated such choice. And, because of the large scope of services described in the bill, it would not only limit local district and parental choice for placements, but would also eliminate choice for services such as extended school year (ESY), preschool disability programs, behavioral consultations, itinerant services, therapeutic services, evaluations, transition from school to adult life, and much more.

III) The bill violates the special education mandate to educate children in the least restrictive environment.

- The bill promotes further expansion of county-based special education services at a time when New Jersey Department of Education is trying to reduce reliance on out-of-district "segregated" providers in order to adhere to the special education law mandate of placement in the "least restrictive environment."

Members of the New Jersey Coalition for Special Education Funding Reform include: The Alliance for the Betterment of Citizens with Disabilities; The Arc of New Jersey; ASAH (formerly the Association of Schools and Agencies for the Handicapped); the Association for Children of New Jersey; Disability Rights New Jersey (formerly New Jersey Protection and Advocacy, Inc.); the Education Law Center; the Special Education Leadership Council and the Statewide Parent Advocacy Network (SPAN).