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# *Committee Meeting*

of

## JOINT COMMITTEE ON THE PUBLIC SCHOOLS

*“The Committee will receive testimony from invited guests about issues including, but not limited to cost and funding, policy and regulations, accommodations and modifications, and early intervention as it relates to special education”*

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**LOCATION:** County College of Morris  
Randolph, New Jersey

**DATE:** March 22, 2017  
10:00 a.m.

**MEMBERS OF COMMITTEE PRESENT:**

Assemblywoman Mila M. Jasey, Co-Chair  
Assemblywoman Sheila Y. Oliver  
Assemblywoman BettyLou DeCroce



**ALSO PRESENT:**

Rebecca Sapp  
*Executive Director*

Ivy Pomper  
*Executive Assistant*

*Meeting Recorded and Transcribed by*  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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**SENATE**

Hon. Ronald L. Rice  
Co-Chair

Hon. Diane B. Allen  
Hon. James Beach  
Hon. Patrick J. Diegnan  
Hon. Samuel D. Thompson

**ASSEMBLY**

Hon. Mila M. Jasey  
Co-Chair

Hon. Ralph R. Caputo  
Hon. Betty Lou DeCroce  
Hon. Sheila Y. Oliver  
Hon. David P. Rible  
Hon. Benjie E. Wimberly  
Hon. David W. Wolfe



**JOINT COMMITTEE ON THE PUBLIC SCHOOLS**

P.O. BOX 070  
TRENTON, NJ 08625  
(609) 847-3365  
FAX (609) 292-4912

**Rebecca Sapp**  
Executive Director  
[rsapp@njleg.org](mailto:rsapp@njleg.org)

**Ivy Pomper**  
Executive Assistant  
[ipomer@njleg.org](mailto:ipomer@njleg.org)

**MEETING NOTICE**

**TO: Members of the Joint Committee on the Public Schools**

**FROM: Senator Ronald L. Rice, Co-Chair  
Assemblywoman Mila M. Jasey, Co-Chair**

The Joint Committee on the Public Schools will hold a meeting on Wednesday, March 22, 2017, at 10:00 a.m. at the County College of Morris, 214 Center Grove Rd, Randolph, New Jersey.

The Committee will be receiving testimony from invited guests about issues including, but not limited to, cost and funding, policy and regulations, accommodations and modifications, and early intervention as it relates to special education.

**The public may address comments and questions to Rebecca Sapp, Executive Director, at 609-847-3365, or by email at [Rsapp@njleg.org](mailto:Rsapp@njleg.org)**

Issued March 6, 2017

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**ASSEMBLYWOMAN MILA M. JASEY (Co-Chair):** Good morning.

ALL: Good morning.

ASSEMBLYWOMAN JASEY: First of all, I want to thank everyone for making the trek, if it was a trek for you. I know there were a lot of traffic problems this morning, so I'm glad that everyone arrived safely.

I am Mila Jasey, Assemblywoman and Co-Chair of the Joint Committee on the Public Schools. You know, sometimes we get to leave Trenton and visit other parts of the state; and I think it's very valuable for members to do that.

I am joined -- I will be joined today by Senator Thompson, who is on his way; and Speaker Emeritus Oliver. Senator Rice, who is my Co-Chair, is really sick; you wouldn't want him here. (laughter) And he sends his regrets, and he will certainly get a transcript of everything that is said here today.

For those who are not familiar with the Joint Committee, the Joint Committee is made up of Senators and Assemblymembers; and we have "oversight" of all the public schools, which is a huge directive. And so what we try to do, each year, is focus on just a couple of issues. And this year we have focused on funding -- which continues to be a major issue -- and we also wanted to make sure that we gave time to special ed, because that's a huge issue for all of our constituents.

I want to give special thanks to Assemblywoman BettyLou DeCroce. BettyLou and I have worked together on a number of issues. And I'd like to say that when it comes to education, I really don't feel the

partisanship that we feel sometimes on other issues. We're very much of the same mind when it comes to educating our children.

And I also want to thank her for suggesting that we come here to the County College of Morris, and for making arrangements. And after the hearing, I'm looking forward to seeing the Center--

ASSEMBLYWOMAN DeCROCE: The Alex DeCroce Media Center.

ASSEMBLYWOMAN JASEY: The Alex DeCroce Media Center, named after her husband.

So I'm now going to turn over the mike to Assemblywoman DeCroce. And as the other members arrive, I'll give them a chance to say good morning.

But I do want to get started, because we have a lot of speakers. And I will warn you now that we're going to try to hold you to five minutes -- with maybe one exception -- so that everyone has time to put their testimony on the record.

If you have written testimony, please give it to us because we will have a transcript of the entire hearing, and that will be available to anyone who wants it afterwards.

BettyLou.

ASSEMBLYWOMAN DeCROCE: Thank you; thank you, Chairman.

And I am so happy today to be here at the County College of Morris with all of you. It's a great honor for me to be able to suggest -- and the Chair, Senator Rice, and Assemblywoman Jasey thought it was a great

idea. And they see what a beautiful college this is, and how lucky we are here in the County of Morris to have this jewel in the center of our County.

I'm a lifelong resident of Morris County; I grew up in Rockaway, and I live in Parsippany. And my son attended the County College of Morris. And certainly my late husband, Alex DeCroce -- who was a leader of the Republican Party -- was the -- he chaired and was on the Board of Trustees of the County College of Morris for many, many years. And as I said earlier to the Assemblywoman, my husband was the one who brought in and hired -- with the rest of the Board -- but was very instrumental in bringing Dr. Yaw here. So Dr. Yaw has always held a special part in our hearts.

So the County College is very important to the DeCroce family, to the County of Morris and, more importantly, to the State of New Jersey, because this is an exemplary college. And it shows what a county college can be; and the importance of it; and the affordability; and, you know, how we can work that into our higher education.

So on the Joint Committee-- I am very proud to serve on it. I have been on Higher Education and Education; and when I was moved off of those Committees, I particularly told my leader not to take me off the Joint Committee for the Public Schools. So, you know, I am in the receivership of four major committees that I sit on, and three minor committees -- which is a lot to sit on in Trenton. But it was very important to me.

And one thing that is very near and dear to my heart is special education -- and the Assemblywoman and the rest of the members know that -- as well as preschool and kindergarten for children.

So I'm an advocate for all of that; and I look forward to working with all the members of this Joint Committee, because that's the only way we can accomplish things that will benefit our children and all of us. And they are our future.

So I thank you all for being here today; and your input is very important to us. And we really do think about what you have to say, and we use it, and we can only be better ourselves with the people who surround us with suggestions. And we just can't think of everything; so certainly we take ideas and we fold them into our thinking as well.

So I thank you all for being here today.

ASSEMBLYWOMAN JASEY: Thank you, Assemblywoman.

And I probably should mention that as Chair of Higher Ed, I came to visit the County College of Morris. I've been trying to visit all of our colleges, which is not an easy task. But I was really impressed. And I think in many ways this County College is an example of what we should be doing at all of our county colleges; because the facilities are beautiful -- you see that -- but the instruction is excellent, and students who do well here do very well when they move on to a four-year.

So in terms of affordability -- and that's a huge issue nationally, and certainly here in the State of New Jersey -- the county colleges do play a very important role there.

All right; so we're going to begin this morning with Maria Schiano, Director of Accessibility Services here at the County College.

Is Maria here?

**MARIA SCHIANO:** (off mike) Hello.

ASSEMBLYWOMAN JASEY: Okay, Maria.

Would-- Yes, you-- Unfortunately, you have to sit with your back to people because it's being recorded so it can be transcribed.

MS. SCHIANO: Well, hello, everyone. (laughter)

ASSEMBLYWOMAN JASEY: Hello.

MS. SCHIANO: I'm Maria Schiano; I'm the Director of Accessibility Services here at the County College of Morris.

We recently changed our name from *Disability Services* to *Accessibility Services* to promote access to our students.

Varying semesters will determine our enrollment; but we average about 800 to 1,000 students through my office. They come in -- we receive their documentation, and we do an individualized intake for them so that they can learn their accommodations on a college level. And we also-- What's unique about the County College of Morris -- having worked at other community colleges in New Jersey -- we have our own facility to do accommodated testing. So we have about seven rooms and 18 seats to administer exams for students using technology and, of course, extended time. Last semester we did about 1,400 exams throughout the semester; and about 400 final exams in a week. So we are very popular; students are using us. I think it really promotes success.

And so the County College of Morris welcomes you. And I really am in favor of this type of meeting.

So thank you.

ASSEMBLYWOMAN JASEY: Thank you so much for coming, and for-- I did not know that. And I love the fact that you've changed the name.

MS. SCHIANO: Yes.

ASSEMBLYWOMAN JASEY: I like that.

All right; next up, Melanie Schulz, Director of Government Relations for the New Jersey Association of School Administrators; with Dr. Matthew Murphy, Superintendent, Ramsey Public Schools; and Dr. Gerard Crisonino--

**GERARD CRISONINO, Ed.D.:** Very good; thank you.

ASSEMBLYWOMAN JASEY: --Director of Special Ed, Jersey City Public Schools.

And they will be followed by-- Are they -- are your other members going to testify?

**MELANIE SCHULZ:** I think so.

ASSEMBLYWOMAN JASEY: Okay; so they'll be followed by Amy Henry and Monica Rowland; and then Joe Flynn and Janet Wright.

And we actually have a timer to kind of keep you-- So when you hit 30 seconds, you're going to get a yellow card waved by Ivy.  
(laughter)

**DR. CRISONINO:** It looks like a gong; we should have a gong.  
(laughter)

ASSEMBLYWOMAN JASEY: It's my League of Women Voters training, you know? (laughter)

Okay; Melanie.

**MS. SCHULZ:** Good morning, members.

Thank you for inviting NJASA to participate in this hearing on special education.

A number of our members, as you remarked, are here today; and with me is Dr. Gerard Crisonino, who is the Director of Special

Education in Jersey City. He's also, at NJASA, the Chair of our Special Education Committee; and Dr. Matthew Murphy, who is the Superintendent in Ramsey.

At NJASA we are constantly looking at special education and, in fact, have an entire committee devoted to looking at Federal and State policy. And we use this as an opportunity for our school leaders to come together and exchange both their challenges and their remedies. They learn a lot from each other in this space.

I want to just take a minute to talk about testing.

One of the things that we've talked about -- and I've talked about with a few of you from time to time -- is, we feel that the IEP that informs a student's instruction should also inform their assessment. More often than not, students are forced to take an assessment based on their age and not their IEP. Now, that doesn't necessarily mean that they would take a lesser grade. But if their IEP informs that they're on a 5th grade level of instruction, and they're chronologically a 7th grader, it's of no value; and extremely frustrating for students, their parents, and the teachers for them to be forced to take an assessment on material that they have not covered.

Using the IEP to inform the assessments would provide the students and the parents with information on their progress; and the teacher would know if the strategies that they were using were of value or not, and would be able to course-correct at that time.

On funding: There were-- In August 2015, there was a final report from the New Jersey Task Force on Improving Special Education for Public Schools Students which, in fact, was a legislative initiative. In my testimony you will see talk about a recommendation on how students

should get related services. And so one of the things that I wanted to say was that special education costs are rising at the rate of 6 to 8 percent a year. This rise beyond the cap causes resources to be reallocated from general to special education programs.

We educate all children, regardless of their ability or disability. But we ask that the Legislature do a deep dive on special education costs when considering a new funding method -- whether you decide to do a new formula, or amend SFRA.

On placement: Again, I refer to a recommendation from the Task Force. And we would add that the first step for placement should be through the utilization of the expertise of the Educational Services Commissions, jointure commissions, or special services school districts. These are well-positioned organizations that would have information not only about what placements are available in their immediate area, but also, and most importantly, provide appropriate special services that are not available in all local school districts.

And then finally, on transportation: We hear from a lot of districts on issues with transportation, so this problem is not limited to special education transportation. But it is worth noting that both finding drivers, as well as the spiraling costs, are putting yet another financial demand on already over-stressed school budgets. We would recommend that the Legislature take an in-depth look at these costs when considering a new funding mechanism.

And that is my testimony.

I would like to hand it over to Dr. Crisonino now.

DR. CRISONINO: Good morning.

ASSEMBLYWOMAN JASEY: Good morning.

DR. CRISONINO: I'm honored to speak before this esteemed Committee on the matter of special education services in our New Jersey public schools.

First, by way of introduction, let me tell you a little bit about myself. Currently I am the proud Director of Special Education in the Jersey City Public Schools, representing 4,000-plus students with disabilities. I am the recipient of the 2015 New Jersey Special Education Administrator of the Year Award, as well as a representative of special education on the New Jersey School Boards' Special Education Committee and the Committee of Partners on the Every Student Succeeds Act, known as ESSA.

Moreover, I Chair NJASA's Subcommittee on Special Education; and it is in that capacity that I come before you today.

As you are cognizant, New Jersey currently has approximately 250,000 students who receive special education services on a daily basis. Despite learning, physical, or behavioral challenges that often impede their school progress, they possess a myriad of strengths and talents that equal, or oftentimes exceed, their typical peers.

However, for many the realization of their dreams can only be met through the delivery of specialized programs that target their individualized needs, while fostering their unique growth; and this is our challenge.

Today I would like to address what I believe are three areas of concern to not only those students and families, but to the thousands of

hardworking, dedicated professionals who toil each day in the quest to ready our students for a productive life.

Specifically, I would like to address the funding of programs and services; the importance of preparing our students for post-secondary success in a very competitive world that oftentimes values uniformity over individuality; and finally, the need for a more fair and educationally useful statewide assessment to drive instruction.

Having served on my local Board of Education for the past 13 years, I am acutely aware of the financial burdens placed upon both the taxpayers and local educational agencies as escalating costs and unfunded mandates tax our fiscal resources at an even greater rate. While the ever-rising cost of delivering a free, appropriate, public education to students with disabilities can exhaust a significant amount of a district's budget, it cannot be ignored that anecdotal evidence suggests that the complexity of the disabilities of students has dramatically increased over the past years. Indeed, the need for individualized aides for such issues as mobility; the need for in-school individualized nursing services; and the increased demands of occupational, physical, and speech therapy to assist the student in his or her daily school functioning -- when, of course, one can find such professionals -- enables our students to receive their instruction in the least restrictive environment. And this has exponentially driven the cost of educating these students to new levels.

Although as professionals and advocates for our students we welcome the ability to provide the necessary tools for most of our students to remain in inclusive settings, funding issues often complicate the provision of such services. I am aware of one particular district that

expended over \$1 million in individualized nursing services last year, reflecting a 75 percent increase over the past few years, in order to maintain students within district settings.

Complicating this is the ever-increasing rise in out-of-district tuition rates -- sometimes up to 10 percent a year -- for those students whose disabilities are so significant that providing an in-district education would be prohibitive. Thus, despite most school districts having created local program options that allow their students to remain in their home schools, resulting in less students being enrolled in out-of-district schools, their budgets see no relief due to escalating out-of-district tuitions that far outpace the normal rate of cost increases. Hence, these spiraling tuition rates, coupled with the rapid rise in high-priced related services to meet many a student's physical and learning demands, necessitates the importance of maintaining an adequate funding formula that affords our most vulnerable children a parallel educational experience.

Secondarily, while the aforementioned allows for equitable educational options, one must examine whether our educational philosophy truly readies our students to become productive members of our community; which is our ultimate goal.

Specifically, I call into question the frequently quoted education mantra of "preparing our students to be college and career ready." While none of us would argue that, ultimately, this does need to be the focus of our schools, I oftentimes wonder if the educational pundits do not really mean-- (bell rings)

Okay.

ASSEMBLYWOMAN JASEY: Just wind up.

DR. CRISONINO: Okay; I have a couple of more pages. Should I just go on here?

ASSEMBLYWOMAN JASEY: Can you just summarize?

DR. CRISONINO: Okay.

ASSEMBLYWOMAN JASEY: Because I think a lot of the points that you're making we're going to hear from other people as well.

DR. CRISONINO: Right; and you actually have a copy of my testimony.

ASSEMBLYWOMAN JASEY: Yes.

DR. CRISONINO: Basically, what I'm calling for is more career options in the public schools for students with disabilities. We went away from that years ago.

ASSEMBLYWOMAN JASEY: Yes.

DR. CRISONINO: Many of the students are not going to follow traditional college careers, and I think that we need to look at that.

And finally, the PARCC assessment -- which, as Melanie said -- really is not reflective of students with disabilities' capabilities.

ASSEMBLYWOMAN JASEY: Right.

DR. CRISONINO: We need to look at a more adaptive measure, such as -- with students with more cognitive intellectual disabilities -- follow the DLM, which is an adaptive measure. I'm not advocating for the DLM; I am advocating that we look at an instrument that really would more drive instruction. Because, right now, the PARCC does not help a teacher assess what their students need; in addition, be less stressful for the students and really help them focus more in their assessment.

Thank you.

ASSEMBLYWOMAN JASEY: Thank you.

And actually, if you have written testimony, it will go into the record, into the transcript completely. So if you're able to summarize your testimony, rather than read it all to us, that would be appreciated.

Thank you.

Yes.

**MATTHEW J. MURPHY, Ed. D.:** Thank you; good morning, everyone, and thank you for this invitation.

And first, I want to thank you for serving. I come from a family that has run for office and served their constituents; I know it's not easy to do. And in today's culture and climate to serve in public office -- doesn't get enough gratitude. So thank you--

ASSEMBLYWOMAN JASEY: Thank you.

DR. MURPHY: --on both sides of the aisle.

ASSEMBLYWOMAN JASEY: I appreciate that.

DR. MURPHY: Let me just summarize my points.

I am a Superintendent; I was an elementary school teacher and Principal. So my perspective is a little bit different than others.

And I come from this from a point of trying to provide feedback, with suggestions. It's not from a critical point of view.

I first want to begin by saying that I encourage you to look at the certification process for our special education teachers. It is becoming nearly impossible to find teachers who are highly qualified and certified in special education. The intent is well-intended; I get it. But we are all scrambling, especially in the middle and high school areas. So I implore

you to look at the certification process. We're just not finding the teachers with the proper certification. So that's number one.

And again, I'm coming from a Superintendent perspective here, which is just trying to keep it real, okay?

Number two, the enormous amount of paperwork that is coming our way. I know this has to do with litigation; I know it has to do with lawyers and advocates. But it's taking away time, from our professionals, in which we're not spending in the classroom, writing lesson plans, differentiating instructions, counseling. So there has to be a way that we look at that, jointly, so teachers can just get back to what their passion is, and that is teaching. So if there is something we can look at in that, I would love that.

I also encourage you to look at the role of health insurance in helping to alleviate costs; and I mean this from a good place in my heart. Schools are responsible for things like speech therapies, and physical PT, and OT. Is there a way that we can team up with the health insurance companies to help alleviate those costs? Because the burden is on the schools to provide those services, I just suggest logic may say that's really the role of insurance and health insurance.

ASSEMBLYWOMAN JASEY: That's actually a question I've often wondered about.

MR. MURPHY: Okay.

ASSEMBLYWOMAN JASEY: Okay.

ASSEMBLYWOMAN DeCROCE: That's a good idea.

MR. MURPHY: Okay; I'm going to leave. I have one good idea. (laughter)

ASSEMBLYWOMAN DeCROCE: No, you have another that you hit on.

MR. MURPHY: I'm going to pull a George Costanza. (laughter) Okay.

ASSEMBLYWOMAN DeCROCE: You're getting many here.

MR. MURPHY: And then, you know, another suggestion I have is making access to the Division of Vocational Rehabilitation -- DVR -- and the Division of Developmental Disabilities more available and easier for us to access. They are tremendous agencies; they are wonderful. I think the attention that we're spending -- the spotlight on our 16- to 21-year-old population is wonderful. But if there could be just greater access; and it's just a little bit difficult to navigate on the K-12 public end. And I'd be more than willing to help with that. But we just need-- Again, great agencies; they want to help us. It's just harder to work together just because of the bureaucracy, so to speak.

And then lastly, this is a theme that you're going to hear, over and over again, and that's budget, right? So the Federal government reimburses us about \$1,800 for special education students; and we know that costs are rising. Reimbursement -- I know extraordinary aid is tough. But with the increase in costs, with a 2 percent cap, the money is coming from somewhere else. And we are just-- Whether it's you're putting off capital improvements another year; you're not investing in your arts program like you would want to; you're not expanding your gifted and talented, or your preschool, or your afterschool program. And what happens is, it pits good people against each other. And we all want what's best for kids, but we have to solve the budget funding.

Thank you very much.

ASSEMBLYWOMAN JASEY: Thank you.

DR. CRISONINO: Thank you.

ASSEMBLYWOMAN JASEY: All good points.

I'd like to take a moment to welcome Speaker Emeritus Oliver here.

Thank you.

Would you like to say few words?

ASSEMBLYWOMAN OLIVER: No; I'll just-- We're pleased to be here.

ASSEMBLYWOMAN JASEY: Use the other mike.

All right; thank you so much.

Next up--

ASSEMBLYWOMAN DeCROCE: Can we ask a question, you know? Just make a comment?

ASSEMBLYWOMAN JASEY: Yes, sure, go ahead and make a comment.

ASSEMBLYWOMAN DeCROCE: You know, one thing that I wanted to say, pertaining to the certification of teachers for special education -- has been a discussion that we have talked about down at the State House. And it has been talked about that when a teacher graduates, that that be a requirement of every teacher to have that certification -- with the certification that they need -- so that they can be utilized and moved around; so that they could understand and be able to offset the demand that is there.

So that's something we've talked about; and I think we will continue to look at that very closely, and try to deal with it.

ASSEMBLYWOMAN JASEY: You're absolutely right.

Next up, Amy Henry, Monica Rowland, Joe Flynn.

Actually, let's bring up two -- we can bring up three; and you can use the two mikes, yes?

**J O S E P H E. F L Y N N:** (off mike) Madam Chair, if it's okay.

Janet Wright is on her way, so-- I'm Joe Flynn.

ASSEMBLYWOMAN JASEY: Okay, so you want to wait?

MR. FLYNN: Can we? Is that possible?

ASSEMBLYWOMAN JASEY: Sure, yes.

MR. FLYNN: Okay.

ASSEMBLYWOMAN JASEY: Absolutely.

**A M Y H E N R Y:** (off mike) I'm Amy Henry. I'm actually--

ASSEMBLYWOMAN JASEY: Amy.

MS. HENRY: Hi; I'm Amy Henry.

ASSEMBLYWOMAN JASEY: Okay.

MS. HENRY: I'm from Netcong Elementary School. I'm actually here in place of our CSA, who could not attend--

ASSEMBLYWOMAN JASEY: All right.

MS. HENRY: --so I don't have anything prepared for you today.

ASSEMBLYWOMAN JASEY: That's all right.

MS. HENRY: But just -- I want to thank you for speaking about this today; and being up in our area, which has made it easier for me to attend.

We are a very small district; we are one building, 300 students, pre-K to 8. So while we have-- Even though we are smaller, we have the same kind of difficulties. As our special ed numbers increase, being able to provide the right services -- financially, as well as staff-wise -- is always-- Being creative has become what we need to do to make sure that they're all serviced and get what they need.

ASSEMBLYWOMAN JASEY: Right.

MS. HENRY: But that's about all I have.

Thank you.

ASSEMBLYWOMAN JASEY: Do you have any questions for Amy?

ASSEMBLYWOMAN DeCROCE: No; just that, you know, something that I'll just add.

When we're looking at school funding right now; and it has been addressed in-- I've received a lot of phone calls and e-mails in my District Office to really take a good hard look at the costs for special education to be outside of the regular budget.

So I think, going forward, that's something we should seriously look at and try to figure out. Because the growing costs, as expressed today, and the overall cost -- especially a student who is in serious special needs -- we have to be there to take care of. But it does cost, and it does throw off a budget. So I think that, going forward, I would hope -- I think this Committee will take a look at those suggestions that have been coming into, I'm sure, your offices, as well as mine.

ASSEMBLYWOMAN JASEY: Yes.

MS. HENRY: Thank you.

ASSEMBLYWOMAN JASEY: Okay; thank you, Amy, and thanks for coming.

Marybeth Beichert -- I think I saw you; and Betsy Ginsburg. Would you like to come up together?

Oh, sorry. Marybeth, are you bringing someone with you?

**MARYBETH BEICHERT:** (off mike) Camy.

ASSEMBLYWOMAN JASEY: I apologize.

**ELISABETH GINSBURG:** We'll wait.

ASSEMBLYWOMAN JASEY: There's a lot of--

MS. BEICHERT: We can share. (laughter)

ASSEMBLYWOMAN JASEY: --a lot of names here.

No, we'll bring-- Betsy, you guys will come up right after them.

MS. GINSBURG: Okay; that's fine.

ASSEMBLYWOMAN JASEY: Thank you.

All right.

MS. BEICHERT: Good morning.

ASSEMBLYWOMAN JASEY: The floor is yours.

MS. BEICHERT: All right.

Good morning, members of the Committee, and thank you for having us here today.

I'm Marybeth Beichert, an Associate--

ASSEMBLYWOMAN JASEY: Can I just ask, is your mike on?

MS. BEICHERT: I don't know.

ASSEMBLYWOMAN JASEY: Can you hear her in the back?

UNIDENTIFIED MEMBERS OF THE AUDIENCE:  
(Indiscernible).

ASSEMBLYWOMAN JASEY: Okay, all right. Just lift it a little bit.

Good; all right.

MS. BEICHERT: Hello; better? Yes? Hi.

ASSEMBLYWOMAN JASEY: Okay.

MS. BEICHERT: Okay.

I'm Marybeth Beichert; I'm an Associate Director of Government Relations with the New Jersey Education Association.

And I'm here today with my colleague and special education expert, Camy Kobylinski, an Associate Director of Professional Development and Instructional Issues.

And we want to thank you for bringing us together today to have this discussion about issues surrounding special education.

Both Camy and I have had the honor of working with students with special needs in our professional careers. I was a literacy teacher -- an 8th grade literacy teacher who taught inclusion for most of my career; and Camy served as a social worker on her school district's child study team.

So we want to just let you know that we have a few issues that we would like to address today, if possible; and what we believe in, as an organization.

And first and foremost, we believe that all students are entitled to a free, appropriate, public education in the least restrictive environment, as determined with parents and teachers.

We also believe that teachers who serve our special needs students are entitled to really have the opportunity to collaborate with any and all resource personnel. And that can include instructional aides,

paraprofessionals, co-teachers, special education teachers, and other appropriate resource service providers, as needed.

Unfortunately, inadequate school funding has had a negative impact on our special education students. And we must protect them, and consider the unintended consequences that subcontracting has on these students. So we're going to be speaking about that.

So first we'd like to talk about the fact that -- collaboration and the importance of it for our special needs students.

Educating students is the job of every staff member in a building, regardless of who they are or what role they play. And we feel that our education support professionals are essential to everyone who has ever worked in a special needs environment. And just like many of you have your staff to help you do your job well, our teachers really need that time to discuss and collaborate with their *helpers* -- as we call them -- to make sure that they can figure out what it is that their students need on a daily basis. And when we know that our teachers, and our paraprofessionals, or our teaching assistants have the chance to come together to talk about what students need, the day goes seamlessly; and we're able to ward off any types of unnecessary distractions or meltdowns that our students may be experiencing.

It's also written in code. And we've given you one of our little -- our tricks for our members, *Where in the Regulations*, that we use to train and educate our members on the regulations. And Camy will be able to answer any questions you have on that, because she does trainings with our special education members, and paraprofessionals, and teaching assistants throughout the year, all over the state. So she's really your expert.

But it is written in code; and we feel that because it's in code, it's not necessarily enforced the way it should be. And unfortunately, we know that our teaching staff, and our paraprofessionals, and instruction leads are not being provided with the opportunity to collaborate on a daily basis. It's done in some districts, but not in others; and there is no consistency. And we feel that is a major problem.

And Camy wants to speak to you, particularly about some experiences she has had over the past several months.

**CAMY KOBYLINSKI:** Thank you.

So I'll just give you one example.

Recently, I presented a workshop about special education regulations to a group of paraprofessionals. And they shared their wonderful stories about their classroom experiences and their role in the school community. And they spoke about their strong desire to collaborate with each other, with their teacher partners, and with other professionals in the school.

Since they do not have time built into their day, they were strategizing about ways to get that time. They were considering coming in early or catching up with their colleagues during a lunch break -- all in an effort to meet student needs.

I hear similar stories as I travel throughout the state. Even last evening, I heard the same type of concerns.

And our members' efforts to meet students' needs are admirable, but they should be supported, and they should not have to face financial hardships in order to do so. Scheduling is always a challenge, but it is possible when collaboration is the priority. It is unreasonable and

onerous to ask support staff to come in early or stay late, and districts can and should provide a common period for teachers and other staff to work together.

MS. BEICHERT: And we feel -- just like we've heard our previous speakers up here -- that school funding is an issue. And in the 2015 New Jersey Task Force report on students with special needs in the public schools, NJEA agreed with their recommendation that students should -- we should be calculating special education costs and utilizing the actual classification rates that we have. That is really important. And an outside, independent audit also concluded the same thing.

So those are areas that we think could help make sure that we are able to provide the resources that our schools need when they want to make sure that collaboration is part of the school day.

You know, we gave you a one-page paper on school funding and special education; we think it's helpful. We know that's not an easy discussion for the State to have, but it really does have to be discussed and we have to look at this. Because one of the problems we see is because of the costs -- and we've heard this previously -- is that insufficient funding is really trickling down to what's actually happening in our classrooms; and that is the danger students face when they are faced with the idea of subcontracting.

So subcontracting, privatization, and outsourcing not only make collaboration impossible, but it really demoralizes our staffs and it undervalues the need for what it is we're trying to do with our students. So we would ask that the Legislature seriously look at that if we are to provide really strong, authentic services to our students in the best possible way.

And the bottom line is that schools cannot function without strong relationships. And our paras, our teachers, all of our educational support professionals provide a service that really needs to be valued. And we're finding, more and more, that our education support professionals are the ones who are always on the chopping block when it comes time for budgets. And we see the importance of it because parents come out in support of those people, because they do not want strangers taking care of their students. So we would ask that you look at that.

And we would also ask that, going forward, the Legislature really look at the school funding formula, and look at it to make sure it's implemented the way it was supposed to be. And that you can-- Remember, that all school employees -- whether they are teachers or educational support professionals -- spend their days really working to make our students as successful as possible.

And we thank you very much.

ASSEMBLYWOMAN JASEY: Thank you.

Members--

Yes, Speaker Oliver.

ASSEMBLYWOMAN OLIVER: I have a question.

Many school districts will identify, during the course of the calendar, professional development days. Why is it that districts are not -- within the context of those professional development days -- creating the opportunity for paraprofessionals and teachers to convene together? It seems to me that that would be the natural thing to do. That's part one.

Then, knowing that we have a challenge in recruiting and retaining special education teachers, do we have any opportunities -- be it

through our State educational institutions, or at individual districts -- to support those paraprofessionals, who have an interest in furthering their career, obtain baccalaureate degrees and seek certification in order to expand the pipeline? Do you know of any initiatives like that, that are existing?

MS. BEICHERT: I would say that's probably done on a school-by-school basis, and depending on what the board can really put out there as a way to make that happen. And I think the problem-- We do have some ESPs who want to further their career and, unfortunately, they have to do it on their own.

ASSEMBLYWOMAN OLIVER: Okay. So perhaps that's something, going forward, the Legislature can examine.

MS. BEICHERT: Yes.

MS. KOBYLINSKI: Right.

ASSEMBLYWOMAN OLIVER: Because as you know, during the Whitman Administration, when we began to create pre-K in certain districts, we had the challenge of credentialing paraprofessionals. And we had a strategy, and a plan, and we appropriated money to get that done.

MS. KOBYLINSKI: Yes, correct.

ASSEMBLYWOMAN OLIVER: So I think one of the things, Madam Chair, we could put on our bucket list is further examining opportunities for paraprofessional development.

MS. BEICHERT: Right. And many of our paras do have college credit behind them. They have to take a test in order to -- sometimes, to gain employment; it depends on what the school district is looking for. But certainly there are also plenty of paras who do have their

teaching certificate, and have not been able to find employment. So they start off there, they get a good feel for what it's like to work in that type of a setting, and then they move on, hopefully.

But when it's married well together, it's unbelievable. And unfortunately, it's not always married well.

ASSEMBLYWOMAN OLIVER: I have one other question, and I'm asking this of you because NJEA touches districts all across the state.

I'm very interested in knowing -- are we doing any longitudinal tracking of our special education population in the state, post-graduation or completing from their K-12 experience? It seems to me, for us to perfect and improve our system of delivery, we need to be looking at the outcomes of the children that we have educated. Is any of that going on, to your knowledge?

MS. BEICHERT: To my knowledge, I don't know; but I could find out from our Research Division for you.

ASSEMBLYWOMAN OLIVER: Okay.

ASSEMBLYWOMAN JASEY: That's a really good question.

ASSEMBLYWOMAN DeCROCE: It is.

MS. BEICHERT: Yes, we'll find that out.

MS. KOBYLINSKI: Did you want me to answer the first question about PD days?

ASSEMBLYWOMAN OLIVER: Yes.

MS. KOBYLINSKI: So I think that's happening in some places; not in all. And part of that is a financial commitment to bring the

paras in. They're typically not salaried employees, so they're paid hourly. So that may be part of the issue.

But also we're talking about a collaboration on a more regular basis, besides those days. But that-- Yes, that would be a good start, if it isn't already happening in some districts. We are looking for something that's a little bit more regular basis.

ASSEMBLYWOMAN JASEY: These are good points.

And I would add to what Speaker Oliver was talking about; one of the concerns that I have, going forward, is as our school population grows and our teaching population -- our teachers age and retire, I'm very worried about the fact that we may not have enough teachers -- enough people choosing to teach, given the battering that the profession has endured. So this is something that I think the Legislature certainly could play a positive role in, hopefully.

MS. BEICHERT: We would agree.

And as a final note, we invite all of your Committee, if they would like to serve as a paraprofessional or a teaching assistant with one of our school districts, come in and pinch-hit for a day.

MS. KOBYLINSKI: Yes.

MS. BEICHERT: Where you can shadow a teacher, in that type of situation, and a paraprofessional to see the difference -- what it's like. But it's a really good program, and we welcome everyone.

So come on down.

ASSEMBLYWOMAN JASEY: Thank you.

ASSEMBLYWOMAN OLIVER: I have to share with you a little funny story.

I had the opportunity to do that in a Newark school. And it was a lovely experience; the children were great. And as I was leaving the classroom, a little boy ran up to me and gave me a piece of paper. And I opened up and he wrote a note for me.

Now, you have to be a *generation Xer* to relate to this, but there was a rap song that was popular; and it was called “Mama Said Knock You Out.” And when I opened the note, the little boy -- and he really -- he was expressing to me how he enjoyed me being there.

MS. BEICHERT: Right.

ASSEMBLYWOMAN OLIVER: When I opened the note up, he said -- it said, “Mama said knock you out.” (laughter)

MS. BEICHERT: And those are the stories we love, right?

ASSEMBLYWOMAN OLIVER: So I had a great experience; I did.

MS. BEICHERT: Thank you; and share it on.

ASSEMBLYWOMAN JASEY: Thank you.

Betsy Ginsburg and Jordan Schiff.

MR. FLYNN: (off mike) Madam Chair, Janet Wright is here; so whenever you're--

ASSEMBLYWOMAN JASEY: Okay, we'll come back to you after.

MR. FLYNN: That's perfect.

ASSEMBLYWOMAN JASEY: Thank you

MS. GINSBURG: Good morning.

I'm Betsy Ginsburg, Executive Director of the Garden State Coalition of Schools.

I have a very few words, because I have someone much more eloquent here with me -- Jordan Schiff, the President of Garden State Coalition, who is also Superintendent in Hillsborough.

But I just wanted to say that, you know, there is nothing that divides groups of people who otherwise might be allied with each other more than lack of resources. And special education has had diminishing amounts of resources -- just like regular education, but more so -- for a number of years.

Assemblywoman DeCroce mentioned extraordinary aid for cases over \$40,000. The amount of remuneration that districts receive from the State for extraordinary aid has declined, since 2012, from over 70 percent to about 55 percent, just as the number of cases has surged. That's just one area where special education funding has declined.

And with overall aid to education being held flat -- now going into the seventh year -- barring last-minute miracles, this creates a situation where groups of people, who all have the best interests of children at heart, who serve children-- And we have to remember that every single child falls somewhere on a vast spectrum of abilities and gifts. Some of them we call *special education*, but they're all somewhere on that spectrum.

Lack of funding creates artificial distinctions. It creates polarization in communities. It all comes back to resources. We can discuss how resources are allocated; but if the resources aren't there in the beginning, our discussions are really academic.

So at Garden State -- we were part of the commission that produced that report in 2015 -- special education has been a signature issue for us for many years. We hope that in your discussions about the funding

formula at large, and special education in particular, you will remember that people get into discussions about a loaf of bread; but they get into really nasty fights about the crumbs. And right now in education, we're fighting about the crumbs.

And with that, I will hand you over to Dr. Schiff.

**JORDEN SCHIFF, Ed.D.:** Thank you, Betsy.

And thank you for inviting our comments today.

My name is Jordan Schiff; I'm the proud Superintendent of Hillsborough Township Public Schools. I also serve as President of the Garden State Coalition of Schools, and I am the Chair of the Legislative Committee for NJASA.

Special education is near and dear to my heart. I started my career as a special educator, working with emotionally disturbed middle school boys at a residential facility in central New Jersey. And it was that experience that solidified in my mind that I wanted to spend the rest of my professional career educating kids.

I have been a passionate advocate for special education students as a teacher, as a vice principal, as a principal, as an assistant Superintendent, and a Superintendent in two districts. And I can say to you that the passion that I have does not belie the fact that we're at a very serious crossroads right now. We are at a point in New Jersey public education that special education dollars -- which are some of the most important investments that we're making for our neediest children in this state -- are chasing other dollars in our budget.

And it's not a matter of philosophy or priorities; it's a matter of arithmetic. You can't put five pounds into a two-pound bag. And that's

what we're faced with now; a combination of flat State aid funding-- And by the way, in Fiscal Year 2018, a billion dollars -- a billion, with a *B* -- of new spending is coming out in the State budget; \$16 million is going to direct aid to public schools -- \$16 million, out of \$1 billion of new spending. It speaks to our priorities as a State, doesn't it, when that funding that goes directly to our children is so underrepresented in the budget that way.

Garden State doesn't wish to just identify the problems; we wish to provide some solutions. And we have three solutions in my testimony; I've outlined them.

The first solution is to provide greater opportunities for school boards to make decisions about how to spend money. I was so heartened to hear you say that there are conversations about taking special education out of cap. I think that's very important in concept to do it. My suggestion -- our suggestion is that we allow for automatic adjustments in a school district budget -- that a board would approve or disapprove, but at least they have the choice to do so -- to pass along costs to the local taxpayers, that are outside of the board's control, in special education above 2 percent. We do that now for health care. There's a recognition by the Legislature, and by the Governor's Office, and by the DOE that there are certain costs that are outside of a board's control. And rather than say, "We're going to increase class sizes in order to pay for health care," local school boards are saying, "Well, we can pass along that cost if we need to." Special education needs to be framed in that context as well.

Two other ideas, both cost savings; one was briefly mentioned before by one of my colleagues. We have a program for children who are on

Medicaid called the *Special Education Medicaid Initiative*, or the *SEMI* program, which allows for certain special education costs to be reimbursed through Medicaid. Why can't we do that same type of program for people's private insurance funds? There are certain funds -- like nursing services, which have been discussed today, OT, PT, speech and language, certain amounts of testing -- that our private insurance carriers already cover; already cover, but the local property taxpayers are paying for those expenses.

Our suggestion is that there would be a requirement that a parent submit the claim for those types of services first, and ensure that the local school district picks up any out-of-pocket expenses.

But there needs to be a caveat to that. We have to protect parents of special needs children from predatory insurance carriers that would increase the premiums as a result of having a special needs child. That's a violation of the law that can't happen. So there needs to be legislative impact on that.

And the last idea for cost savings is to take a look at the ESC, the Educational Services Commissions, whose mission is, in part, to provide for services that are not provided in the local district. I have submitted to you a cost differential, going through program by program -- that was presented to the Somerset County Superintendents' Roundtable by the Superintendent from the ESC for Somerset County -- who has equivalent programs, to very expensive out-of-district programs that are run by private and for-profit organizations.

And you can see that, by child, those differences are in the tens of thousands of dollars. We can save a great deal of money; we can still

make sure that we educate all children, regardless of ability or disability; but we need to make adjustments. We're at a very serious crossroad.

Thank you.

MS. GINSBURG: Thank you.

ASSEMBLYWOMAN JASEY: Thank you.

And I especially appreciate the crumbs analogy; and also the five pounds to two pounds.

ASSEMBLYWOMAN DeCROCE: Yes.

ASSEMBLYWOMAN JASEY: You know, that helps me visualize and remember your points. So I appreciate that.

Members, any questions, comments? (no response)

Okay.

DR. SCHIFF: Thank you.

ASSEMBLYWOMAN JASEY: Thank you so much.

MS. GINSBURG: Thank you.

ASSEMBLYWOMAN JASEY: So we're going to go back to Amy Henry, Monica Rowland-- Is that correct? Joe Flynn and Janet--

Wait a minute; I'm sorry. I have too many messages here.

Amy Henry we've already heard from; right. Monica Rowland; is Monica here? (no response) No?

Okay.

MS. SAPP: Janet Wright.

ASSEMBLYWOMAN JASEY: Joe Flynn, Superintendent. Would you like to come up with your folks? Okay.

MR. FLYNN: (off mike) So Sarah Bilotti is Superintendent of one of the regional schools in Warren County.

ASSEMBLYWOMAN JASEY: Okay.

MR. FLYNN: And I'm a Superintendent at one of the smaller K-8 districts in Warren County.

ASSEMBLYWOMAN JASEY: Right.

MR. FLYNN: And Janet Wright is the Child Study Team Director at North Warren.

ASSEMBLYWOMAN JASEY: Okay; great. Thank you.

Sorry for the confusion.

MR. FLYNN: That's okay.

ASSEMBLYWOMAN JASEY: Glad that you made it safely.

**S A R A H B I L O T T I:** Thank you.

ASSEMBLYWOMAN JASEY: All right; the floor is yours.

**J A N E T W R I G H T:** First, of course, thank you very much for hearing us. We really appreciate you taking the time to listen to our concerns.

ASSEMBLYWOMAN JASEY: Bring your mike a little closer there.

MS. BILOTTI: Oh, sure.

ASSEMBLYWOMAN JASEY: There.

MS. BILOTTI: Here, I'll scoot up. Is that--

ASSEMBLYWOMAN JASEY: Yes.

MS. BILOTTI: Okay.

I wanted to just say, first, that I do agree with all of the statements that were made so far by our colleagues, especially the comments regarding health insurance. It's our belief that the only way to reduce costs is to mandate that the State health plan system consider plan

design changes. We feel that that language is important to consider, and is the only way to ultimately reduce the costs that are burdens for our taxpayers with regard to health insurance.

I want to say that we at North Warren Regional are a regional school district in a rural area in northwest New Jersey. Our budget is obviously capped at 2 percent, and we follow all accountability guidelines so that our costs are kept in check. We are also held to the quality single accountability standards for our operations and our curriculum.

We ask that the Committee consider that private schools for students with disabilities, that have been approved by the DOE to operate within the state, be held to the same accountability standards for both their budget and their curriculum and operations. The schools with whom we work have raised their tuition in excess of 10 percent every year for the last two years. They are not held to the same accountability standards for budget or curriculum, and this negatively impacts our students and our district.

The suggestion of allowing extraordinary special education costs to be an exception to the 2 percent cap would also help address this from a budgetary standpoint.

We also are in the position -- as others have testified -- that the new criteria for bus drivers is negatively impacting our ability to find drivers, and is impacting programs. We were unable to run late buses this year due to the shortage of drivers in our rural area.

Lastly, I would ask that the Legislature again consider moving away from the ALJ dispute process and toward a panel process, such as what is in place in our neighboring states of Pennsylvania and Delaware.

Thank you.

ASSEMBLYWOMAN JASEY: Before you go further, can you just go back to the driver situation -- bus drivers.

MS. WRIGHT: Yes.

The situation is that there's -- criteria for certifying bus drivers has changed within the past year. We work with local companies to provide our buses. We're very rural; we're basically the northernmost point in Warren County. And so our county, and Sussex County, I think is being more greatly impacted by this. We were not able to run late buses; we have had to be very creative in sharing buses for athletic programs due to a shortage of bus drivers. And it's not a shortage of people willing to be bus drivers; it's just a backlog with regard to certification.

ASSEMBLYWOMAN JASEY: When you say *backlog* -- is it an unwillingness to do it, or is the paperwork or the process?

MS. WRIGHT: I think it's a bureaucratic process. We don't run our own buses; we contract. But the feedback that we're getting from our bus companies is that they have drivers who are willing, but there's a delay of between one to three months, sometimes more, before those new drivers can become certified drivers.

MR. FLYNN: So the gap to that is they can sit for their written exam, their written exam has been -- there's a greater intensity to that exam, where they need to understand more things on the mechanics of the bus. So when they are ready to do their road test, the gap between taking the test and the road test -- where it was, maybe, a month -- is now extended out at a greater length of time; it could be in excess of six months.

So if you hire a driver in August or September, you may not be able to have them on the road until March; and that doesn't do you any good in there.

ASSEMBLYWOMAN JASEY: And this is the State?

MR. FLYNN: It is at the State level.

ASSEMBLYWOMAN JASEY: Okay; the State is not processing the results and moving the process along.

MR. FLYNN: I think it's scheduling the road test, if you will. And they are working on it. I know they're trying to shorten that gap, and there has been work on that. It just is challenging for us right now.

ASSEMBLYWOMAN JASEY: Okay; thank you.

MS. WRIGHT: Thank you.

MR. FLYNN: So I'm the Superintendent of Allamuchy Township School District, which is a K-8 district in Warren County, neighboring North Warren. I am a resident of the County. I did serve on a school board; I served as a Township Committeeman. So I understand, from the legislative part of it, some of the restrictions and some of the hand-tying that you have on your end.

As a Superintendent, one of the things that is challenging for us, as a small district -- especially with regard to special education costs -- is a 2.5 percent fund balance for a \$10 million budget is about \$250,000 to \$260,000. We have one special ed student move into the district, outside of that snapshot of October 15, it could cripple our budget. We take that surplus out, of \$100,000, for placing a student out of district; and we're transporting that student. And when that student comes to us after October 15, that IEP is already written; that placement has already been made.

So from district and planning purposes, for those smaller districts -- K-8s, that are somewhere between \$8 million and \$15 million to \$16 million -- being able to take the special education outside the cap would absolutely allow us that opportunity to plan better.

In addition to that -- and I know it's not before this Committee, but in terms of the reserves that we're allowed to utilize -- and that is at the Department of Education -- there's very, very restrictive ways that you could spend that money. And if we were able to plan, like you would plan at your house, we'd be able to have that money to offset and not damage that operating budget as quickly -- as seriously as it might happen.

In addition, I would concur on the paraprofessionals; being able to provide professional development for paraprofessionals outside of the school day is difficult. Finding substitutes during the school day, or within that timeframe -- those are opportunities, but most of the time, sometimes, those paraprofessionals are on a separate contract than teachers, or they are under different guidelines. So we need to be able to look at that piece of it.

And lastly -- well, two things -- certification, I would agree. I think certification is tough, especially in a small district with 500 students in it, where you're looking for the best candidate. And we're working with Centenary University on ways that we can build those pre-service teachers; so that's something that we're doing up in Warren County.

And the last thing is -- and probably the most important -- is extraordinary aid. We heard other people testify about extraordinary aid, and the difference between \$40,000 and that amount that you have. Unfortunately, when the extraordinary aid comes to us, it's statutorily to be

paid at 100 percent; and we don't get paid at 100 percent. So a district like Allamuchy, where we might have -- just to use easy numbers -- \$100,000; and we're getting paid for extraordinary aid at 50 cents on the dollar, we're losing \$50,000. In a \$10 million budget, that plays a big part. That could be the difference between a teacher and not having a teacher.

ASSEMBLYWOMAN JASEY: Thank you.

MS. WRIGHT: Thank you.

ASSEMBLYWOMAN OLIVER: I have a question.

You are a snapshot; I geographically know where you're located.

On average, what's the percentage of the student population that is a special needs population?

MR. FLYNN: So at Allamuchy, we're running in the neighborhood of about 17 percent. I know the State average is -- wants to be at that 13-point number. We're at that 17; but that includes all of our students, who are not only IEP, but speech IEP as well, so that's that whole population. We have about 70 students in a population of about 425.

ASSEMBLYWOMAN OLIVER: Okay; that is significant.

And I often hear from parents who request that their child be evaluated prior to their entry into the school system. Some districts, it's easy enough to get that done. And you're the head of a Child Study Team -- can you just share with me what that experience is like from the parents' side of it? Because many parents who have often outreached my office sometimes feel that a district is seeking to obstruct them seeking an evaluation of their child.

MS. BILOTTI: Well, North Warren Regional is a 7 through 12. So we -- a lot of the students-- We get a lot of the students from the sending districts, the elementary districts that are already classified.

Having been in this field for way too long (laughter) -- when you're dealing with, like, an Allamuchy, or a school that's a preschool to 8, or preschool to 6, you have those students who are coming out of early intervention. And there are times-- And again, it's district by district; I mean, I've worked in a district where if a parent (*sic*) came through early intervention, we evaluated-- The difference is just what the qualifications are. There are a lot of parents that -- students at age 3 may have some speech difficulties. And if it's just speech -- it's not language, it's just, let's say, articulation or things -- they're not going to qualify for preschool disabled; and a lot of times parents don't understand that.

But then, on the other hand, too, you have a lot of students at that level -- we don't work with preschool, but you have a lot of our autistic populations coming in. And the cost factors, as Mr. Flynn said, are exorbitant. So districts really do-- There's a criteria in terms of looking at evaluating; that it's either 33 percent delay in one area, or 25 percent in two areas. And if students don't qualify, they don't qualify; and parents don't always understand that. So a lot of times, it's that.

I don't think that school districts, for the most part, are setting out to block a parent from providing services. Because we all know that if we have early intervention services, the younger the student is, then I'm not going to see them up at the high school level.

ASSEMBLYWOMAN OLIVER: Thank you.

ASSEMBLYWOMAN JASEY: Thank you.

Mr. Flynn: Thank you.

MS. BILOTTI: Thank you.

ASSEMBLYWOMAN JASEY: Thank you very much.

Deb Bradley, and Paul Barbato, and Stephanie DeBruyne. I think I just butchered your name, Stephanie. (laughter)

Would you like to come up together?

**S T E P H A N I E D e B R U Y N E:** (off mike) DeBruyne (indicating pronunciation).

ASSEMBLYWOMAN JASEY: Oh, okay. (laughter)

All right, thank you.

**D E B R A B R A D L E Y, Esq.:** Good morning, Madam Chair and members of the Joint Committee.

I'm Debbie Bradley, Director of Government Relations at the New Jersey Principals and Supervisors Association.

We represent not only principals, but directors of special ed services.

And with me today is Dr. Paul Barbato from the Dumont School District in Bergen County; and we have a friend along for the ride, Stephanie DeBruyne, who will speak on behalf of her organization.

On behalf of PSA, I wanted to raise a few concerns that have already been raised. We share the concerns of many speakers in the room today about the funding of special ed services. The needs of students with learning disabilities are complex and often costly; yet both our State and Federal governments have not adequately addressed the issue.

We know that Congress, when it passed the IDEA in 1975, promised a funding level of 40 percent of the average national per-pupil

cost; we've not gotten anywhere close to that. We're currently hovering at about 16.5 percent of the cost we're entitled to.

At the State level, we have the same concerns as has been raised by other members. The methodology of our school funding formula -- which bases funding on a census-based formula, not the individual needs of students and the nature of their disabilities -- is a problem. At the time that was enacted, our Association raised those concerns. We supported the tiered approach that was based upon the individual disabilities of students. And we think that this Committee could look back at the Task Force reports -- as well as John Augenblick, who was one of the original architects of our funding formula, and did a report on the census-based funding model several years after it was in place -- just as a way to look at it and see if it's really meeting our needs at this point.

We share the recommendations and concerns of other folks already here today who have talked about high-cost placements and extraordinary aid. We think that we do need to increase that pool of funding, because a high-cost placement can truly impact a budget mid-school year, when a student arrives with those high needs. It can really affect not only the special ed population and their needs, but also the general ed population budget. And I know you know all this.

Our last recommendation is to also move to a cap exemption approach to give local district budgets some flexibility.

Another issue on the minds of our members is the issue of transition services for students who transition from our high schools into college, career, or other community-based settings. Local school districts need support to better serve our students. Students in these transitional

stages need better information, program alignment, and a broader range of services than many districts can afford to give them. As a result, we believe there's a need for a regional interagency approach to this issue; and we recommend that the Committee promote and enhance access to community-based services and programs through interagency collaborations, not only in transition services but also in therapy services, mental health, and vocational rehabilitation.

This collaborative multi-agency approach would be especially constructive for students in high-cost placements where the need for complex, sometimes round-the-clock medical care, family services, and educational services are all critically important. And as a corollary to that, we also see a need for supporting some regional service providers; and Paul will be talking about that, and how they approach that in his county.

The issue of a looming teacher shortage in special education has already been raised, and we add our voices to that. Principals are finding it more difficult, particularly at the high school and middle school, to find teachers who are properly certified. But one of the recommendations that we make is, when our Association was facing a looming shortage in our principal ranks, we developed a streamlined certification program. And that is something that I think you could look at as a model, in terms of getting people to where they need to be in terms of broader certifications in a shorter period of time. So that's something I recommend you to consider.

And the last thing on my list to mention to you is a positive development, we'd just like to bring to your attention, that the Department of Ed has initiated, called the *IEP Facilitation Project*. It's currently underway; it's only underway in a few districts. But what it does is, when

parents and the district agree, a professional facilitator attends and helps facilitate their IEP meetings. We know that the IEP is a critical piece of the roadmap of each student's education. So to help districts and parents to better understand one another and have better strategies, it's something that's being considered and being tested out in some school districts. So we think that's an area of the budget that could use a little support.

Thank you.

**P A U L F. B A R B A T O, Psy.D.:** Good morning, members of the Joint Committee on the Public Schools.

My name is Paul Barbato, and it is my honor to represent the New Jersey Principals and Supervisors Association. I thank you for this opportunity to share some ideas with your important Committee.

The first area of an idea to share with you regards regionalized shared services.

Currently, I serve as the Director of Special Services with the Dumont Public School District, which is in Bergen County. In order to meet the many needs facing school districts for services for children with special needs, Bergen County has taken the step of dividing its districts into seven geographical regions for service delivery. My school district is one of 13 school districts in this regional delivery model. The school districts, within their respective regions, developed a variety of shared programs and services; rather than each district having to "reinvent the wheel," duplicating services with their neighboring districts and hiring staff to oversee these services.

A variety of shared services and programs that are available within the region include IEP-driven related services, like transportation,

occupational therapy, physical therapy, and speech therapy; behavioral supports for parents after school -- which is usually considered a supplementary aid in service in the IEP document; school-based behavioral supports; social skills programs; summer programs for children; professional development for district personnel -- which is centralized to provide all districts access points for professional development days, as you mentioned earlier; additional Child Study Team evaluators, as needed. A lot of times we may face bilingual evaluations that are needed as part of the process and we don't currently have staff. So the regional model affords the opportunity to share linkages with certain evaluators; and negotiated rates with physicians for specialized evaluations.

This model continues to be viable and cost-efficient for school districts, and could be replicated in other counties in New Jersey. As noted, districts do not have to identify or hire staff to organize, arrange, and/or secure these services.

In addition, the following benefits have been identified by districts participating in this model: Students have been maintained in-district due to the high level of behavioral supports provided by this regional model; the regional model affords districts the ability to centralize contracts, payments, as well as coordination of specific services; and transportation route costs are shared by districts that send students to the same programs, which is a huge savings.

A consideration for this Committee and the Department of Education would be to have meetings among districts not participating in this regional model with current regional and district directors to learn

about the model, including the positive program options and cost savings that have resulted.

A second idea that we want to propose for your consideration involves affiliation agreements with higher education institutions. With the number of students exhibiting social and emotional difficulties, school districts may not be equipped to provide appropriate proactive and responsive services to address these needs. School districts in Bergen County -- and Dumont is one of them -- have affiliation agreements with higher education institutions that provide school-based internships for students enrolled in graduate school psychologists and school social worker programs. These affiliation agreements allow for graduate students to serve within the public school setting as part of their requirements for New Jersey Department of Ed certification. As a result, school districts benefit from additional support, whether the interns serve as consultants to school personnel and parents, or provide direct services to students under the supervision of certified school personnel.

A consideration for the Committee and the Department of Education would be to facilitate meetings with districts with identified affiliation agreements with higher education institutions, for districts that are looking to establish these partnerships.

Thank you for the opportunity to present our experience in Bergen County of a couple of innovative approaches toward meeting the needs of students with disabilities.

ASSEMBLYWOMAN JASEY: Thank you.

Before we move on, did you want to ask any follow-up questions?

ASSEMBLYWOMAN DeCROCE: Just that, you know, I-- Great, great shared service, regionalizing; and working that way is definitely beneficial.

Just one thing that-- As everyone was speaking -- an evaluation of a child prior to being of school age-- If an individual is under the State Health Benefits Fund, and they take their child to a pediatric neurologist, under that health plan, prior to school, will that be covered under health insurance? I think it is. So I'm trying to understand why, if they're in school and they're going to be evaluated, why that can't be a part of it. Because if it's outside, and they take it personally, then inside it should be able to be utilized for that purpose as well.

So I, you know, I'm just trying to reflect back-- And actually, I know somebody who just took their child to a pediatric neurologist. And I apologize that I was texting here, but I was asking that very question, because I know she's under the State Health Benefits Fund (laughter). So I was trying to get that back.

But I think I'm accurate in saying that it does, when they take them on their own. So why shouldn't it be within the district itself, and paid for? I agree.

DR. BARBATO: So when we have a parent first identifying a child with a suspected disability, the first meeting the parent has with the school district is called an *initial identification meeting*. And at that meeting, the Child Study Team members -- the psychologist, social worker, the learning consultant, a teacher -- will meet with the parent to discuss referral questions to see what concerns the parent has -- from home, if it's a child

under the age of 3 for (indiscernible) entering the school district; or a school-age child -- what concerns the parent has.

Now, as part of that meeting, it is determined whether or not it proceeds with an evaluation process or not. And as part of that decision, they'll decide which evaluation data to collect. So it very well may involve the parents securing outside evaluations on their own, and that's listed as part of the data to be considered; but it's not required. In fact, it's a little discouraged to have parents seek their own evaluations, because the public school district is charged with providing evaluations to potentially discover if there's a potentially disabling condition, right?

But, as you say, it may be the case where the parent has had a recent evaluation provided by a neural-developmental physician, and provides that for consideration as data. And it definitely can be considered as data in that process of identifying a student with a potential disability.

ASSEMBLYWOMAN DeCROCE: Thank you.

DR. BARBATO: Sure.

ASSEMBLYWOMAN JASEY: The one thing I wanted to add also is, I like the idea of the partnering with the schools of higher education. And I know of a district that, for the last, I think, 10 to 15 years, has, with one person on staff who is qualified to be an administrator -- that person coordinates internships for graduate social work students from all over the area. They come in and they provide services to groups, and individuals, and even parents in the school system because the district can't afford to hire more social workers. And that's been a highly effective program; and it's also led to hires later.

So I think you're on the right track here--

DR. BARBATO: Thank you.

ASSEMBLYWOMAN JASEY: --and we have to start thinking more creatively.

Yes.

MS. DeBRUYNE: Good morning, members.

My name is Stephanie DeBruyne, and it's my honor to represent the North Jersey Special Education Administrators Association. NJSEAA represents administrators from public schools, charter schools, and approved private schools for students with disabilities.

I thank you for this opportunity to share our Association's concerns and some considerations for your Committee.

I'd also like to indicate that I am a Regional Director in Bergen County, and I support Dr. Barbato's description of shared services. I support seven districts, implementing many of the services that Dr. Barbato described.

One of our first issues from NJSEAA is to talk a little bit about the transition process for toddlers who are aging out of Early Intervention programs and moving into school programs.

Infants and toddlers with special needs younger than 3 years old receive services through Early Intervention programs. As the toddlers approach age 3, the transition process to school districts begins.

Because preschool entrance into school districts is not dictated by a clear date -- as with kindergarten -- requests for evaluations for toddlers transitioning out of Early Intervention programs can occur at any point throughout the school year. This poses a challenge for districts. The districts prepare budgets in January for the upcoming school year; and

based upon the students they know of or anticipate having, they prepare their budget based upon that information. As a result of the rolling admission process from Early Intervention, districts often are faced with program needs for 3-year-olds without being aware that these students would be enrolling or in need of services.

The unanticipated costs include the hiring of additional teachers, additional teacher assistants, related service personnel, even securing classroom space -- which might not exist at that point -- and all related service program costs -- materials, supplies, etc.

A consideration may be for the Department to survey districts regarding the number of these unanticipated students under the age of 5 who enrolled, and were then determined eligible for special education services. This information could potentially assist the Department in the allocation of funding for school districts.

Another area that we would like to discuss is -- as our colleague discussed -- the need for programs for students over the age of 18. Special education law indicates that districts are required to provide programming to those students in need up to the age of 21 years. As a result, districts may have incurred costs impacting their budget in order to provide a free and appropriate public education, known in the special ed world as *FAPE* -- F-A-P-E.

In order to build capacity for students needing these programs, districts have begun to create their own 18- to 21 year-old programs. Districts in Bergen County -- where Dr. Barbato and I are employed -- have begun to meet regularly in order to collaborate and assist each other as these programs develop, begin, and grow. A consideration for the

Department would be to facilitate a best practices tool kit for districts that are looking to establish these programs going forward.

Another area of concern that we would like to raise are the requests for expensive evaluations beyond those conducted by school districts. Districts are often asked, on a regular basis, to provide evaluations beyond those already completed by their specialized staff of school social workers, learning consultants, school psychologists, speech therapists, etc. These evaluations can be well over \$2,000 apiece.

Bergen County districts have begun jointly negotiating rates with a number of providers, and this has proven to be a cost-saving measure for them -- as Dr. Barbato described -- via the shared services model. We recommend that other districts throughout the state, again, begin to jointly negotiate rates with providers to see if we can establish some savings.

And then finally, a concern that we have heard before from other members testifying, is creating a level playing field for public and private schools for students with disabilities.

A core component of the delivery system for students with disabilities is the partnership between public and private providers. Based upon the individual needs of each student, a district determines the appropriate educational placement, which may be a private school. Since the public school is financially responsible for the private placement, NJSEAA recommends that the financial rules in place for private schools are similar to the financial rules, including salary caps, that are in place for public schools. This will allow a consistent focus on student needs, and not the fiscal operations of the private school.

Currently, we appreciate the fact that the State Board of Education is considering this issue through code recommendations.

So thank you very much for hearing our concerns and considerations.

ASSEMBLYWOMAN JASEY: Thank you very much; and thank you, especially for putting it all in writing. Because we'll have it at our fingertips, as well as in the transcript.

MS. DeBRUYNE: Thank you.

ASSEMBLYWOMAN JASEY: Are there any questions?

ASSEMBLYWOMAN OLIVER: I have one.

ASSEMBLYWOMAN JASEY: Yes.

ASSEMBLYWOMAN OLIVER: I don't know if you are the group that could address this, but what happens for home-schooled children in New Jersey? Do school districts often collaborate with home-schooled children? Do home-schooled children ever seek to access special education services? How does that work?

MS. DeBRUYNE: I'd like to clarify.

*Home-schooled children* are children whose parents have determined that they want to educate their child within their home.

ASSEMBLYWOMAN OLIVER: Yes.

MS. DeBRUYNE: School districts stand ready -- must stand ready to evaluate a child, should a parent providing home schooling come to the district and say that they want their child evaluated.

ASSEMBLYWOMAN OLIVER: Yes.

ASSEMBLYWOMAN JASEY: Right.

MS. DeBRUYNE: School districts stand ready to do that, and must stand ready to provide an IEP and deliver the services for that child. However, in order to do that, the parent has to enroll the child back in the district.

ASSEMBLYWOMAN OLIVER: Under current statute, my memory guides me to believe that a school district must, at least annually, have some interface with a home-schooled child. Is my recollection fuzzy on that?

MS. DeBRUYNE: I believe that's the case. We would have to go back into our code to verify what the regulations are. But an IEP needs to be looked at on an annual basis; so it would stand to reason that there would need to be an annual touch-base.

ASSEMBLYWOMAN OLIVER: And I'm raising that issue because I just dealt with a constituent family. The children were home-schooled. They entered college; and that is when the inadequacy of their preparation was revealed, and one of the children in that family then had to drop out of school. And, you know, it was sad to hear. But I then thought to myself, "Well, these children were home-schooled. Does the law provide that a parent has the opportunity to get some sort of an evaluation done by his or her local school district?"

MS. DeBRUYNE: They can always request--

ASSEMBLYWOMAN OLIVER: You're telling me that they can.

MS. DeBRUYNE: --the evaluation. But to get the services from the school district--

ASSEMBLYWOMAN OLIVER: The parent has to request it.

MS. DeBRUYNE: --they have to enroll.

ASSEMBLYWOMAN OLIVER: Thank you.

ASSEMBLYWOMAN JASEY: So they can have the evaluation upon request; but if they want the services, they have to enroll, okay?

And I remember a while back we started to talk about home school -- the home schooling situation. It's really not regulated here in New Jersey. And the outpouring of pushback was such that we decided, "Okay, not today." (laughter)

MS. DeBRUYNE: Exactly; yes.

ASSEMBLYWOMAN JASEY: Assemblywoman DeCroce.

ASSEMBLYWOMAN DeCROCE: Just that I was trying -- you know, taking it all in, what you're saying and what my colleagues are saying. And, you know, when you said they have to meet once a year -- who do they meet with; is it the Child Study Team? That's who they're supposed to be meeting with. And once they ask -- if they recognize-- And they're home-schooled, and they recognize there is a learning problem, first of all, they could take them for a private pediatric neurologist evaluation, as I spoke of earlier. But what you're saying is, if they go to the school and say, "You know, I think my child needs to be evaluated," they have to enroll.

ASSEMBLYWOMAN JASEY: No, not to be evaluated. To get the services--

ASSEMBLYWOMAN DeCROCE: To get the services, they have to enroll. But then they have to actually remove the child from home school, is that what you're saying -- to be back in the school system?

MS. DeBRUYNE: Yes.

ASSEMBLYWOMAN JASEY: Yes.

ASSEMBLYWOMAN DeCROCE: They can't just utilize speech therapy--

MS. DeBRUYNE: No.

ASSEMBLYWOMAN DeCROCE: --or services like that.

MS. DeBRUYNE: And I'd like to just say to the Committee, as you indicated, that home schooling is a little on the unclear regulated side. So before any of us comment any further, I think the best thing would be to look at what exists regarding the regulations, and be careful. (laughter)

ASSEMBLYWOMAN DeCROCE: Yes; and also, I think earlier, somebody was talking about health insurance, and speech therapy, and health insurance, and stuff like that. So you would think under those circumstances if they had health coverage it could -- maybe those services that are required fall under that to help the home-schooled child in a way. I mean, certainly, it has to all be looked at, as you said, you know.

But in fairness, we have to discuss it, whether people like it or not. It's the only way we can figure it out, uncomfortable as it may seem to some. But certainly what needs to prevail out of this is being there for the children -- to give them what they need, and not somebody's personal agenda.

So cautiously, I should say, but--

ASSEMBLYWOMAN JASEY: Very cautiously.

ASSEMBLYWOMAN DeCROCE: --anxiously; this is something to be discussed.

So, thank you.

ASSEMBLYWOMAN JASEY: Thank you very much.

And interestingly enough, next up is John Burns, Esq. Maybe he can answer some of these questions.

No, I'm just kidding, John; I'm not going to put you on the spot. (laughter)

And Irene, do you want to come -- LeFebvre; okay.

No, I just remember from my own experiences on the School Board, and then in the Assembly, that homeschooling is a really touchy subject.

ASSEMBLYWOMAN OLIVER: Yes, as Senator Weinberg and I discovered.

ASSEMBLYWOMAN JASEY: Yes, the hard way. (laughter)

ASSEMBLYWOMAN OLIVER: And we sponsored legislation to regulate homeschooling.

ASSEMBLYWOMAN JASEY: We don't even know who the children are in New Jersey.

**J O H N J. B U R N S, Esq.:** Thank you for having us here today.

The issue of special education is certainly one that is of great importance to us all.

And with me this morning I have Irene, and she is going to speak about NJSBA and our relationship with special education.

**I R E N E L e F E B V R E:** Hi; my name is Irene LeFebvre. I'm the mother of seven, and the grandmother of eleven. And of the seven, three had IEPs; and of the grandchildren, we have one in Early Intervention and two with IEPs.

So I've been a 24-year member of our local School Board in the town of Boonton; and I serve, through the NJSBA, as the Chair of our Special Education Committee, okay?

The Special Education Committee of NJSBA is made up of a select group of board members -- all with special education experiences -- who assist the Association in setting special education policy and goals. And that's the role in which I speak to you.

You all know, I assume, that the NJSBA is a federation of local New Jersey school boards of education, and provides both education, and advocacy, and support to advance public education and to promote the achievement of all of our students through effective governance.

We believe that all New Jersey special education students should receive an appropriate public education within our state and, whenever possible, within the regular school environment.

And I had another two pages of information that you've already heard from everybody else. So I would say we agree that the idea of taking the budget for special education outside the cap, or outside the regular budget, would be wonderful; that we agree that there needs to be improvements to the certification process in order to enable more teachers who wish to be dually certified to teach that; we agree that anytime that services can be provided through and/or paid for through individual health insurance policies -- as the SEMI program provides for services for Medicare -- that makes perfect sense.

We believe that special education costs continue to rise; we agree that it would be appropriate that our private schools that provide

services to some of our children be held to the same standards that the public schools are.

I could go on and say, "I agree," okay? You heard from experts in the field, and I certainly agree with much of what they said.

New Jersey School Boards Association has done two studies -- one 10 years ago on the subject of costs; and one more recently on the subject of how do you provide excellent special education while being fiscally responsible, okay? Some of the things that came out of those studies have already been -- we've already seen them come to light at the State level. One recommendation from the report -- we gave you copies of the Executive Summary of the report -- and one of the things that was recommended in that report was some type of a response to intervention and referral services program that would benefit all children, and maybe allow services to be provided to children in the general education situation, and then, somewhat, reduce the number of classifications. And that's already law; it's already enacted, and it's going to be -- we believe it's going to be a way to improve the services to all of our children because, as someone earlier said, there's a vast spectrum, from one end to the other, of the needs. And why should children have to be officially classified to be provided with services, when it can be done so easily this way?

So that was really one of the first things that we saw.

The report also, very specifically, spoke about shared services; and again, you've heard this before. Certainly, the Bergen County model -- where they have it divided into sections -- or your Education Services Commissions stand ready to provide a number of services at much lower cost than can be provided in a local district. We were talking just

throughout the morning about the costs increasing both locally and the costs increasing in private schools for providing services that are needed for our more complex students.

In my real life, when I'm not a Board member, I work with an Educational Service Commission, and we're very proud that we haven't had to raise our tuition rate in our -- in the program of services for severely needy special education students. We haven't had to raise that tuition rate in two years, not even by 2 percent. So that's a positive thing.

Everybody discussed the funding; and you already have heard that to the *nth* degree.

We talked about training in our report. One of the things that we talked about was making sure that every general education teacher who graduates from any of our schools in the State of New Jersey who is certified within the state, receives training. And they are now required to receive six credits of training in special education so that they welcome the included students in their classroom, and that they know how to work effectively with the special education students.

Two things that we didn't get to talk about earlier today is the cost of the burden of proof. When we do the hearings on -- when there is a dispute hearing, and the entire burden of proof -- the costs for all of the legal fees is on this local school district. That's an unnecessary cost to the local district. In most legal situations, whoever brings the suit bears some of that cost, if not all of it.

And one of the other things that you heard briefly, and that we would speak to again, would be the subject of testing children in special education. And that while the PARCC test may be appropriate on grade

level for some children, and the DLM meets the needs of the children at the one end of the spectrum, there's a large spectrum of children who are receiving education in their local public schools or in a private school for the specially disabled, and they are receiving instruction by IEP that is different than their chronological age. So they may be receiving it on a lower level, or in certain subject areas. Those children are entitled to be tested at the level at which they receive instruction. Failing to do so negatively affects the child, the parent; but it also negatively affects the school district--

ASSEMBLYWOMAN JASEY: Right.

MS. LeFEBVRE: --which then receives a lower rating as to whether or not it's proficient, okay?

So you have our report; you have the stuff that we've left out. But consider those things as you look forward.

Thank you.

MR. BURNS: Thank you.

ASSEMBLYWOMAN JASEY: Thank you, Irene.

I think Assemblywoman DeCroce has a question.

ASSEMBLYWOMAN DeCROCE: Yes, I do.

You know, as we're talking today and listening -- and sometimes just things and thoughts pop in here (indicates) and I just have to say it to get it on the table -- to talk about it. And I think my colleagues are used to me doing those things, so-- (laughter)

But as we're talking today, and we're talking about children coming into a district -- and some parents who may recognize a child having difficulties prior to 3 years old, or at 3 years old. And those parents, sometimes, try to address it to find out; so they have a pediatric

neurologist-- And other parents just do not see it; and especially if you have several children in a household, and they mimic their older siblings. So you may not see it initially. I know; I've gone through it personally, so I know.

So my thoughts keep going back to identifying, identifying, identifying.

So if a requirement -- and it's regionalized in a shared service -- is put into place that when a student is going to be part of -- in a school district, at the age of 3, they should be brought in and evaluated.

MS. LeFEBVRE: And we do, through Child Find.

ASSEMBLYWOMAN DeCROCE: So-- But every child who is going to be--

MS. LeFEBVRE: Every family is encouraged--

ASSEMBLYWOMAN DeCROCE: Well, no; I'm not saying *encouraged*.

MS. LeFEBVRE: Okay.

ASSEMBLYWOMAN DeCROCE: I'm saying that it *has* to be.

MS. LeFEBVRE: Instead of waiting until 5.

ASSEMBLYWOMAN DeCROCE: Right; because this is what's going to happen. Even if that family moves, that evaluation should follow with that child to a new district, so that you know when a child's going to start at the age 5 -- and, hopefully, preschool prior to that -- you're going to know your need of special education requirements and what you need. And if we work on the certification of teachers, you're going to have enough there to handle it.

So, you know, I'm sure there will be pushback by parents who say, "Well, at 3 years old, I don't want my child evaluated." You know, it's

not in their best interest not to. It's in their best interest to know themselves and to prepare their school district for the need. And actually, that evaluation, again, I just said, follows the student in case they move.

So, you know, that's what I'm thinking; tell me what you think about that.

MS. LeFEBVRE: All right; so, I think a couple of things.

First of all, I think not every child is differently abled. Many children are traditionally abled and meet the traditional norms for the kindergarten program or the preschool program, if their districts are lucky enough to be able to afford a preschool program, okay?

For the child who has -- is facing any challenges that the family recognizes, Child Find does reach out in each district to encourage families to bring them in for a full evaluation. If we were to, at the age of 3, mandate that every child in the State of New Jersey be evaluated by a Child Study Team -- which I'm assuming you're talking about a traditional Child Study Team evaluation--

ASSEMBLYWOMAN DeCROCE: No.

MS. LeFEBVRE: No?

ASSEMBLYWOMAN DeCROCE: No; no, I'm talking about--

MS. LeFEBVRE: Just a screening--

ASSEMBLYWOMAN DeCROCE: --a region-- Right; a screening and a regionalized service that could be set up for school districts in the regional area, where the State would have to put those teams together--

MS. LeFEBVRE: And pay for them?

ASSEMBLYWOMAN DeCROCE: --and carry the cost.

MS. LeFEBVRE: And carry the cost. I mean, I think, again, any service that we could provide to any child; any time we can identify a child's needs, the earlier we identify them, the less likely -- as someone pointed out before -- the less likely they are to need those services later on in life.

But it would have to be-- It would be a whole new approach.

ASSEMBLYWOMAN DeCROCE: Yes--

MS. LeFEBVRE: What you're bringing up is a whole new approach.

ASSEMBLYWOMAN DeCROCE: --and I think that's what we need to do -- is look at new approaches. Because what's there is broken; it's not working.

MS. LeFEBVRE: But the funding source would have to go with the new approach.

ASSEMBLYWOMAN DeCROCE: Well, right -- and that's why I said the Department of Education. Because it can be a blend of who serves on that -- out of the district, the Department of Education, pediatric neurologists -- so that you're not getting a one-sided deal saying, "Well, the Department of Education is involved, and they just don't care, and they're just throwing them through and not doing the right thing." I should be-- And it should be a team approach where everybody has their hands in it to make this evaluation, so it's fair and balanced; so there is no question that partiality is being shown.

So, yes, that's a new approach; but I think well-needed. And I think with the day and age that we're in, with technology and these little

kids-- My little 3-year-old grandson -- he can probably run this phone (indicates) better than me. (laughter)

So, you know, I think that we're missing it; and for all the children who can go through and not have, you know, a disability -- they've already been looked at, they're passed through it; they're going on to where they'll be; and they may even pick up that -- they're extra-smart; and where they need to be placed.

So I just think that's something we should think about, and look at. And certainly the Department of Education has enough bodies there and money within it to be able to handle it. And I would think that's money well spent on their part, to know and to be able to handle it. You know, there isn't anything better than being proactive, rather than reactive. Reactive costs us money; and that's what puts us into trouble. So being proactive, to me, is the right path.

MS. LeFEBVRE: I think that's really where the idea of having universal preschool--

ASSEMBLYWOMAN DeCROCE: Yes.

MS. LeFEBVRE: And that would be--

ASSEMBLYWOMAN JASEY: Yay! (laughter)

MS. LeFEBVRE: And if you could link your recommendation to universal preschool, all children-- If we had universal preschool throughout the state, all 3-year-olds would be -- then being part of an educational system, and then that would be the time and place for your screening process.

ASSEMBLYWOMAN DeCROCE: Yes.

ASSEMBLYWOMAN JASEY: Right; and we are working on that.

ASSEMBLYWOMAN DeCROCE: Yes, we are.

MS. LeFEBVRE: And if you need any help, let us know.  
(laughter)

ASSEMBLYWOMAN JASEY: Okay; thank you.

ASSEMBLYWOMAN DeCROCE: Thank you.

MR. BURNS: Thank you.

ASSEMBLYWOMAN JASEY: Thank you so much.

ASSEMBLYWOMAN DeCROCE: I get a little passionate here, so-- (laughter)

MS. LeFEBVRE: Passion is what makes things happen.

ASSEMBLYWOMAN JASEY: Well, first we have to require kindergarten, right?

ASSEMBLYWOMAN DeCROCE: Yes, we do.

ASSEMBLYWOMAN JASEY: Okay.

Judy Savage; and would you share the dais with Elizabeth Athos? (indicating pronunciation)

**E L I Z A B E T H A T H O S, Esq.:** (off mike) Athos; yes.

ASSEMBLYWOMAN JASEY: Athos; thank you.

**J U D Y S A V A G E:** Thank you; thank you very much for inviting me to be here today.

I'm wearing a different hat than I usually wear when I sit before members of the Legislature. So I'm really speaking to you today on behalf of the Joint Council of County Special Services School Districts, which is quite a mouthful.

ASSEMBLYWOMAN DeCROCE: Yes, it is.

MS. SAVAGE: But a very important -- hopefully, a solution to some of these issues that you've been hearing a lot about.

So New Jersey has eight county special services school districts -- in Atlantic, Bergen, Burlington, Cape May, Gloucester, Mercer, Salem, and Warren counties. And they were established expressly for the purpose of providing shared services for special education on a cost-effective, regional basis.

And they do that in a couple of ways.

So one thing that the county special services districts do is that they provide direct services to students with the most significant disabilities; students that local districts have determined cannot be included in regular education, cannot be served appropriately in separate classes in the district. The county special services serve about 4,000 such children.

But they serve many more children through the kinds of shared services that they offer. And I attached to my testimony -- which I did not hand to Becky; sorry about that -- I attached a list of some of those. Things like occupational therapy, physical therapy. They can actually provide the Child Study Team for a very small district that may not have enough students needing Child Study services to have those people. But the beauty of the county special services providing that on a shared-services basis is that they can attract the best people and give them a full-time job, full-time benefits. And then districts can access those services on a pay-as-you-go basis. They only have to pay for the services that they need; it's much more cost-effective than staff, benefits, etc.

Increasingly, they are also starting to partner with local districts to provide services for them in their own schools. So if a district has enough students who they want to do an autism program, rather than them trying to reinvent the wheel without sufficient -- they don't necessarily have the expertise -- "Well, how do we deal with this teenage autistic population? We've never done it before. Who are we going to hire?" -- special services districts will come in, set up the program, provide the staff -- because they are doing it elsewhere, so they are the experts.

For students who have very severe disabilities -- and we're talking about severe autism, multiple disabilities, medically fragile students who need full-time nursing services and multiple therapies in the day, and other kinds of things that are rarely occurring and hard to serve -- very often the special services school district is the least restrictive environment. It enables them to have access to all the things that they need in one place.

I think you've heard a lot today about the challenges facing school districts under a 2 percent cap, under a census-based special education formula that hasn't been funded. They are really struggling. And one of the things that the Special Services Districts are seeing is that school districts are bringing back into their own district any student who they think they can possibly serve. It's expensive to send students out to an outside program, even a public program that's providing a shared service. The districts are bringing back as many kids as they can, and the result is that the students who remain in a special services district have more intensive, more expensive needs and fewer students, so their costs are going up.

We like, very much, the idea that's been raised already today about putting some or all special education services outside the cap. And if it's not a blanket, this could also be used as a lever to encourage the types of shared services that you want to see by putting those things outside the cap.

I do also want to echo what some of the other speakers said about certification. A crisis is coming; it really is. Students are already required to be dual certified. They already have to have a regular certificate and a special ed certificate to be special ed certified. That's hard. The problem that we're seeing is that most of those students do a K-6 elementary certificate in special ed. Districts cannot find special ed teachers with English, math, science; and it's especially difficult for the special services. We have some self-contained classes for emotionally disabled students. They need one teacher who can teach them multiple subjects; we cannot find the people.

So there are definitely a lot of issues here. We appreciate you having the hearing and giving us the opportunity to speak.

And I would invite you, or any of your colleagues -- if you want to see what some of these public school regional programs look like, I'm sure the districts will be happy to have you.

ASSEMBLYWOMAN DeCROCE: I just want to ask you -- you know, I'm looking at this and I see Atlantic, Bergen, Burlington, Cape May, Gloucester, Mercer, Salem, and Warren. I don't see Essex, Passaic, Morris, Sussex. You know, why isn't everybody, and why isn't every county; and how did this group get together, and the others are out there yet?

MS. SAVAGE: So this was before my time. But the Legislature authorized the creation of county Special Services School Districts, and these counties chose to do it.

Way back at that time, they were funded a little bit differently. I mean, the counties do still support these programs to a minimal degree. They are generally tuition-driven. But way back in the day-- I mean, they still are; they are LEAs. They operate that way, and they used to be part of the school funding formula. They are not part of the funding formula any longer.

The counties that don't have county Special Services Districts have Educational Services Commissions, which are different. They both touch the special education world, but Ed Services Commissions can do some different things; some Ed Services Commissions have large and significant special education programs, and some go in other directions. So it's really been that local decision of what best serves their county; the governance is different.

So that's how it is.

ASSEMBLYWOMAN DeCROCE: That's interesting.

ASSEMBLYWOMAN OLIVER: Yes, I have a question.

MS. SAVAGE: But, you know, the county Special Services Districts were established in statute. And I believe additional counties could go that route if they wanted to.

ASSEMBLYWOMAN JASEY: Speaker.

ASSEMBLYWOMAN OLIVER: Yes, Assemblywoman DeCroce definitely hit on my point. Because I represent three towns in Essex and one in Passaic.

So I think what you're gingerly saying is that when this concept of special districts was created, there probably was pushback in terms of everyone not opting for this model. Because we do have an Essex County Educational Services Commission. There is participation from every school district in the county in the Special Services District (*sic*).

And when you speak to LEA, we know that Title 19 gives certain powers and authorities to LEAs under the law. And it seems like, to me, there are some counties that wanted to not be the model of these eight. That's the only explanation in my mind I can conclude; because what would be the difference between an Essex Educational Services Commission and an Atlantic Special Services District? What would be the distinction of these two types of entities?

MS. SAVAGE: I really can't say about the historical decisions or speak for counties, because I just don't know.

But what I can tell you is that the governance structure of the entities is very different. So a county Special Services School District is a county entity; it has a Board of Education that's appointed by county freeholders. Increasingly, local officials have actually made some decisions to put the county Special Services and the county Vocational School District under shared leadership. So, for example, Bergen County, Burlington County -- one Superintendent, but they each have their own Board, because it's different expertise -- special ed experts versus vocational school experts. But they don't all have shared leadership.

An Ed Services Commission is an entity created by the school districts in the county, and it's governed by them. So it's not my expertise,

but they have a large board, then they have an executive board. And the school districts essentially govern the Ed Services Commission.

ASSEMBLYWOMAN OLIVER: So Madam, Chair, I would like to suggest that at a future Joint Committee meeting we examine this issue of Special Services Districts versus Educational Services Commissions. Because we've heard, repeatedly, there are crumbs, not cake.

And we all know New Jersey loves home rule and local control. But I am seeing a duplicative system, across the state, in efforts to provide services to special needs populations; and why should we have that duplication?

So in the County of Essex, the towns I represent -- they all belong and they participate with the Essex County Educational Services Commission. Every school district has a board member from their district. And some of those districts are contracting for services with special needs students.

And I'm getting very confused with-- And we don't have the historical background, but in an era of lessening resources -- and that's all I've heard repeatedly today -- and are challenged to get funding significantly, we need to take a look at: Are we duplicating the delivery of services, and where can we save money? Because it's-- So in these counties, the eight counties don't have Educational Services Commissions.

MS. SAVAGE: No; except that I believe Bergen has a jointure commission that serves the southern part of the county. But for the most part, no. Counties made a decision: Special Services or Ed Services Commissions.

ASSEMBLYWOMAN OLIVER: Yes.

MS. SAVAGE: So they don't duplicate each other.

ASSEMBLYWOMAN OLIVER: Madam Chair, I want to recommend we delve into this issue.

ASSEMBLYWOMAN JASEY: I think that's a great recommendation. It's already on the page.

Thank you very much, Judy.

MS. SAVAGE: Thank you.

ASSEMBLYWOMAN DeCROCE: Thank you.

Yes, Elizabeth.

MS. ATHOS: Yes, thank you.

I'm Elizabeth Athos from Education Law Center.

Thank you very much for having us here today.

Let me actually just tell you, also, that we are-- The Education Law Center is a member of another organization that's speaking today, the Coalition for Special Education Funding. And we support those comments.

But in our own comments today we wanted to highlight one funding issue, and then bring some other pressing issues to your attention.

As you know, we're a student-side advocacy organization. And with respect to funding, like everyone else in the room -- or many others in the room, I should say -- we-- As the Legislature looks at the formula, we want to remind you not to forget to look at special education funding and our recommendation.

We have, in our comments, some of the information about work you can build off of that was done by the Augenblick report in 2011. But our recommendation would be that the Legislature move away from census-based funding, to funding based on student need.

In terms of other areas where we think the Legislature can move the ball forward, one would be addressing what we see as insufficient numbers of public school teachers qualified to teach struggling readers. And I don't want to add to the teacher certification crisis; and unfortunately, I don't have an answer for you about that. But what we're looking at is primarily in the lower grades -- I mean, essentially, having teacher training and certification requirements that are focused on those students who have difficulty learning to read. It's such a critical part of academic success; I mean, some students learn effortlessly. There are 15 to 20 percent that struggle in learning to read.

And the Legislature has done work with dyslexia legislation; you're improving screening, there are going to be professional development requirements -- two hours a week. But in terms of actually providing the services -- I mean, there have been books written how teaching reading is rocket science, and teachers have to have the skills to be able to do that.

Another area is assuring adequate resources to fund administrative law judges. I'm not suggesting that you don't look at other means of resolving special education disputes; but those disputes now go to the Office of Administrative Law. And, you know, time delays in cases are a very serious problem. Over a third of the cases take more than a year to get resolved; and under Federal law, they're required to take 45 days. You know, so it's something -- those cases need to be decided in a timely manner and decisions need to be rendered in the year in which -- the school year at issue for the child.

A third area is grappling with the problem that many charter schools are incapable of serving students with serious disabilities. So the

financial burden, then, falls on the school district. Either when the student returns to the public school district, or if the charter school places the student out of district, then, by statute, the public school district again is responsible for that tuition.

And I guess the last area that we're highlighting is helping the more than 20 percent of students who come from homes where language other than English is spoken, by establishing standards and procedures for translation of documents and quality of interpretation at meetings. There is currently no explicit requirement for translation of IEPs and evaluations. We think that impedes parental participation and student progress.

And I also-- I wanted to use these last couple of seconds to alert you to a serious problem in the delivery of special education services in the State-operated district of Paterson. We have recently filed two complaints due to interruptions of services to a large number of students. We've asked for an investigation by the State; I don't know why the problems have resulted. But I guess to the extent that resources are an issue -- if that's the underlying problem, we certainly hope the Legislature will address that.

Thank you.

ASSEMBLYWOMAN JASEY: Well, particularly since the State is still running that district.

MS. ATHOS: Yes.

ASSEMBLYWOMAN JASEY: Yes.

ASSEMBLYWOMAN DeCROCE: Yes.

ASSEMBLYWOMAN JASEY: Just--

ASSEMBLYWOMAN JASEY: Assemblywoman.

ASSEMBLYWOMAN DeCROCE: When you talk about -- and we have, through this whole hearing today -- the lack of teachers for special education. And some of the teachers who I talk to about special education, who have, obviously, the certification to do it, are-- They're exhausted because of the lack of help, and they're frustrated, and it's tiring.

So that was in the beginning, when I and many of my members -- colleagues have talked about the certification requirement upon graduation, for any school teacher to have that in hand as well -- is to be able to give relief and help to a teacher who is just assigned to a class all year long. And the frustration and the-- Because you know, I mean, you know -- yes, special education is near and dear to my heart because it's in my family; and it's in my grandchildren now.

So believe me, I have-- When I babysit them, I am exhausted; I cannot wait for my daughter-in-law to come back. (laughter) And I'm going to say, when the medication wears off it's the bewitching hour. (laughter) So I understand this; and I only can feel sorry for the teachers -- for the students who may be at home; they're not able to get the medication, or the parents don't follow up right; and what they're going through -- the teachers themselves.

So, you know, I am a thousand percent behind that. We just have to beef this up and put the teachers in the schools who have the ability -- all of them -- to do this when it's needed.

So I just wanted to add that.

MS. ATHOS: I appreciate that; and I agree that we should be supporting our public school teachers.

ASSEMBLYWOMAN DeCROCE: Yes, absolutely.

MS. ATHOS: I think NJEA had a very good suggestion about building in collaboration times so that there is more seamlessness in how -- the staff works as a team in supporting children.

ASSEMBLYWOMAN DeCROCE: Yes.

MS. ATHOS: And I think that will alleviate some of the exhaustion.

ASSEMBLYWOMAN DeCROCE: Yes, and the frustration that goes with it.

MS. ATHOS: Yes.

ASSEMBLYWOMAN DeCROCE: Thank you.

ASSEMBLYWOMAN JASEY: Thank you.

MS. ATHOS: Thank you.

ASSEMBLYWOMAN JASEY: We only have, let's see -- one, two, three, four -- six more people to hear from.

So I appreciate everyone's patience, and especially my members.

Gerry Thiers, would you like to come up with David Schwartz? Is that okay? All right.

**DAVID SCHWARTZ:** Go ahead, Gerry; you can go first.

**GERARD M. THIERS:** Oh, okay; thank you.

ASSEMBLYWOMAN JASEY: And you're going to be followed by Sue Goldman and Robin Kanis; and then Rebekah Novemsky and Julie Borst; and we'll end with Kristen Gross.

The floor is yours.

MR. THIERS: Thank you, Madam Chair and members of the Committee.

ASAH is a nonprofit, State association for private special education schools serving over 10,000 students with complex disabilities.

Private special education plays an important role in New Jersey; we serve students who are placed by their local school districts when no other program can meet the needs of the child. Under the Federal Individuals with Disabilities Education law, private schools receive tuition directly from the sending school district, so students are served at no cost to families. Tuition rates are set annually by the New Jersey Department of Education.

We have many concerns.

First, the current funding law largely uses special education aid for wealth equalization; I know you've heard this from other speakers. A large portion of the aid, 67 percent, is required for wealth equalization to be adjusted for local wealth, and with school boards in more affluent communities receiving a smaller percentage of the available aid than school boards in less wealthy communities.

Since all districts are required to provide students with disabilities an appropriate education in the least restrictive environment, the SFRA unfairly discriminates against wealthier communities which have to provide the same level of support to their students in special education. Moreover, because of the equalization formula, the actual amount of special education aid being distributed has actually gone down, while there has been continued growth of special education costs.

Second, the law calculates special education aid according to a census model, which has been shown to be deeply flawed. Regardless of the actual numbers of students with disabilities identified in a district, every

district receives special education aid for roughly 14.8 percent of their total student enrollment, with adjustments for wealth equalization as mentioned above. This system -- as noted by the New Jersey Special Education Task Force in 2015 -- aggravates the *crowding out* effect in school budgets by pitting the special education student needs against the general education student needs. It has also failed to reduce the proportion of classified students in New Jersey districts, which is one of the underlying goals of census-based formulas.

The law modified the system also for extraordinary cost reimbursement. The system has different funding levels based on a student's placement. So for in-district programs with non-disabled peers -- operated at either a public or private school, by a private school or public school -- the sending district will receive up to 90 percent of the cost of direct instruction and support in excess of \$45,000. For placements in publicly operated separate programs, which you had discussed earlier -- the Special Services programs, county programs, Ed Services Commissions, jointures -- the sending district receives up to 75 percent of the cost of direct instruction and support in excess of \$45,000.

For placements in a private special ed school for students with disabilities, the sending district would receive up to 75 percent of the full tuition cost in excess of \$60,000.

Clearly this formula is not placement neutral, as required by the Federal IDEA. Districts that place students in private schools -- and, really, they are public school students -- are at a disadvantage, and are not eligible for the same level of extraordinary aid as districts that place students in public programs.

I'd like to end with a comment about sweeping new fiscal regulations the Department of Education has proposed for private schools for the disabled.

In 2015, representatives of my Association met with the Department and discussed rule changes that would improve fiscal accountability and transparency. We agreed on 18 items, covering issues like administrative costs, maximum salaries, and legal costs. However, in November 2016, the Department added more than two dozen new items to the proposal, that it gave to the State Board, that were never discussed; and some of the agreed-upon items were changed.

Here is one example. The Department proposed a number of new rules about staff training and salaries that will make it impossible for private schools to recruit, retain, and train the related services professionals that students need. Our schools are already losing experienced therapists to agencies which offer much higher salaries. To avoid the loss of qualified staff and to meet the requirements of each student's IEP, some schools have hired therapists at rates that exceed the allowable maximum. One school hired a speech therapist -- who specializes in severe feeding and swallowing issues -- to work with an 11-year-old student. The school paid the therapist \$135 an hour, well above the allowable cap of \$74 per hour, simply to provide the services in the child's IEP. The school must use fundraising dollars to cover costs that are clearly part of the educational program.

The issue is not living with financial constraints -- the schools are currently doing this -- but rather, the higher requirements and greater restrictions that the Department is trying to place on private schools in comparison to public programs and other general contractors. The rules

will skew the funding system to the point that many private schools will struggle to keep their doors open, let alone provide quality services. And families and children will suffer as a result.

Thank you for this opportunity to speak.

ASSEMBLYWOMAN JASEY: Thank you; thank you, Gerry.

David.

MR. SCHWARTZ: Thank you, distinguished members of the Joint Committee on the Public Schools. It is an honor and a pleasure to speak before you.

The subject of the public schools is the most important issue that affects all New Jersey residents and taxpayers. The quality of education impacts home values; the efficiency impacts property taxes; and the philosophy impacts the future of our kids' lives and the State's vibrancy.

The task at hand for this Joint Committee is monumental; and I am hopeful that my testimony today will help the Committee change the status quo.

In my line of work, identifying the problem is the first step in achieving better outcomes. Briefly, my professional background is very unique and highly specialized. I am a certified Principal, Superintendent, and School Business Administrator; previously, I was a local reporter for the *Star-Ledger*, and a Media Specialist/Press Secretary for the New Jersey General Assembly.

I have spent 20 years in special education; and since 2009, have been running an approved private school for disabled students. Because of my background, I believe I look through the lens at education

differently than most people; and I'm also inclined to think completely out of the box.

It's with this unconventional approach that I offer four points to consider today.

The first point will deal with the legal constraints for implementing IEPs in the public school; the second point will address how to effectively use AchieveNJ to ensure higher-quality teachers and programs; the third point will address how salary caps can benefit schools and taxpayers; and lastly, my fourth point will address how we can truly support teacher and school leader professional practice and growth.

I offer these points because I don't believe that New Jersey's education system is beyond the point of repair; but I hope that after my comments you can see that the public is not fully aware of the systemic problems that currently prevent our system from functioning.

Positively, many of our students do receive a high-quality education. Most of our certified personnel are highly educated and have a lot of potential, and we have a Governor who is supportive of positive change. It is due to these positive attributes that there is tremendous hope that the Joint Committee will be very successful in recreating a system that works for all students.

My first point today deals with the legal responsibility and constraint placed on child study teams and directors of special education. In accordance N.J.A.C. 6A:14-4.3, which outlines the mandated program options -- which is Exhibit A that I gave you -- once an IEP has been written and approved, the district board of education is solely responsible to ensure full compliance. And under this code statute, the board of education is

supposed to ensure that a student with disabilities shall be educated in the least restrictive environment. If a student with a disability cannot be satisfactorily educated in the regular ed setting, Section B states that a full continuum of alternative placements shall be available to meet the needs of the student. And there are 12 options outlined.

The local board of education trusts that the Director of Special Services will meet these requirements; but the director has not been given any supervisory authority over district personnel. The reality is that a teacher, principal, or supervisor can elect to follow State code because there is no supervisory consequence to them for not implementing the legally mandated program. And there are district personnel who have not read the IEPs, or have not followed the recommendations by the child study team in regular ed classrooms.

There is data to support this issue -- which is Exhibit *B* -- shows that according to the Department of Education's latest published data from the 2015 school year, only 6.95 percent of classified students, ages 6 to 21, were placed in separate school settings, which is down 2.3 percent from data collected in 2007.

But the percentage of students who are in the least-restrictive environment, ages 6 to 21, is at approximately 26 percent in 2015, which is a decrease of 19 percent from the data collected in 2007.

This data is glaring and cannot be ignored. The reality is that more and more students are placed in self-contained classrooms in the local school, and there no evidence to prove that there is a transition to a least restrictive environment. In fact, the Department does not track individual students or aggregate transition data, which means that if a student were

placed in a self-contained setting, away from non-disabled peers, they could potentially remain segregated for a period of 10 years without any oversight or agency knowing about it.

But according to State code, the Board of Education is expected to ensure against this practice by recommending an easy remedy -- which would be to elevate the Director to Assistant Superintendent. Because at the Central Office level, an Assistant Superintendent for Special Education could direct any district personnel with real supervisory authority. That means that principals, supervisors, and teachers would be required to follow the directives of their now-Superintendent of Special Education. This one administrative change could unlock a major in-district issue and alleviate programmatic, as well as budgetary, issues.

In order to alleviate (*sic*) time, I will briefly go over the other points.

The second point has to do with AchieveNJ, which, right now, is a very good tool, but used not completely properly -- because it's more of a consequence than a benefit to staff and leaders to show where their strengths are and where they need improvement.

So one of the things that I personally do at my school is my staff -- including all staff, paraprofessionals, and certified staff -- get approximately 70 hours of professional development per year. The best public schools from the surveys -- and again, it's all straw surveys -- but they're giving about 25 hours on campus. This is a big, big issue which I think, Speaker, you addressed before. The capacity of staff is at the heart of special education -- the cost-effectiveness, and the evaluation, and supervisory issues. This is where the public has been led to believe that

tenure is the culprit, and I don't agree with that conclusion. What is a huge unspoken problem is that principals and supervisors cannot adequately and effectively evaluate and observe the staff in its buildings if there's no consequence for teacher or school leaders who receive *ineffective* or *partially ineffective* ratings.

In addition, principals and supervisors should not be expected to manage ineffective and partially ineffective staff. The amount of time wasted supervising, monitoring, and managing staff that are no at least *effective* is beyond cost. My time -- and I've spoken to directors and principals; I actually just met with an urban school. They spend six hours on observation and evaluation per staff. That's all time taken away from student achievement.

So if we're only working with staff that are at a certain level -- and again, the majority of people in this state who get into education want to be good -- we have to elevate our point.

The third point that I want to talk about has to do with the NJEA. And again, I'm outside of the NJEA, so I am hopeful that my comments won't get into the political arena.

But we must restore the public trust with the teaching profession. And the NJEA is critical in doing that.

With renewed leadership comes renewed accountability. And the NJEA should be responsible for creating strict professional, ethical, and code of conduct standards for its members. If under this new professional guideline enforced by the NJEA a teacher or school leader violates the professional, ethical or code of conduct standards, the NJEA would be expected, by the Department of Ed, to discipline its own members and

remove them immediately from service. The Department of Education could create a statewide database and registry for all personnel it certifies -- which would be accessible by every school district through the DOENET homeroom -- which would list any and all violations, thus ensuring that bad apples never move from one district to another.

In addition, if the NJEA removed a member from service, it would effectively void the contract with the personnel and relieve the Board of Education of contractual obligations, including salary and benefits.

And I'll get to my fourth point, which has to do with the salary caps.

I think -- I mean, I may be alone in this -- I think that the Governor hit upon a public note -- that the salaries, and benefits, and pension is unsustainable for the tax base. But the way that it was implemented was not highly effective; in fact, it hurt a lot of our school districts. We do not have certified Superintendents in a lot of school districts; and also, there is no incentive for teachers to rise up through the ranks because principals and Superintendents, in some cases, make less than they make.

So I do agree with salary caps; and actually, Gerry touched upon it. We, as the private schools, have salary caps in all categories; every job has a salary cap. So I would recommend that salary caps be instituted at all jobs levels -- job titles in the state. But it has to be done on a statewide basis. Because we have to elevate the teaching profession to something that's noble in New Jersey, and not just dependent on local school districts that are now trying to find highly qualified and certified staff. If we can do that as a State, it will benefit everybody.

As well as, in addition to that, the regulations that were changed in terms of professional growth and development, they're good regulations; but again, they're placed upon the local school district to implement and enforce. We have some of the best -- and I'm glad that we're here at the County College of Morris, because this is one of the best county colleges. We have some of the best local public universities and colleges in the nation. If we could create, from the statewide, a system to -- one for novice teachers, less than three years full-time teaching experience, be enrolled in one hour weekly classes that are at the local level. So, county by county, they can go to the colleges, instead of the teacher mentor. And then after that, you have two-hour, one month classes for both teachers and principals or supervisors, with an action research project per year. That would meet the new standards, but it would take off the burden on the local school district.

Thank you.

ASSEMBLYWOMAN JASEY: Thank you.

I mean, those -- my mind is spinning.

We'll follow up, because there's a lot of detail and a lot of ideas.

But I like out-of-the-box thinking, always.

Thanks you, David.

MR. SCHWARTZ: Absolutely.

ASSEMBLYWOMAN JASEY: Members?

ASSEMBLYWOMAN OLIVER: And what a great transition -- from a reporter to the head of a school. (laughter) I love that.

MR. SCHWARTZ: Absolutely.

ASSEMBLYWOMAN JASEY: All right; thank you, gentlemen.

Do you have any questions?

ASSEMBLYWOMAN DeCROCE: No, I'm fine.

ASSEMBLYWOMAN JASEY: Okay; all right.

Next up, Sue Goldman and Robin Kanis, members, Board of Directors, New Jersey Speech-Language-Hearing Association.

And I would-- It's always hard to come towards the end of a hearing; but if you would try to share anything that hasn't been covered so far.

**R O B I N K A N I S:** I could have you all get up and do the months of the year to the Macarena. (laughter) That would wake you up.

ASSEMBLYWOMAN DeCROCE: That would be interesting.  
(laughter)

MS. KANIS: Okay, good morning.

ASSEMBLYWOMAN JASEY: Good morning -- good afternoon, now.

MS. KANIS: My name is -- I'm Robin Kanis. I come to also -- I was a former general education teacher. I'm a speech language pathologist, and I also was a former Board of Education trustee. So I come from many different hats.

Of course, on behalf of the New Jersey Speech-Language-Hearing Association -- which we call *NJSHA* -- we thank you for the opportunity to speak and advocate for our students.

I believe you did receive extensive resources from us yesterday, hand-delivered, to the offices.

ASSEMBLYWOMAN JASEY: Yes.

MS. KANIS: So our written testimony is very detailed, and the information is very detailed. And we hope you can find the time to review it and understand the unique roles that we play in the schools.

Speech language specialists -- which is what we're called in the schools -- no longer only work with children who have articulation problems, like lisps or lolls or that kind of thing; or stutterers or voice problems anymore. Now we primarily are involved with children who have language disorders that negatively impact their ability to learn.

All classroom instruction is language-based, whether children are taking a test, whether they're reading a textbook, whether or not they're writing an essay or doing an oral presentation -- everything through the Core Content Curriculum Standards is, in fact, language-based.

So, as a result, speech-language services continue to work with children who have articulation, voice, fluency, and stuttering, cluttering problems; but we also work a great deal with the children with language impairments -- not only, anymore, those with autism, cerebral palsy, intellectual disabilities -- not only with that population; but more, now, than ever before, with children who are mildly or moderately learning-disabled. This has increased significantly with the inception of IDEA.

We play two roles: We are case managers, and providers, and special educators for children who have speech-only problems, which is one classification I know a lot. But we also work with a huge number of the children who come in under, "eligible for special education and related services."

So therefore, of course, our roles have increased. In addition to that, we are part of the school community. We collaborate on almost a

daily basis with parents and staff members, including teachers' aides, etc. But we also -- and Administrators -- but we also still serve in our other capacity as speech-language specialists, particularly because we have expertise in language and literacy. So our role has become even more visible in the schools.

Yet, in many cases, an inadequate number of SLSs are in the schools to handle not only these additional tasks, but also Medicaid reimbursement documentation, Federal guidelines, etc.

And we realize that, in the past, there may have been a shortage; but we don't believe that that's the case anymore, because we have university anecdotes that say that some of the students, for the first time in the last two years, have not received jobs in schools.

ASSEMBLYWOMAN JASEY: Oh, that was going to be one of my questions.

MS. KANIS: Okay. And what happens is that many of the school districts are now employing through private agencies, rather than following the law -- a mandate that requires that they hire in-district full time speech-language specialists; prior to going out of districts if there is a shortage, or if there is an absence for a limited amount of time.

So we agree with the NJEA speakers who mentioned that contracting.

So overall, we are not asking that we have an equal number of SLSs to the number of teachers who are hired. But we do know that New Jersey, fortunately, is becoming, in some cases, more inclusive; educating more children in the public school system. And therefore, because of the unique experiences that we've had, we'd like to make some

recommendations to you to help address the use of our services properly; and the fiscal constraints that have been mentioned *ad infinitum* before.

ASSEMBLYWOMAN JASEY: Thank you. That's appreciated.

SUE GOLDMAN: Hi, I am Sue Goldman.

And just one comment to add to Robin's is that we also have anecdotal records of SLSs applying for jobs with in-house contracts in schools, but being told that they will only hire through private agencies. And these SLSs do not want those kinds of jobs. So therefore, the positions remain open, and children don't get services.

And this is very hard to prove, because people are afraid of retaliation, losing their job, or being affected when going for other jobs.

I, too, want to thank you for having us speak here. We do-- You asked -- your Committee asked for recommendations, and we do have several suggestions we'd like to offer.

First, we encourage your Committee to conduct research in several districts in each county regarding the increase in special education students and teachers over the past 15 years, versus the increase of SLSs who have been hired.

Now, we don't have this information; but we do have anecdotal records from members who say that when SLSs retire or leave a district, they're not replaced. We also have anecdotal reports that they are being told not to classify certain kids who they have evaluated. And they have also been told to provide less services and record less services in IEPs which, of course, are all against Federal and State regulations.

Again, this is very hard to prove, because these same people are afraid of retaliation and losing their job. But they do report it to us.

By regulation, it is the obligation of each district to ensure that every student with a disability receive space. SLSs are often expected to provide services based on the number of children who happen to be in a school, which makes it difficult to then prescribe what the student needs because they have to fit these students into their schedules.

This wasn't in written testimony, but if there was a way to ensure that special education students do get the early services they need, then perhaps some of this would be resolved. Because the earlier that a child gets services, as you know, the better they do in school.

When conducting this research, consideration could be given to the severity of disabilities among the children who have been brought back to remain in district. So it's not only a matter of how many children we have, but how much services they get. And obviously, children with more severe disabilities need more services. And reports that we have are that districts spend \$60,000 or more to place one student out of -- just one student out of district; and that money could be used to hire more SLSs.

Another recommendation is related to Medicaid; we know you're concerned about funding and compliance. Because Medicaid brings in millions of dollars, New Jersey fiscal code has mandated that Medicaid reimbursement for related services -- and speech is the greatest related service provided -- be maximized. This requires a great deal of extra time for SLSs because they must log sessions, and they also have to follow Medicaid regulations which differ from the school regulations.

Furthermore, SLSs who are considered to be qualified providers are under Medicaid requirements. They may be asked to supervise other SLSs who are not qualified providers, which requires a great deal of time --

days, weeks, whatever -- that often they are not given. And this creates a conundrum for them because they must sign off on these people, and risk their certification if they don't.

So regardless of the fiscal climate, if SLSs do not comply with Medicaid regulations, they risk censorship. And if the Committee could look into districts -- as to how they are helping SLSs serve Medicaid requirements.

I did have-- With your consideration, I wanted to respectfully talk about -- address about a misconception that was given here today. Actually, it was in reference to Sheila Oliver's question about parents not receiving the services that their child needs because they are denied services, especially in preschool.

And I just wanted you to know that it is not true that preschoolers who have articulation problems cannot get services. Preschoolers who have significant articulation problems are eligible for services if they have a disability -- which would be the significant articulation problem -- and that problem has a negative effect on educational performance; which is always there if a teacher cannot understand them, and many of these children are also very frustrated by this. And they have a need for special ed and related services, which can be accommodations and modifications, such as having the child point to a picture in response to a question instead of using their speech, which cannot be understood.

So that is why, in the code, under the classification of a preschool child with disability, it says *communication*.

ASSEMBLYWOMAN JASEY: Right.

MS. GOLDMAN: It does not say *language*. And communication is composed of phonology -- which is part of language -- and also language.

So I just wanted to clarify that.

And also, these children -- there has been research that shows that 50 percent of children who have severe articulation problems have reading and writing deficits, because reading and writing is language-based.

ASSEMBLYWOMAN JASEY: Thank you for that clarification. That's good.

MS. GOLDMAN: Thank you.

And we hope you read about our recommendation for universal licensure, because that would address the problem of Medicaid and other services.

ASSEMBLYWOMAN JASEY: Oh, okay.

MS. GOLDMAN: Yes.

ASSEMBLYWOMAN JASEY: All right, we will.

MS. KANIS: And would enable, if it went through, when you consider insurance reimbursement also. Because people who are not licensed -- not by the Department of Ed, but who are not licensed by the Division of Consumer Affairs -- will not be able to sign off on insurance or Medicaid documentation.

So we thank you.

ASSEMBLYWOMAN JASEY: All right.

MS. KANIS: And we also wish to extend our help if you want to speak to us further or need help.

ASSEMBLYWOMAN JASEY: Thank you very much; we appreciate it.

MS. KANIS: Thank you.

ASSEMBLYWOMAN JASEY: Okay, let's see.

We have some parent reps who would like to come up.

Rebekah, and you brought Sonya with you. Would you like to--

REBEKAH NOVEMSKY: Yes; thank you.

Thank you for including the family voice, which is so often not heard.

So I'm not going to go through my whole written testimony at this point, but there was something that came up just this morning.

As you know, I'm a parent advocate, so I hear from family members all the time. I am a member of the South Orange-Maplewood Special Ed PTO, and I'm speaking in that capacity today.

I'm also the Co-Chair of the Family Support Planning Council for New Jersey.

But today, somebody came to me and pointed out that there is a State Complaint Investigation Request Form (*sic*) that parents and family members don't seem to know about. So I would like to propose that that be more promoted to family members.

ASSEMBLYWOMAN JASEY: What is that?

MS. NOVEMSKY: It's called the *State Complaint Investigation Request Form*; it's from the State Department of Ed. And it says -- it's like an alternative to going through due process or moderation. And a lot of family members do not know about it; so I don't know what's the best way

to get that information out, but I would like to propose that that be looked into. Because if parents who I know don't know about it, then other parents probably really don't know about it. And it would be a very useful tool to resolving some of the issues that Sheila was talking about as well.

So I wanted to talk a little bit about my children who are in special education, because they are at both ends of the spectrum. I have an 18-year-old who uses a wheelchair, is nonverbal, goes to an out-of-district placement, has been out of-district his whole school career. And then I have a 14-year-old, who is just -- has a specific learning disability and just needs a little support in language arts. So I just wanted to bring that to your attention, because special ed is such a wide spectrum, as we heard spoken about before.

I wanted to talk about having high expectations for every student and ensuring access to the general curriculum to the maximum extent possible. And also providing full range of transition to adult life services, which was brought up by another speaker. But I wanted to echo that; and including really effective coordination between the Division of Vocational Rehabilitation Services, and the Division of Developmental Disabilities, and the Division of Disability Services, when appropriate.

I think they need to come in and start working with the students and their families well before graduation. Right now, they're only able to come in from April on, to support a coordination system that's in place right now. And I am going to argue that that is not enough time to make any kind of robust planning. I think it needs to start a lot earlier; it needs to start in the school with person-centered planning so that it can be -- so it's not lost. So all the good work that's done by educators who do a

lot of really good evaluations, a lot of really good interventions, and then it's -- that's all sort of lost, and they start from square one in adult services. And that's a real disservice to individuals and families.

ASSEMBLYWOMAN JASEY: You're right; that's a very poor articulation, yes.

MS. NOVEMSKY: Yes.

So the other thing I wanted to talk about was the new regulations for special education. Schools that are private -- I know some other people talked about it, but from a family perspective, we have a lot of concerns about putting more regulations, including capping salaries for related services, which some of the speech therapists talked about. But it is also going to affect PT and OT; and assistive technology has not been brought up at all. And that's, as you were saying, your babies know how to swipe, somehow, right away. So I wanted to really stress that we have concerns, as families, that this is going to not provide appropriate supports for our students, our children.

So that's all.

Now, I'm going to turn it over to Sonya; I'm not going to use up all my time. And she's going to talk to you about *twice exceptional* students; which hasn't been brought up at all, and it's really exciting.

S O N Y A S E L I G: Hi; thank you for including me today. I'm so honored to speak with you. I've really looked forward to this.

I am a parent in Maplewood, and I have two children at the middle school who are both twice exceptional. And you couldn't look at two more diverse people on the face of the earth than my two kids.

I'm going to start to introduce twice exceptional with a quote from the National Association for Gifted Children. "Gifted students with disabilities may appear not impaired enough for disability-related services if they perform at grade level; and not gifted enough to receive gifted education services."

This is the conundrum of parents of twice exceptional children.

I have volunteered in public education as a parent advocate in Maplewood and South Orange since 2009. I've been on PTAs; I was a founding member of our CPAC; and I am now on the Executive Committee for our Special Education PTO. And this last year, I started a new parent support group for twice exceptional families, and it's called *SOMA 2e*, which I am meeting parents I have never met in my other capacities.

So there are a lot of people who have been sidelined by services that aren't being targeted. 2e kids are intellectually gifted, and also have learning differences or disabilities. They are typically *asynchronous*, which means that they'll have varying developmental levels. So you may have a child who is chronologically 7, who is intellectually 14, who is writing like a 6-year-old, and has meltdowns like a 3-year-old -- within the capacity of, maybe, 15 minutes. And it's really hard and very complex to address the learning needs of these children.

I have given you some information, and I'm not going to read through all of this because it would get a little dry.

But I do want to point out that holding them back causes-- *Holding them back* meaning -- a lot of these children don't qualify for an evaluation. It was mentioned earlier that if a child is recommended for an evaluation, they will be evaluated. That's not true. A child who is

recommended for an evaluation -- it will be decided whether or not that child needs an evaluation. If you're looking at a twice exceptional child, they are probably working their hearts out to stay at grade level, and that's not a sustainable activity. That child, on paper, is not going to qualify for an evaluation.

So the process to assess whether a child needs services or whether they need a more robust academic curriculum needs to be evaluated. I've provided some resources; there are programs in other states and other counties where they have developed very successful programs; and they provide, for free, online, detailed guides for both parents and for staff on how to spot these kids, how to get them evaluated, what's available as resources. Some people have applied for grants at the Federal level in order to develop these programs. So there are different resources that are available.

I've included information from Montgomery County in Maryland, which is the benchmark that people look to; and *Wrightslaw* -- Pete Wright, who is a special education attorney, points people to them first. The states of Colorado, Idaho, and Virginia also have comprehensive programs to address twice exceptional children.

New Jersey, however, doesn't have anything. There's one point in the FAQs for gifted and talented, at question No. 15, that says that twice exceptional children are eligible for gifted programs, as long as they meet the criteria. But then we hit another roadblock where if a child isn't performing at the top of his class, even though he may be gifted, he's not going to meet that criteria for a program; and all along it's because he's

never had the supports to get him up there, which could just be simple modifications.

I heard people speak earlier from the Education Association, and I have a quote here from the National Education Association. They've published a guide entitled, "The Twice Exceptional Dilemma," where they state, "It is important for educators to recognize that extremes of ability can exist within any one student. Students can have disabilities and still be considered gifted."

It's a mindset that needs to be changed. Educators-- I don't know if it's stereotyping, but you present a child who has an IEP, and immediately that child has a limited ability to excel. We need to wipe that off the table completely.

I think I'm just going to bring it in a little bit tighter and talk about my son. Well, first I'll tell my daughter, who is 12. She was diagnosed with dyslexia and dyscalculia. She receives services through the district, and is now pushed from remedial math replacement and her teacher is recommending her for math honors. She is my *Dweck growth mindset* kid. She's-- I don't have to anything but let her loose.

My son was born with a genetic anomaly. He's 14; he repeated kindergarten. He has what's called an *invisible disability*. (bell signals)

ASSEMBLYWOMAN DeCROCE: Keep going.

MS. SELIG: Just really fast.

ASSEMBLYWOMAN DeCROCE: Keep going; no, keep going.

ASSEMBLYWOMAN JASEY: Yes.

MS. SELIG: Thank you.

His doesn't affect his intelligence, but it comes with a spectrum of disabilities. And the most common is -- as it's been mentioned by our speech language people -- expressive language delays. He, in addition to being -- having a quick wit, biting sense of humor, intelligence, humility, compassion, and a quiet grace; my 6-foot-tall, rail thin son who loves reading, collecting books, classic cars, heavy metal music, and distance running has dysgraphia, an auditory processing disorder, executive functioning issues, and slow processing speed. He also has an IQ score that places him above the 95th percentile in math, and above the 98th percentile in language arts.

Last year, he was tested for dyslexia; we learned he doesn't have dyslexia but, in fact, has such severe anxiety it's impacting his reading fluency.

He's now in 8th grade; he has the typical yo-yo report card of a twice exceptional kid. He has As and Bs in comp design, science, social studies, and language arts -- when the subject matter interests him -- and he has a C in physical education because he can't tie and untie his shoes, so he gets marked down for changing for gym class. He has an F in advanced math/algebra I, which he qualifies for, and for which he gets As on the test, but he refuses to show his work. And we tried to write into his IEP that maybe he could show his work on every other problem; and we were told by the case manager that because of the PARCC requirements that they show their work, it's required that he learn how to show his work.

So, yay, PARCC. (laughter)

He had an assignment in his 7th grade language arts class when they were studying poetry that he had to write -- I have to read this,

because I'm going to mess up -- he had to write five poems in various styles. The whole grade would then vote on each other's poems for submission to, and for winners of, the 7th grade *Poetry Grammys*. It took my son seven uninterrupted hours to write each poem. That's seven hours for one poem, times five.

It was excruciating to witness. He pushed away any help, because he's become fiercely independent and wants to do things on his own.

In the end, his poetry was incredible; it is beautiful, moving, funny, insightful, sensitive, and detailed. It betrayed what goes on in his beautiful mind when he's so quiet. And I attached two of his poems in my collection for you.

And if you like, I can read the one that was nominated for a Poetry Grammy, and I (indiscernible). It's a mom thing. (laughter)

I just want to say, when he found out that one of his poems was nominated, and he came home to tell me, he was glowing. He got approval from his peers, which usually rolls off like it's no big deal. He doesn't mind being the outlier; he's a quirky kid. But it matters, and it made a big difference.

The poem he wrote is about World War II, which is an obsession of his. And if you ask him anything, he can tell you, in hour-long detail, about World War II.

This poem is called *Omaha Beach 1944*.

*Sandy beach where my friends fell  
The blood's redness staining the sand  
Ears ringing from the loudness*

*Of the gunfire all around me  
Sloshing boats in the water  
Shouting men under fire  
The heavy gear slowing soldiers  
Grenades blowing guns apart  
Explosions causing hazy vision  
Tanks making a path  
Mortar shells blow the tanks  
Flaming metal raining down  
Hope diminishing with every shot  
Wounded men moaning  
Now there's blood pouring down my face  
My eyes start to unfocus  
The world is dark*

And that was when he was 13.

So these kids are worth it; they're worth the investment. They could do great things if they're given the chance, and the supports. And I just want to make sure that they are on your radar as we go forward, because their language for twice exceptional isn't reflected anywhere in the NJDOE website, except for that one question.

ASSEMBLYWOMAN JASEY: I have to say, this is the first time I've heard that term *twice exceptional*.

MS. SELIG: I can give you lots of info. (laughter)

ASSEMBLYWOMAN JASEY: No, we should talk offline, but as you were talking, you were describing one of my kids.

ASSEMBLYWOMAN DeCROCE: Mine, too.

ASSEMBLYWOMAN JASEY: And the fight was always, you know, “Well, he’s performing at grade level.” Yes, but his ability is way above grade level.

MS. SELIG: Right.

ASSEMBLYWOMAN JASEY: So how do we get him there? And it really wasn’t until college that that was fully embraced.

And you know, as a grown, married person now, he still has all the issues he had in 1st grade. And it’s a battle; and so I hear you loud and clear because we don’t see the potential, and we also don’t recognize the struggle of these children to make it in a world that doesn’t see them.

MS. SELIG: Exactly; it’s been documented.

ASSEMBLYWOMAN JASEY: So I appreciate that.

MS. SELIG: Thank you. It’s documented that anxiety and depression is common in these children--

ASSEMBLYWOMAN JASEY: Yes.

MS. SELIG: --starting very young.

MS. NOVEMSKY: It’s very common.

ASSEMBLYWOMAN JASEY: Yes.

ASSEMBLYWOMAN DeCROCE: And if I can add to that.

And it’s something we haven’t talked about, but certainly I have a son in the same situation. And right now, he -- his heart and soul is into his own company. And he can do beautiful things in landscape design. But on the other end of it, I still have to help. But the vision, the work, the phenomenal things; but the other end, every day -- and he’s married, with two children -- I still help.

MS. SELIG: You're telling me my job is not going to end.  
(laughter)

ASSEMBLYWOMAN DeCROCE: It will never end; never end.  
(laughter)

But because you know that gift is there, and the vision to do it -- but the other end needs the help to keep that vision moving forward, right?

So I understand.

MS. SELIG: Thank you.

ASSEMBLYWOMAN OLIVER: I'd like to make a comment, please.

ASSEMBLYWOMAN JASEY: Yes.

ASSEMBLYWOMAN OLIVER: You know, theologians often say the last shall be first and the first shall be last. And I think it is very important, as legislators, that the last should be first. Because in the Legislature, in committee meetings, in meetings like this, we talk about statutes, and formulas; and the way we have divvied up regionally, the focus and the discussion should be on these children.

I think I would much prefer, as a legislator, for this room to be packed with children who are receiving special education services.

MS. SELIG: It's a great idea.

ASSEMBLYWOMAN OLIVER: I think that would be the real education for legislators and those who influence policy decisions and policy makings.

And while I love all the other testifiers here today, and I appreciate getting all your data, I most appreciated you describing your son.

MS. SELIG: Thank you.

ASSEMBLYWOMAN OLIVER: Because it is representative of thousands and thousands of children and families in this state. And we very, very -- we have limited ability to often hear from them.

So I appreciate what you're doing; I appreciate the special education PTO -- that you are providing leadership, and with SOMA. And I think the more and more we can get parents like you to serve as the face of special needs children, we will get a lot further in the Legislature with doing what is right, in terms of the appropriation of resources.

Because I think, as Assemblywoman DeCroce pointed out, you can travel the length and breadth of this state, and you will not *not* encounter a family that has grappled with raising a child with special needs.

So I thank you very much.

MS. SELIG: Thank you.

ASSEMBLYWOMAN JASEY: Thank you.

MS. SELIG: Thank you.

MS. NOVEMSKY: Thank you.

ASSEMBLYWOMAN JASEY: We have just a few more people to hear from.

Julie, you want to come up? And I'm going to ask you if you can add anything--

**JULIE BORS T:** (off mike) I'll just talk; you know. (laughter)

ASSEMBLYWOMAN JASEY: --add anything to what we've already heard.

And also Brenda Considine and Peg Kinsell, if you're still here, come up; and we're going to end with Kristen.

MS. BORST: Thank you, Assemblywoman Jasey, for having this hearing; as I know, you and I have talked about this a lot over the years.

ASSEMBLYWOMAN JASEY: Yes.

MS. BORST: And of course, many of you have-- Actually, maybe I should backtrack. I'm not sure that Assemblywoman Oliver is familiar with me, specifically.

My name is Julie Borst. I'm a parent of an 18-year-old with special needs; she's a senior in high school.

I am an organizer for Save Our Schools New Jersey; we're all volunteer parents. And my testimony today is my own.

So you heard from me talking about funding and special ed; so that is on record. And clearly we see the effects of what it takes to bring every school district in this state to their knees -- and that is seven years of underfunding \$8 billion, and a census-based model for special ed that helps virtually no district. So our kids end up at the very bottom of the barrel.

And I know there was testimony at one of the funding hearings, from a Superintendent, talking about, in very clear terms, that his special ed kids were not getting what they were needing because of lack of funding. Well, the takeaway from that was that districts are violating Federal law because of lack of money, and that's incredibly serious.

And when we see those effects happening -- and actually somebody had brought up Paterson; that is actually in my testimony today -- you're seeing an outsized version of what it is that that means. But the things that are happening in the Paterson cases -- where aides are used in other capacities -- happens in every district. It's not just the State-run districts that that is happening in. That's happening in places like mine.

So what I wanted to touch on, very briefly, was the funding.

The other thing was professional development, which NJEA discussed a little bit about. And, you know, one of the things that I see in PD a lot -- and I only see these through pictures that our local education association will do -- and they're learning how to use the computers; they're learning how to do data entry. They're not working, I think, as they should, maybe as much as they should, on their own craft and what that means.

And so those kinds of professional development things means that teachers recognize reading issues. My daughter has a brain injury, but reading was the biggest issue. And for her, and for me being her advocate for all this time-- And I'm also a parent advocate, so I help parents all over the state -- and some of the most interesting cases have been twice exceptional children, where it's crazy land.

But, you know, if teachers were recognizing, much earlier on for my daughter, that she was not actually reading -- she was memorizing words, enough so that she was reading at a 3rd grade level. And to be told all through her career, "Oh, she has a brain injury, Mrs. Borst. It's never going to be better than this."

And it took until high school -- high school-- before teachers came back and they went, "Oh, my God, you're right," and, "We're going to address this now." And because my daughter happens to be tenacious, she is now reading, as a senior, at an 8th grade level. So she's gone up five grade levels in three-and-a-half years just because somebody finally taught her how to read.

So what would have happened had she been taught how to read in 1st grade, 2nd grade, 3rd grade, 4th grade -- all the way up through 8th grade? What would have happened then?

She is an out-of-district placement in a public school. She's sent from the number three high school in the state to the number seven high school in the state; because the number seven school has an LLD program, which she is in. And so academically, I'm extremely grateful for what she has had there -- and she has had amazing, amazing teachers there. That kind of isolation from the people who you grew up with is devastating.

ASSEMBLYWOMAN JASEY: Yes.

MS. BORST: You know, the social piece of it -- we have literally had to give that up for her, okay?

Then, somebody was touching on transition, which I very briefly want to talk about.

Bergen County Special Services is amazing; I love them, they are great. They have amazing programs. My daughter fits neatly into none of them. (laughter)

Once again, she is in this no man's land. And we need something there. So fortunately, my home district is willing to work with me; she's going to be going to Crossroads next year, doing something she

doesn't necessarily want to do, but something that she likes to do. So she will be in the culinary program there.

And then -- it's a half-day program. And so two days a week they're going to supply me with a tutor for reading and math, so she can continue to grow. And the hope is that she will eventually be able to enter into some kind of a regular college program, going forward. So again, what would have happened if you had taught her how to read when she was supposed to be learning how to read, right?

So professional development, I think, probably would have caught that. Because the teachers who we're talking to, going, "Ehhh" -- nobody was willing to commit; and I'm assuming it's because they didn't actually know.

I would also say that -- and I had testified to this previously -- our Administrators need to learn to be flexible. Special ed is not static. And so as these two parents were talking about their children and how different they are, you can imagine what that looks like in a building full of students, right? And so you may have the most amazing special ed program for one or two years; your situation changes with your students, and all of a sudden, what you were doing is not appropriate for those kids. But the problem is, Administrators keep doing the same thing, except for adjusting for what's in their building. So Administrators really need to learn how to do that.

The other thing is enforcement of the existing laws. Could we please, please have oversight for that? My experience as an advocate has not been a good one with our State Department of Education and OSEP. My experience with the Feds for OCR has not been good, either. None of them are timely. OSEP is timely; OCR is definitely not timely.

Somebody had mentioned more money for ALJ so that we have judges who adjudicate these things. We desperately need that, because it does take a year to get before a judge.

I want to touch on PARCC really quickly. Somebody had mentioned PARCC for special ed students, or the need for some kind of a standardized test to drive instruction. I would say that no norm reference test should ever drive instruction no matter what; end of story, especially for the special ed kids.

RTI -- I just want to briefly talk about. I testified repeatedly against it. And one of the reasons was the U.S. Department of Education just came out with a study last year discussing how it doesn't work. And one of the biggest issues, always, is what's going on inside that building. Do you have an Administrator who knows the law; do you have an Administrator who is willing to follow the law; do they have a staff that's able to do that; and are they willing to do that? In my experience, that has not been the case. I have seen child after child stuck in basic skills -- which is a general education classification -- stuck in there for years. And you know what? It doesn't help, but they can say to the parent, "Oh, but look at what we're doing for your child," right?

So more is not necessarily better, if it's not the right thing.

And the last thing that I wanted to say was an example of -- if you wanted to take a look at using universities and master's students to start providing services inside schools. I would say take a look at the Orange Community Schools; they're doing that right now with Montclair students. I just met with a couple of them a few weeks ago because I'm putting together the convening for the New Jersey Community Schools

Coalition. And those students are in there for a full school year, so that it's not like you have churn going on--

ASSEMBLYWOMAN JASEY: Right.

MS. BORST: --and students are going to have to get new people. But those are really great ideas and they're terrific students.

ASSEMBLYWOMAN JASEY: Right.

MS. BORST: So thank you.

ASSEMBLYWOMAN JASEY: Thank you.

**BRENDA CONSIDINE:** Good afternoon.

I will be brief, because even the most compelling testimony cannot compete with hunger pangs (laughter), my own included.

My name is Brenda Considine. I wanted to thank the Committee for inviting us here today.

I'm with the Coalition for Special Education Funding Reform. We are a group that has been around for 20 years; and my task has been to coalesce diverse organizations, and perspectives, and bring together areas where there is agreement.

And I am incredibly proud of our membership; it includes Advocates for Children of New Jersey -- of which I am proud to serve as a Board member; the Alliance for the Betterment of Citizens with Disabilities; the Arc of New Jersey; ASAH, who you heard from today, the private school association; Disability Rights New Jersey; the Education Law Center, who you heard from; Learning Ally, formerly Recording for the Blind and Dyslexic; New Jersey Association of School Psychologists; New Jersey Learning Disabilities Association; New Jersey Speech-Language-Hearing Association, who you heard from; New Jersey Special Education

Practitioners; the Special Education Leadership Council; and SPAN. It is an impressive group of people, and they have been working together for 20 years and have come to consensus on things that need to change as they relate to special ed funding.

You have detailed comments in front of you with, I think, more bullet points than you'd probably care to read. (laughter) But I'm not going to go over things that other people have said today that we support. There are two things that I did want to point out.

This is to Assemblywoman Oliver's point. For years we have been urging that the State of New Jersey conduct a scientifically validated, longitudinal outcome study to take a look at what happens as a result of the billions of dollars we spend on special education. Our mantra has always been that the solution is not always more money, it is smarter money; and we need to know what's happening. We need a longitudinal outcome study that looks at what happens in the lives of adults who receive special education services so we know what things make a difference.

To my knowledge, Assemblywoman, the only such study has been done by the private special education community. They have looked at outcomes of their students and compared them to a national longitudinal study. And while they even serve kids whose disabilities are more complex and, some would say, more severe, their results are very impressive. Their kids are performing better than the national average, when it comes to special ed.

But we'd like to see a similar study here in New Jersey, really to take a look at what's happening -- is it placement-driven, is it service-driven,

what are the parameters that make a difference, so we know where to spend our money.

We wholeheartedly support the return to a census-based, non-weighted funding formula with tiers that can follow -- so aid follows students. Right now, if you have a district with -- two districts, each with 100 students, are getting the same amount of money; unless, of course, one is wealthy and one is poor. But if one district has 10 students with severe autism and the other has two students with mild learning disabilities, they get the same amount of State aid. And it really is discouraging local districts from creating programs that have longevity -- that can serve students over a long period of time.

As an aside, I too raised one of those twice exceptional kids. My son is now in college; he is writing algorithms. And he's either an A or an F; it's an A if he loves it, it's an F if he doesn't.

But he's one of those students who didn't read until high school, and who found himself in college. And if it weren't for the out-of-district programs where he attended, the anxiety, and the depression, and the mental health issues that became part of this experience I think would have washed over him. So that's just, sort of, an aside there about looking at the outcomes.

My district spent a lot of money educating my son; and I have been back to them, thanking them, and I remind them that the outcomes were good in his case.

So the second important piece that I want to leave you with is a cost study. We urge that the State of New Jersey commission an

independent study to examine the full, actual, excess costs to taxpayers, as it relates to special education.

Being late in the day, I brought a visual aid (lays money on the table) -- one, two, three, four dollars. (laughter) I'm not going to give them to anyone.

I'm a taxpayer, and I've just spent \$4 in taxes -- 30 seconds -- this is Federal tax (indicates), this is my State tax (indicates), this is my local tax (indicates), this is my county tax (indicates). Right now, in New Jersey, special education is funded with all of these dollars. When we talk about costs, for example, as it relates to private special ed, we're talking about tuition. The tuition costs at a private school include all costs; it includes building costs, related services costs -- it includes everything.

When we talk about tuition in a public school, we're only talking about a piece of this. We're not looking at what State taxpayers pay for pension, benefits, bond issues; we're not looking at Federal pieces of the dollar; we're not looking at the county piece of the dollar. So when we say a study that looks at the full, actual, excess costs to taxpayers -- Medicaid dollars; there should have been a fifth dollar here, but I didn't have another single (laughter) -- we want to put it all together and say, "Let's make sure that--" It shouldn't just be cheaper for the local district; it should be cheaper for the taxpayer. And we want to make sure that we're spending those dollars in ways that make the most sense.

So I will end there.

Thank you.

(gathers dollar bills) And I won't leave my money on the table.

(laughter)

**P E G K I N S E L L:** She's so good, isn't she?

MS. BORST: Yes, she is.

MS. KINSELL: So I get to be wrap-up, huh?

All right; good afternoon, now.

Peg Kinsell, Statewide Parent Advocacy Network.

Thank you very much for the invitation to join you today. We are very happy, as always, to talk about special education in the State of New Jersey.

You have, before you, nine pages of testimony which I will not read (laughter); and that was whittled down. But I did e-mail, so I didn't kill too many trees; because we have also attached our testimony on the ESSA State plan and our funding testimony, too -- so just in case you don't have enough to read here. (laughter)

And I am really going to go totally off-script, because there are so many things that, like, I wanted to jump up and comment on as we spent the morning here.

But there are a couple of things in here that didn't necessarily get touched on that I wanted to touch on quickly. And one is-- Oh, for those who don't know us, SPAN is the Parent Training and Information Center; we're federally funded from the U.S. Department of Ed under IDEA. We also are the F2F, or the Family-to-Family Health Information Center that supports families of children, all the way to young adults, who have special healthcare needs. And we also house a Military Family Support Center, at the Joint Base, that supports military families, both with PTI supports and Family-to-Family supports as well.

That's a really quick commercial; you can see, in the first couple of paragraphs, about all the other stuff, and some of our national projects as well.

But one of things we didn't really touch upon -- which is always, kind of, right up front of us -- is the issue around discipline, behavior, suspensions, and those pieces. So there's a lot of information in here, but I would be amiss if I didn't say that students with disabilities are two to three times more likely to be bullied; they're two times more likely to be suspended; 12 percent of the student population nationally are students with disabilities, but they represent 58 percent of those who are placed in seclusion or isolation; and 75 percent of those who are physically restrained at school. And that doesn't even take into the disproportionality of students of color, and where that comes in. So, I mean, that's its own hearing all by itself.

ASSEMBLYWOMAN JASEY: I was about to say that.  
(laughter)

MS. KINSELL: But it's a really important issue, because-- And it's going to piggyback on some of the comments we made on the State plan. I mean, I think the Department did a really good job with trying to engage stakeholders this time around. But unfortunately, the one indicator -- the extra indicator they picked was around chronic absenteeism, which we think is a causal agent, but we don't think it should be its own stand-alone indicator; and that school climate would have been a better indicator for -- and a way to bring more supports. Because we really think that if schools were able to have positive behavior interventions, and support, and restorative justice, and trauma-informed practices, all our kids -- both

students with disabilities and without -- would be in a whole lot better place.

But again, a lot of stuff in here. And anytime you want to talk, I'll talk about that all day long.

So that being said, one of the pieces around the preschool question, Early Intervention -- we get complaints and calls about it all the time from families. Sometimes it's issues of child study teams not being available in the summertime, and staffing; sometimes it's a delay. School districts have a Child Find obligation. That's the short and long of it.

There's also an issue of not enough child study teams that are -- that have appropriate ESL or language-based evaluators. That's a State issue; it's a school district issue, so that has to be dealt with. And that is -- that's just a matter of fact.

As far as the homeschooling: I don't know anything about a check-in once a year, okay? Again, you know, I'm not a lawyer and I don't play one on TV. (Laughter) But the Child Find obligation does apply to any student within the district; but it's true -- that student has to enroll if they want those services from the school.

ASSEMBLYWOMAN JASEY: Yes.

MS. KINSELL: Let's see what was-- Oh, the SEMI, or the private insurance. It sounds really good on paper, but there are a lot of issues that go -- especially right now, with not knowing what's going to happen as far as health care goes. But one of the issues around insurance is that there are also certain levels of service, especially for families that have a lot of service -- like nursing services, or additional therapies. If those services get capped, then that might take their nursing services away at

home. And we've had issues with HMOs and private insurance companies all of a sudden wanting IEPs and educational information, stuff they never wanted to access before. (bell rings)

You're just going to have to indulge me for one second around this, okay?

Because this has been a real big problem, especially with kids who have significant disabilities and special healthcare needs. Because then it becomes a conflict of, "Where am I supposed to put those apples in the cart; and how do I, kind of, choose that? Do I not have nursing services at home because, you know, my insurance is saying, 'Oh, no, 16 hours, and that's it.'"

So there are a whole lot of things around SEMI, and private insurance, or the State plan that gets really, kind of, funky and has to be -- that's a whole other committee all by itself. We have to really-- And depending on how -- if Medicaid comes in a block grant to us -- God forbid; please help us -- then that's going to be a whole other issue that's going to have, kind of, a lot of steps into it. So I would say to be very, very cautious about those pieces.

And as far as why don't more parents bring private evaluations to the table -- even though, like someone had said earlier about FAPE; and it's supposed to be a "free and appropriate public education" -- those evaluations should be at the school district's expense. Part of the problem we found when parents or families bring their own evaluation, is the law says the school district only has to consider it. So if the school district does the evaluation themselves, then they kind of own it.

ASSEMBLYWOMAN JASEY: Right.

MS. KINSELL: If you just bring in your own, they go, "Oh, nice; thank you." But that doesn't necessarily have as much meat sometimes. So if a family -- especially a family that has limited resources -- goes out and spends an amount of money, sometimes, you know, it might be something you want to save a little bit further down the road.

And the other thing is a lot of insurance companies will balk anyhow. They'll say it's an *educational* expense; it's not a *medical* expense.

ASSEMBLYWOMAN JASEY: Right.

MS. KINSELL: So that gets real complicated, too.

And you want to -- you talk about homeschoolers coming in. There are a lot of families that fought really hard about burden of proof. Because no matter what other folks tell you, burden of proof belongs on the people who have the most resources. And although sometimes there are families that have a lot of resources that go to due process, most times families can't go to due process because they're paying taxes for the attorneys who are fighting them in the due process hearing, and they have no right to counsel. So that one, I'll be leading the parade against.

So that's as quick as I could talk for the five minutes, but I appreciate it. (laughter)

It's so good to see you, Speaker.

ASSEMBLYWOMAN OLIVER: You as well.

MS. KINSELL: And thank you very much.

ASSEMBLYWOMAN JASEY: Thank you; thank you very much, ladies.

ASSEMBLYWOMAN OLIVER: Excellent.

MS. CONSIDINE: Thank you.

ASSEMBLYWOMAN JASEY: And certainly not last but least-- (laughter) Certainly not least -- last, but not least-- I think I'm getting tired here.

And I will say that there are some light refreshments in the room next door that we paid for, apparently. So if you would like to go and have something on your way out, please do.

Kristan Gross, Global Executive Director of Vision Impact Institute.

**K R I S T A N G R O S S:** Thank you very much.

And I appreciate the time today. It's been very interesting hearing the dilemma that you're up against, as far as special ed is going; and then the education system here in New Jersey. So I do appreciate your time.

The Vision Impact Institute is a global organization that was created to create awareness and advocate on behalf of policy change around vision health, and prioritizing vision health around the world.

In the United States we do a program called *Kids See Success*, and that's what we're here to talk to you about today.

Eighty percent of what a child learns comes through their eyes; yet the greatest global disability in the world is uncorrected vision. In the United States, one out of four children has a vision issue that is not diagnosed or is actually undetected. In inner cities, that number is even higher; it's more like 30 to 35 percent and, in some cases, it can be even higher. That's just in the United States; on a global perspective, that's 30 percent around the world.