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Diane Shoener  
Director, State Board of Education Office  
New Jersey Department of Education  
100 River View Executive Plaza  
PO Box 500  
Trenton, New Jersey 08625-0500

Dear Ms. Shoener,

Autism New Jersey commends the Department of Education for its long-standing efforts to support the complex educational needs of children with autism in public and private school settings. Coupling these complex needs with the highest prevalence rate of autism in the country creates a tremendous responsibility for the Department to ensure a high-quality education for students across a wide spectrum of abilities and a continuum of educational placement options. As demonstrated by the recent Supreme Court decision, the role of the federal and state Departments of Education to set policy and ensure accountability is critically important for students with autism. Thus, Autism New Jersey appreciates the opportunity to dialogue with Department officials throughout the year and comment on the Department's proposed changes to the fiscal code for private schools.

Autism New Jersey supports accountability measures and, at the same time, is concerned that portions of the Department's proposed changes to Subchapter 18 of N.J.A.C. 6A:23A, Fiscal Accountability, Efficiency, and Budgeting Procedures, will inadvertently limit private schools' ability to operate in a manner necessary to effectively provide a meaningful education for students with autism. We propose three specific and two general recommendations.

Many private schools that serve students with autism provide a greater degree of individualization, specialized teaching techniques, and more detailed data collection and accountability than can be provided within a public school. These critical elements are often delivered by professionals such as Board Certified Behavior Analysts (BCBA) who ensure meaningful educational benefit is maximized for each student.

To address these concerns on behalf of smaller private schools that provide specialized Applied Behavior Analysis (ABA) services to students with autism, Autism New Jersey respectfully urges your consideration of the following specific recommendations:

**N.J.A.C. 6A:23A-18.3(o)iii**

- Concern: The ability to acquire three quotes is dependent on cooperation and responsiveness from the approved clinics and agencies.
- Recommendation: Amend the requirement that private schools must acquire three quotes from approved clinics or agencies prior to contracting with an approved clinic or agency and allow the private school to show **proof of attempts** to acquire three quotes.

**N.J.A.C. 6A:23A-18.3(r)**

- Concern: A maximum of two hardship approvals and limiting the timing of these requests to once per year ignore the need that many private schools have if census increases in the middle of the year and/or there is a need for more specialized services.
- Recommendation – **Remove the maximum number of hardship exception approvals** during a fiscal year and **allow for requests throughout of the year**.

**N.J.A.C. 6A:23A-18.18(c)3 and 4**

- Concern: Some private schools have not charged their full approved tuition rate in order to make their services more affordable and our recommendation would acknowledge these efforts.
- Recommendation: **Allow an exception to the requirement of the distribution of private school real estate sales proceeds** to the sending school districts that are not used to purchase new real estate if the private school has not charged the sending school districts their full approved tuition rate.

In support of all private schools, Autism New Jersey's general recommendations include:

- **Pilot Program** – With a July 1, 2017 implementation date for these proposed changes, we strongly recommend that the Department agree to a pilot program with a few willing schools as opposed to statewide implementation. This practical approach will allow the Department and a handful of willing schools to work out any implementation issues over the course of the first year. The pilot program will prevent undue administrative hardship and allow private schools ample time to prepare for a new chart of accounts and adjust their accounting practices, as necessary.
- **Fiscal Code Advisory Council** – As specific policies of the new code are implemented, there will be items that have substantial operational and fiscal impact and are open to interpretation. To ensure clarity and consistency among all of the stakeholders, we encourage the Department to establish such a council comprised of DOE officials, accounting firms, and approved private schools. This council would hear implementation concerns, attempt to address them, and identify means to resolve such discrepancies.

Thank you for the opportunity to provide these comments. We look forward to our continued dialogue to advance these recommendations on behalf of students with autism.

Sincerely,



Suzanne Buchanan, Psy.D., BCBA-D  
Executive Director



Eric Eberman, M.S.Ed.  
Public Policy Director