



August 17, 2018

John Worthington, Esq., Director
Office of Special Education Policy and Procedure
New Jersey Department of Education
P.O. Box 500
Trenton, NJ 08625-0500

Dear Mr. Worthington:

As you know, Education Law Center (ELC) works to secure the legal rights of New Jersey's 1.37 million public school children to high quality education under state and federal laws, particularly our state's at-risk students, students with disabilities, and students of color. As an advocate for students in New Jersey's high need school districts, ELC serves as counsel to the class of urban school children in the landmark Abbott v. Burke education equity case and provides legal services to students in education cases, including special education and student discipline matters.

We are writing to endorse the attached complaint investigation request filed by Rutgers Education & Health Law Clinic (Rutgers) against North Star Academy Charter School (NSA) and to urge the Office of Special Education Policy and Procedure (OSEPP) to undertake the requested investigation. As explained briefly below, we find both the data and information presented by Rutgers to be reliable and consistent with our knowledge of what is occurring at NSA. As a result, we concur with Rutgers that systemic violations of the Individuals with Disabilities Education Act by NSA are very likely to be substantiated through a complaint investigation.

With regard to data, we find Rutgers's analysis of the suspension data provided by the New Jersey Department of Education (NJDOE) to be sound and compelling. That data strongly makes the case that classified students at NSA are subject to disproportionate suspensions, both relative to their non-classified NSA peers and relative to classified students in other charter and traditional public school districts.

As to the types of violations alleged, over the past year, parents have made similar complaints to ELC as those set forth in the Rutgers complaint. NSA's implementation of its discipline policy has been described to us as "zero tolerance," and we have received complaints that NSA has inappropriately suspended and retained students with disabilities. In some of our

intakes, parents of children with disabilities have chosen to withdraw their child from NSA as a result of the treatment received there.

Notably, NSA's rate of enrollment of students with disabilities is significantly lower than comparable rates of Newark Public Schools (NPS). For example, ELC's examination of student demographics in a charter expansion appeal in which both ELC and NSA are parties revealed the following: during 2013-14, NSA enrolled 8% special education students compared with 18% enrolled by NPS. See NSA 2013-14 Performance Framework Report, submitted to NJDOE in support of NSA's October 15, 2015 Charter Renewal Application. Comparable statistics exist for the most recent data publicly available from NJDOE: during 2016-17, NSA enrolled 7.34% special education students while NPS enrolled 15.48%. See Classification rates for 2016-17, NJDOE Special Education Data, available at <https://www.state.nj.us/education/specialed/data/2016.htm>. This disparity in special education enrollment rates within the same district of residence raises the question of whether NSA is appropriately serving students with disabilities and lends further support to the need for an investigation of the violations alleged here.

Thank you for your attention to this matter. If I can answer any questions, or you would like to discuss this matter by telephone, please do not hesitate to call me at (973) 624-1815, ext. 20.

Sincerely,

Elizabeth Athos, Esq.

Cc: Deanna Christian, Esq.
Teresa Moore, Esq.