

Comments of

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Presented by

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Before the

New Jersey Senate Education Committee

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Thank you for the opportunity to testify regarding the needs of students with disabilities in New Jersey.

My name is Ruth Lowenkron and I am a Senior Attorney with the Education Law Center. As you may know, the Education Law Center (ELC), established in 1973, is a not-for-profit law firm which advocates on behalf of low-income students who are denied access to an appropriate education in New Jersey. One of ELC's priorities and areas of specialization is advocacy for students with disabilities.

ELC greatly appreciates all of the Committee's work on behalf of students with disabilities and for devoting this entire hearing to special education issues. ELC respectfully presents the following comments with respect to the bills before you today:

**S3606, S2441 and S2440** – ELC supports these bills which will mandate for the first time that general education teachers receive professional development in serving the needs of students with disabilities. In order for students with disabilities to be served effectively in general education classes – as is mandated by special education law whenever appropriate – general education teachers, as well as the educational staff outlined in S2440 (special education teachers, ESL teachers, instructional support staff, administrators, supervisors, child study team members and speech and language specialists), must understand the needs of students with disabilities. We strongly urge the Committee, however, to amend the bills to include training in *all* areas of special education, not just reading disabilities and dyslexia.

**S1929** – ELC opposes this bill as it is likely to increase segregation of special education students in violation of federal and state law. By creating more opportunities for students with special needs to attend schools where students with disabilities are wholly segregated from their non-disabled peers, A2869 runs contrary to the fundamental principle espoused in federal and state special education law — that students with disabilities should be educated in the least restrictive environment and, to the maximum extent appropriate, alongside their non-disabled peers. This is particularly devastating as New Jersey has the highest rate of segregation of its students with disabilities in the country.

ELC also supports the testimony of Americans United for Separation of Church and State which notes that this bill likely runs afoul of the First Amendment and that it would be virtually impossible to separate the costs for the religious components of the sectarian school's education from the non-religious components.

**S2333** – ELC supports this bill which will mandate that the Department of Education provide, and that teachers and administrators obtain, training in procedures to prevent the over-identification of students of color for special education services. New Jersey has one of the highest rates of over-identification in the country, and this education is sorely needed. ELC strongly recommends, however, that this training not be limited to teachers and administrators, but rather be provided to child study team members as well. In addition, the training should not be limited to over-identification, but rather should be expanded to prevent the over-representation of students of color in

segregated (self-contained) placements where New Jersey also has an abysmal track record.

ELC supports the collection of data regarding race, ethnicity and classification, but urges that data also be collected regarding race, ethnicity and placement. Moreover, to ensure transparency, the Committee should mandate that such data be made readily available to the public.

**S2334** – ELC supports mandating the Department of Education to maintain and make available all administrative decisions and state and federal appeals of such decisions on its website. Such decisions are not readily available to attorneys, let alone non-attorney advocates and family members, and this virtually cost-free proposal will greatly assist students with disabilities.

**S2439** -- ELC supports this bill which mandates that the State Board of Education adopt the International Dyslexia Association's definition of dyslexia in New Jersey's special education regulations. Currently, the regulations lack a definition for dyslexia and utilizing the definition drafted by the experts in the field will ensure that students with dyslexia are appropriately located, identified, evaluated and found eligible for special education services.

**S2442** – ELC supports this bill which will ensure that all kindergartners and other children who are new to a district are screened for disabilities. Such screening is mandated by special education law which requires the affirmative “location” and “identification” of students with disabilities. The success of such “universal screening” is unanimously attested to in the professional literature and is successful in those New Jersey districts that already implement it. Here again,

however, ELC urges the Committee to amend the bill to ensure that the screening is for all disabilities, not just learning disabilities.

In addition to screening, ELC encourages the Committee to mandate that districts use a Response to Intervention (RTI) approach to reading instruction and to universally employ evidence-based, multi-sensory direct approaches to reading such as Wilson Reading, etc. Notably, RTI is utilized by the majority of states across the country

**S2645** – ELC supports this bill which establishes an ombudsperson office within the Department of Education. ELC has long advocated for such a position which is available in numerous other departments of education across the country. New Jersey’s Department of Education has advised that this role is filled by the county offices, but our experience is that this is frequently not the case. ELC urges, however, that such an office be limited to serving parents and students, as opposed to serving educators and other “interested members of the public.” The latter are already well served by the Department’s offerings of district professional development and website postings. Parents and students, on the other hand, have few places to turn to resolve their educational concerns.

ELC also supports the provision of this bill that mandates annual reports from the ombudsperson office. ELC urges, however, that specific language be added to the bill to ensure that such reports are made readily available to the public to ensure transparency.

ELC notes that none of the proposed bills have fiscal notes attached and we urge the Committee to add such notes where appropriate.

Finally, ELC would like to share some cost-saving proposals which we believe will enhance the education of students with disabilities. We urge the Committee to mandate:

1. an independent, scientifically-validated, longitudinal outcomes **study to examine the lives of adults who, as students, received special education services**. We invest millions of dollars educating students with disabilities, but objective data on their lives as adults is missing. We need to identify variables that affect positive outcomes in order to make informed decisions.

2. an independent **study to examine the full actual cost of special education**. We lack accurate, objective cost data. Published tuition rates for public school programs are very misleading and fail to capture the full costs to taxpayers.

3. a **moratorium on the establishment of public schools to be used primarily for students with disabilities**. Taxpayer dollars are better spent improving and expanding local school capacity, not building and financing new, separate schools.

4. the **development of public/private** partnerships to help bring high-quality, specialized services into all settings.

5. the **regionalization of student transportation** to improve efficiencies and save money.

6. the **sharing of equipment and assistive technology by school districts** to improve efficiencies and save money.

7. the **increase of pre-referral interventions by school districts** which will reduce the need for special education services.

8. a **revision of the special education funding mechanism** in accordance with the recommendations of the New Jersey Office of Legislative Services and the State-sponsored report by Augenblick, Palaich and Associates, Inc. entitled "An Analysis of New Jersey's Census-Based Special Education Funding System." Aid must be generated based on students' actual needs, not on a statewide average and a statewide percentage. The aid must also be provided in such a way that money can follow the student across placements.

Thank you for considering our comments.