

The mandated tuition contract is an essential document to the provision of a Free Appropriate Public Education (FAPE) under the *IDEA* for students who are placed in an approved private school for students with disabilities. Under advisement from our in-house accessibility expert, this document cannot be made fully accessible at this time. The document will be updated when all accessibility issues are resolved. In the meantime, please contact [doe.pssd@doe.nj.gov](mailto:doe.pssd@doe.nj.gov) or call the Division of Finance at (609) 376-3800 for further assistance with this document.

### **Additional Information**

The tentative per diem tuition rates for 2019-2020 set by the Department and the various subsequent updates are the maximum tentative per diem tuition rates that may be charged during the school year. For example, a private school for students with disabilities with a maximum tentative per diem tuition rate of \$150.00 with a total of 30 enrolled days for July through August and 180 enrolled days for September through June will have a total July through June tuition rate of \$31,500. An example follows:

**4A. July to June School Year** - The **Sending District** agrees to pay the **Approved Private School** each month a tentative tuition charge based upon a per diem rate of \$150.00 (two decimal places) for the total number of days such pupil was enrolled during the month. The per diem rate was determined by dividing the tentative tuition rate for the school year of \$31,500.00 by the estimated number of days school will be in session, but not less than 180 days (July through June) of 210 and rounding to the nearest two decimal places. For July through August, if applicable, such pupil will be enrolled for 30 days for a total tentative tuition charge of \$4,500.00 (two decimal places), and/or for September through June, if applicable, such pupil will be enrolled for 180 days for a total tentative tuition charge of \$27,000.00 (two decimal places.) The July through June total tentative tuition charge will be \$31,500.00 (two decimal places.)

**If a pupil was not enrolled for the entire school year, insert the actual number of enrolled days remaining upon the pupil's enrollment.** Conversely, if a pupil was not enrolled for both the extended and the ten month school years, I would recommend the private school or school district insert "N/A" in the time period (July-August or September-June) the pupil will not be enrolled.

There are private schools for students with disabilities that serve both full-day, half-day or only half-day pupils. In order to identify the full-day and half-day rates, private schools may add the following language, as it appears below in bold: **“for a full-day or \$X for a half-day and “for a full-day or \$X for a half-day.”**

**4A. July To June School Year** - The **Sending District** agrees to pay the **Approved Private School** each month a tentative tuition charge based upon a per diem rate of \$150.00 (two decimal places) “**for a full-day or \$75.00 for a half-day**” for the total number of days such pupil was enrolled during the month. The per diem rate was determined by dividing the tentative tuition rate for the school year of \$31,500 “**for a full-day or \$15,750 for a half-day**” by the estimated number of days school will be in session, but not less than 180 days (July through June) of 210 and rounding to the nearest two decimal places.

According to the regulations and the contractual language, private schools for students with disabilities have the option of requiring payment no later than the first of each month prior to the services being rendered or no later than 60 days after the last day of each month in which services were rendered. If the private school chooses payment no later than the first of the month prior to services being rendered, payment is due by July 1 for an extended school year program that begins in July and by September 1 for the ten month school year. In addition, private schools for students with disabilities may charge interest at one percent per month on the unpaid balance of tuition received 30 days after the due date. In order to provide adequate time for the local school district to meet this obligation, it is incumbent upon the private schools for students with disabilities to bill the local school districts on a timely basis. I would recommend that the private schools prepare the monthly tuition bills so that they are received by the local school districts at least six weeks prior to the payment due date.

The private school for students with disabilities is required to send the local school district a monthly attendance record and a monthly enrollment record for each pupil. Using the above recommendation of six weeks prior to the payment date, a pupil’s first three monthly tuition bills will include only the proposed monthly enrollment times the per diem rate. It will not be until the fourth month of enrollment that the pupil’s actual attendance record for the first month will be available.

Sections #10 and #10a of the contract require a mutually agreed upon date that the sending district agrees to pay the private schools for students with disabilities any increase in the final tuition rate charged from the original tentative tuition rate charged. The regulation requires any increase due to the private school from the school district be paid during the second school year following the year for which the actual cost per student is certified. Please consider that both parties must agree to the actual due date.