



State of New Jersey

DEPARTMENT OF EDUCATION
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JON S. CORZINE
Governor

LUCILLE E. DAVY
Acting Commissioner

August 23, 2006

TO: Chief School Administrator
Director of Special Education
Administrator of a State Facility
Administrator of a Charter School
Administrator of an Approved Private School for the Disabled
Administrator of a College-Operated Program
Statewide Special Education Advisory Council
Agencies or Organizations Concerned with Special Education

FROM: Roberta Wohle, Acting Director
Office of Special Education Programs

A handwritten signature in black ink, appearing to read "Roberta Wohle".

SUBJECT: Provision of Services to Nonpublic Preschool Students

This correspondence has been sent to supplement my June 9, 2006 memorandum regarding the provision of services to parentally placed students with disabilities in nonpublic schools. Based on comments received with respect to the proposed special education regulations, the Department **did not adopt the amendment removing parentally placed preschool students with disabilities in nonpublic schools from those eligible to receive equitable participation services.** Rather, the Department chose to wait for publication of the federal special education regulations before making a change in the services to preschool age nonpublic students with disabilities.

The federal regulations, issued on August 3, 2006, specify that children age three through five are considered to be parentally placed private school children with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under state law. The Department will seek guidance regarding the potential implications of the federal regulation at §300.13 and §300.133(a) (2) (ii) and, if necessary, propose regulatory changes for the following school year.

In the meantime, because the state regulations were not changed, as originally proposed, the federal entitlement allocations **will** contain a proportionate share for those preschool students identified on the 2005 Annual Data Report (ADR) completed in December of 2005.

Therefore, all local school districts are directed to contact the representatives of the parentally placed preschool students attending private (nonpublic) schools within their district's geographic area to determine the services that are needed for those students.

The allocations for each district are currently being revised to include the additional proportionate share. Because this change necessitates reprogramming of the 2007 online application, the new application availability has been delayed and the due date has been adjusted accordingly. Districts will be notified of their allocations and application information within the next two weeks.

The remainder of the guidance in the memo of June 9, 2006 is unchanged. If you need to refer to that memo, it can be found on the New Jersey Department of Education's website at: <http://www.nj.gov/njded/specialed/memos/060906np.pdf>.

Thank you for your attention to this matter.

RW/CK/JW

c: Members, State Board of Education
Acting Commissioner Lucille E. Davy
Isaac Bryant
Senior Staff
Rochelle Hendricks
Susan Martz
Diane Shoener
County Superintendent
County Supervisor of Child Study
Members, NJ LEE Group
Garden State Coalition of Schools
Nonpublic School Advisory Committee