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TO: Chief School Administrators
Charter School Lead Persons

FROM: John Worthington, Acting Director
Office of Special Education Programs

SUBJECT: District Responsibilities for Students with Disabilities Placed in Separate Settings

The New Jersey Department of Education is providing this guidance and clarification to school districts about Individualized Education Program (IEP) decision-making and district responsibilities for students with disabilities placed in separate settings. This information is being provided pursuant to recommendations made by the New Jersey Task Force on Improving Special Education for Public School Students.

The *Individuals with Disabilities Education Act* of 2004 and *N.J.A.C. 6A:14-4.10(a)* require that students with disabilities are to be educated in the least restrictive environment (LRE) and, to the maximum extent appropriate, to be educated with children who are not disabled. When determining the educational placement of a child with a disability, the IEP team must consider the general education class with supplementary aids and services first and document all required decisions regarding the placement in the IEP for each student. While discussions about placement should begin with consideration of placement in a general education class, that setting may not be appropriate for all students, and the IEP team must consider the full continuum of placement options. For some students, placement in a separate setting, such as a private school for students with disabilities, is most appropriate to meet their educational needs.

According to *N.J.A.C. 6A:14-7.5*, there are requirements the district board of education must meet for each student placed in a private school for students with disabilities:

- A student with a disability can be placed in a private school only when it can assure the student's IEP can be implemented in that setting;
- Prior to placing a student in a private school, a representative from the district board of education and, if possible, the parent must visit the school;
- The educational program of the student must be considered the educational program of the district board of education that is responsible for the development of the initial IEP, annual review and reevaluation as follows:
 - At least annually the district board of education must monitor the implementation of the IEP;

- A representative from the private school and the district board of education must participate in IEP team meetings; and
- The IEP of a student in a private school may only be amended by the district board of education.

District leadership should provide training and technical assistance to child study team members on these requirements.

Should you have any questions, please contact Kim Murray in the Office of Special Education Programs at (609) 292-7605.

JW/KM

c: Members, State Board of Education
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