

PL 1989 Chapter 152 (Naples) Placement Instructions and Forms

This document discusses the requirements to qualify a student in a placement not included in the lists of Approved Private Schools for the Disabled available on the [DOE Web Site](#). The requirements of this program are based on NJSIA 18A:46-14(h) Enumeration of facilities and programs.

“NJSIA 18A:46-14 Enumeration of facilities and programs.

h. Individual instruction at home or in school whenever, in the judgment of the board of education with the consent of the commissioner, it is impracticable to provide a suitable special education program for a child pursuant to subsection a., b., c., d., e., f. or g. otherwise.

Whenever a child study team determines that a suitable special education program for a child cannot be provided pursuant to subsection a., b., c., d., e., f., g. or h. of this section, and that the most appropriate placement for that child is in an academic program in an accredited nonpublic school within the State or, to meet particular circumstances, in any other state in the United States, the services of which are nonsectarian, and which is not specifically approved for the education of handicapped pupils, that child may be placed in that academic program by the board of education, with the consent of the commissioner, or by order of a court of competent jurisdiction. An academic program which meets the requirements of the child's Individual Education Plan as determined by the child study team and which provides the child with a thorough and efficient education, shall be considered an approved placement for the purposes of chapter 46 of this Title, and the board of education shall be entitled to receive State aid for that child as provided pursuant to P.L.2007, c.260 (C.18A:7F-43 et al.), and all other pertinent statutes.”

Explanation:

18A:46-14(h) sets out the conditions under which a district may place a classified child in a school that has not been preapproved by the Department of Education. There are four essential criteria that must be met:

1. child study team
 - a. determines that a suitable special education program for a child cannot be provided;
 - b. identifies the most appropriate placement for that child is an academic program in a nonpublic school within the State or, in any other state in the United States, and
 - c. determines that the identified program meets the requirements of the child's Individual Education Plan.
2. the identified placement is an accredited nonpublic school
3. the services of (the placement) are nonsectarian and
4. the placement is approved by the board of education
 - a. with the consent of the Commissioner, or
 - b. by order of a court of competent jurisdiction.

A court of competent jurisdiction includes both court orders requiring the initial placement as well as agreements approved by an Administrative Law Judge. Note that a court order alone does not qualify cost for Exaid when the placement does not meet the other criteria as well.

All criteria must be met for the placement to be eligible for Exaid. You may be requested to provide documentation regarding these criteria. If so, the request will be made through the EXAID application on the main menu under "Upload Documentation (pdf only)"

Determining if a placement qualifies.

To determine if your placement in a non-approved school is eligible for EXAID you must be able to answer yes to each of the following questions. If you answer no to any question, the application is not eligible.

1. Is the placement in an accredited school?
2. Is the school non-sectarian?
3. Has the placement been approved in one of the following ways?
 - a. The placement was made pursuant to an order of court of competent jurisdiction
 - i. By direct order of a judge, or
 - ii. With the approval of an agreement by an Administrative Law Judge
 - b. The placement was made with the approval of the Commissioner of Education as indicated by a letter from and signed by the Commissioner

If you answered "No" to any of the above questions, the placement does not qualify for EXAID.

If you answered "Yes" to all three of the questions, you may be asked to provide supporting documentation as follows;

If the placement is by a court order,

The court order showing the placement, including any terms defining the fiscal responsibility of the district; and

The court order must include a factual statement pursuant to N.J.A.C. 6A:14-6.5[c]1 that the certifications in N.J.A.C. 6A:14-6.5[b] have been met, including that the school is accredited [N.J.A.C. 6A:14-6.5[b]1] and nonsectarian [N.J.A.C. 6A:14-6.5[b]7].

If the order does not include a certification as described in the last paragraph, you may submit a written certification signed by the Chief School Administrator (or his assignee). A draft form with additional explanation is provided on the last two pages of this document.

If the placement is by approval of an ALJ of a settlement agreement,

The decision approving the settlement agreement;

The attached settlement agreement, including any terms defining the fiscal responsibility of the district; and

A signed consent application from the board of education pursuant to N.J.A.C. 6A:14-6.5[c]2 that the certifications in N.J.A.C. 6A:14-6.5[b] have been met, including that the school is accredited [N.J.A.C. 6A:14-6.5[b]1] and nonsectarian [N.J.A.C. 6A:14-6.5[b]7]
A draft certification form with additional explanation is provided on the last two pages of this document

If the placement is made with the approval of the Commissioner of Education, a copy of the Commissioner's letter of approval. If the Commissioner's approval was initially granted in a prior year, you will also need to submit a copy of your placement continuation documentation for this year.

If you do not have any of the above documentation, please notify this office at EXAID@doe.nj.gov as soon as possible. You must provide all documentation for your application to be considered for the program. Failure to do so will result in the application being rejected.

**Certification for receipt of extraordinary special education state aid for placement
in an unapproved school in accordance with P.L. 1989, Chapter 152**

Student Name: _____ Date of Birth: _____

LEA: _____ County: _____

Name of Nonpublic School: _____

Address of Nonpublic School: _____

School Year: _____

For the purpose of receiving extraordinary special education state aid the
_____ LEA hereby certifies to the New Jersey Department of
Education (NJDOE) that the above referenced placement meets the requirements of N.J.A.C. 6A:14-
6.5(b).

Specifically, the district certifies to the following:

1. The nonpublic school is accredited according to the NJDOE's accreditation guidelines as set forth in Attachment 1; and
2. The nonpublic school provides services which are nonsectarian.

I hereby certify that to the best of my knowledge the above statements are accurate and correct.

Chief School Administrator

Date

ATTACHMENT 1

ACCREDITATION GUIDELINES FOR UNAPPROVED NONPUBLIC SCHOOLS

When a local school district seeks to make a placement under the provisions of P. L. 1989, Chapter 152, the district must assure that the nonpublic school is accredited.

Accreditation is the status granted a school by a governmental or independent educational accreditation agency, which is based upon written evaluation criteria that addressed educational programs and services, school facilities and school staff. In addition, on-going on-site evaluation is conducted by the accrediting agency.

The accreditation standard can be met by either method listed below:

1. The nonpublic school is currently accredited by one of the Regional Accrediting Associations, such as:
 - a. Middle States Association of Colleges and Schools
 - b. AdvancED
 - c. New England Association of Colleges and Schools
 - d. Western Association of Schools and Colleges
2. The nonpublic school is currently accredited, licensed or approved by the Department of Education or another governmental agency, in the state in which the school is located. This accreditation must include the criteria listed above and ongoing on-site evaluation of the nonpublic school.
3. When a local school district is considering a nonpublic school which is not accredited by either a regional accrediting association or a state agency, but is accredited by another accrediting association, the LEA may request a review of the school's accreditation by the Department of Education. These requests should be sent with the application directly to the County Office of Education for initial review.

Requests for review must include, at minimum:

- a. the name and address of the accrediting association;
- b. a copy of the association's accrediting criteria; and
- c. a copy of the most recent on-site evaluation of the nonpublic school.