



STATE OF NEW JERSEY

DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: December 1, 2021

To: Chief School Administrators, Charter School and Renaissance School Project Leads, Administrators of Approved Private Schools for Students with Disabilities

Route To: Directors of Special Education

From: Kathy Ehling, Assistant Commissioner
Division of Educational Services

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Implementing P.L.2021, c.109: Providing Additional or Compensatory Special Education and Related Services to Students with Disabilities

The purpose of this memorandum is to provide guidance to school districts, students, and parents/guardians of students with disabilities regarding implementation of P.L.2021, c.109, which allows schools to provide additional or compensatory special education and related services to students with disabilities beyond the age of 21.

Overview of P.L.2021, c.109

The law requires boards of education to offer up to one year of additional or compensatory special education and related services, including transition services, to students with disabilities if a determination is made by the student's Individualized Education Program (IEP) team that the student requires such additional or compensatory special education and related services. As P.L.2021, c.109 went into effect in June 2021, this law impacts students with disabilities who exceed, or will exceed the current age of eligibility for special education and related services (21 years old) in the 2020-2021, 2021-2022 and 2022-2023 school years.

Determining the Need for Additional or Compensatory Services

The law does not guarantee that all students exceeding the age of eligibility will receive additional or compensatory services. Rather, the law makes clear that it is the role of the student's IEP team, which consists of the student, the student's parent/guardian, the student's teachers, related service providers, and other representatives from the student's school district, to determine if the student requires additional or compensatory special education and related services. The IEP team is responsible for determining the type, frequency, and location of additional or compensatory special education and related services.

Considerations for Boards of Education

Families may not be aware of P.L. 2021, c.109 or that their student with a disability is potentially eligible for services under the law. It is recommended that information on P.L.2021, c.109 be shared through the existing channels of communication the district uses to provide information to the school community.

Students with disabilities who attend school up until age 21 are typically eligible for adult services offered through State agencies such as the Division of Developmental Disabilities (DDD) and the Division of Vocational Services (DVRs). There are deadlines that families must meet when applying for and coordinating adult services. It is possible that families may be reaching out to their students' school districts to discuss additional and

compensatory services for a student under P.L. 2021, c.109 early in the school year to allow enough time to apply for appropriate adult services.

Dispute Resolution

The student or student's parent/guardian may seek dispute resolution if there is disagreement with the IEP team's determination that the student does not require additional or compensatory education, or if there is disagreement about the IEP team's proposed type, frequency, and/or location of additional or compensatory education. Dispute resolution options include mediation conferences, due process hearings, and/or complaints alleging a violation of special education law.

Reimbursements to School Districts for Services Provided Under P.L.2021, c.109

As stated in the [Governor's Signing Statement](#), the New Jersey Department of Education (NJDOE) will reimburse school districts for services provided pursuant to the law through the American Rescue Plan State Fiscal Recovery Fund. The reimbursement application for Additional or Compensatory Special Education and Related Services ([ACSERS](#)) will be available on the NJDOE Homeroom on or about December 8, 2021. When completing the application, school districts will, for each student with disabilities receiving special education and related services under this program, estimate the total costs to be incurred in the 2021-2022 school year for providing these services. NJDOE will reimburse 50 percent of the approved costs in January 2022. Districts will submit final applications, which will reflect adjustments to the initial costs estimates as needed, and NJDOE will reimburse any remaining balance before the end of July 2022. Additional State aid awarded for ACSERS costs must be recorded by the district as revenue in the current school year.

Because a school district will include resident students who are enrolled in a charter school or a renaissance school project in its ACSERS application, the ACSERS revenues and receivables must also include funding related to those students. Under that circumstance, the district must also record a payable to the charter school or renaissance school project for the funding related to those students. The charter school or renaissance school project would record the revenue and a receivable for the funding that will be passed through by the school district related to those students. ACSERS awards should be recorded in the special revenue fund account 20-4537, new line number 827. Expenses should be recorded in the new program code 20-486-xxx-xxx, in the new line number 88712.

Questions regarding the reimbursement process may be directed to acsers@doe.nj.gov.

c: Members, State Board of Education
 Angelica Allen-McMillan, Ed.D., Acting Commissioner of Education
 NJDOE Staff
 Statewide Parent Advocacy Network
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