



STATE OF NEW JERSEY

DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: July 13, 2022
To: Local Educational Agency Leads, Administrators of Approved Private Schools for Students with Disabilities
Route To: Directors of Special Services
From: Kathy Ehling, Assistant Commissioner
Division of Educational Services

Information for LEAs Contracting for Services with Approved Clinics and Agencies

Special education regulations permit local educational agencies (LEAs), approved private schools for students with disabilities (APSSDs), and charter schools to contract with private practitioners and clinics/agencies approved by the New Jersey Department of Education (NJDOE) for the provision of services to students with disabilities, which include, but are not limited to, related services, school nurse services, and home instruction. A clinic/agency is a professional organization consisting of three or more providers.

Education agencies experiencing staffing issues often use the services of approved clinics and agencies to ensure students with disabilities receive all services required by the Individualized Education Program (IEP). The following must be considered when entering into contracts with approved clinics and agencies:

- **Approved Clinics and Agencies** – The NJDOE employs a rigorous approval process to ensure that all service providers are appropriately licensed/certified, have participated in a Criminal History Review, and that services provided outside of the school are provided in safe, ADA compliant facilities. A directory of [approved clinics and agencies](#) can be found on the NJDOE website. Education agencies **may only** contract with clinics/agencies that are listed on the NJDOE website. The clinic/agency directory is updated weekly.
- **Education Agency Annual Reporting Responsibilities** – In accordance with N.J.A.C. 6A:14-5.1(d), education agencies may purchase services from approved clinics and agencies with prior written notice to the NJDOE through the county office of education. The notice of intent to purchase services shall include the proposed terms of the contract and the notice shall be effective for one year. This requirement does not apply when contracting for independent child study team evaluations.
- **Applied Behavioral Analysis (ABA) Services** – Many education agencies contract with approved clinics/agencies to provide ABA services to students with disabilities. As there is not a state license or certification addressing ABA services, professionals providing these services shall hold, at a minimum, a bachelor's degree in education, psychology or a related field from an accredited institute of higher education, and shall work under the supervision of certified district board of education personnel. This allows a Board Certified Assistant Behavior Analyst (BCaBA), Board Certified Behavior Analyst (BCBA) and Board Certified Behavior Analyst Doctoral (BCBA-D) to provide services to students with disabilities. **As Registered Behavioral Technicians (RBTs) do not meet the minimum education requirement set forth in N.J.A.C. 6A:14-5.1(c)1iii(3), education agencies may not contract with clinics and agencies for the services of an RBT.**

Questions regarding NJDOE approved clinics and agencies should be directed to the clinicagency@doe.nj.gov.

c: Members, State Board of Education
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NJDOE Staff

NJ LEE Group
Statewide Parent Advocacy Network
Garden State Coalition of Schools