



## State of New Jersey

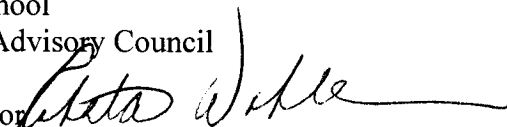
DEPARTMENT OF EDUCATION  
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TRENTON, NJ 08625-0500

JON S. CORZINE  
Governor

LUCILLE E. DAVY  
Acting Commissioner

**November 13, 2006**

**TO:** Chief School Administrator  
Director of Special Education  
Administrator of a State Facility  
Administrator of a Charter School  
Statewide Special Education Advisory Council

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

Susan Martz, Director   
Office of Program Support Services

**SUBJECT:** Services Plan and Request for IDEA Services Form

New Jersey has two programs to serve students with disabilities who are attending nonpublic schools. One is a State funded program commonly referred to as Chapter 193, which provides for the evaluation of students and determination of eligibility, as well as provision of speech-language therapy and supplementary instruction through the district in which the nonpublic school is located (district of attendance), or a provider agency under contract with the district of attendance.

The other program is the Federal program of equitable participation under the Individuals with Disabilities Education Act of 2004 (IDEA 2004). IDEA 2004 amended the requirement to provide equitable participation services from the school district where a student resides to the school district where the nonpublic school is located (the school district of attendance).

This change, which became effective in New Jersey on July 1, 2006,<sup>1</sup> necessitated amendment of the Model Services Plan and the Request for IDEA Services to reflect that responsibility for both

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<sup>1</sup> There was a one year delay in implementation of the requirement for the district of attendance to provide services to already identified students afforded by the United States Department of Education to permit states to obtain necessary data to ensure provision of services to the maximum possible number of students. This enabled states to gather needed data based on counts from districts where nonpublic schools are located. However, the obligation to locate, identify and serve as yet unidentified elementary school students with disabilities in nonpublic schools shifted to the school district where each nonpublic school is located as of July 1, 2005. The primary obligation to locate and identify preschool students with disabilities in nonpublic facilities remains with the district of residence. However, if the parents refuse an individualized education program for the student and choose to have the child remain in a nonpublic school, the obligation for the provision of equitable participation services is with the district in which the nonpublic facility is located.

the State Chapter 193 program and IDEA 2004 equitable participation program rests with the school district where the nonpublic school is located (district of attendance).

The Model Services Plan was amended to reflect that all services, whether Chapter 193 or IDEA 2004 equitable participation services, are provided by the district of attendance. In addition, the Request for IDEA Services form was amended to provide that, when additional services beyond Chapter 193 are being considered, requests should be made to, and determinations of need made by, the school district where the nonpublic school is located (district of attendance).

Because the services plan is limited to setting forth only those services that will be provided by the public education agency (district of attendance or contracted service provider), the Request for IDEA Services form remains necessary. The form is necessary to document a need that arises beyond what is provided through Chapter 193 services. When such a need arises, the form will allow parents, agencies and others to make a request to the district of attendance to include such services, as appropriate, in a student's services plan.

Finally, for your convenience, the model forms are located on the Department's website at <http://www.nj.gov/njded/specialed/form/np/>

RW/SM/CK/JW

Attachments

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