



SPAN
35 Halsey Street
4th Floor
Newark, NJ 07102
(973) 642-8100
(973) 642-8080 - Fax
E-Mail address: span@spannj.org
Website: www.spannj.org

Statewide Parent Advocacy Network, Inc.

Family Voices comments on the Department of Education Proposed Information Collection Requests

10/5/07

We are writing on behalf of Family Voices-NJ and New Jersey parents of children with disabilities concerning the U.S. Department of Education's proposed information collection requests. Family Voices is a national network of parents speaking on behalf of their children with disabilities and special healthcare needs and our NJ Chapter is housed at the Statewide Parent Advocacy Network, NJ's federally funded Parent Training and Information Center.

Under general instructions, page 2, it states "provide a count of children ages 3-5 under IDEA, Part B...by disability category" but the footnote indicates "reporting of data on developmental delay is optional" except if this category is required by state law. We believe this should be required in all states due to the large number of children in this category. In item #2 under Sampling Guidelines, we support including students in "cooperatives, intermediate units, and residential programs" out of district for an accurate count. In item #3 in the same section, we agree that if the minimum sample of 100 children cannot be met (e.g. total number in a disability category is less), that data needs to be entered for all students in that category.

In Specific Instructions, Section A "Educational Environment", it is good to note that the table is not a "continuum from least to most restrictive" setting but a multistep process. We disagree with item #1 that a regular early childhood program must consist of "at least 50% non-disabled children" because such a program is not consistent with the "natural proportions" dicta set out by the Third Circuit Court of Appeals or best practice; states should not be able to count a "reverse mainstreaming" or "50-50" program as a regular early childhood program. Should this be approved, however, we agree that there should be data reporting on the further breakdown of rows A and B of 70% and 50-69%. Row C would indicate separate settings but we feel there needs to be further clarification on C4 "home" and column F "homebound/hospital" distinguishing if the child is receiving services in a homebound program, homeschooled, or not attending a program. This data is of particular interest to our state as NJ is lagging far behind on inclusion of preschoolers, having made little improvement over the past few years, and some children are educated at home due to challenging behaviors as opposed to being

medically fragile which was the original intent of establishing homebound programs. Item #2 “special education program” states to report “in one of the above-bulleted environments...if the child also receives special education at home” so this needs clarification on the amount of time the child is in one of those settings vs. home.

Under “calculating time”, we agree that if the child is pulled out of their regular program, this counts as time “outside” of the program. Some children appear to be attending a “regular” program but can have resource room pull-out for multiple services up to the entire school day. The item regarding C5 needs clarification as it states children who received services in “service provider location and at home should be reported in the home category” which conflicts with the statement in item #2 above.

In Sections C (3-5) and G (6-21) on “race/ethnicity”, while we agree with the categories that concur with the most recent U.S. census data, we disagree that “children can only be reported in one race/ethnicity category” and suggest this be revised to reflect the diversity of the U.S. population.

In Sections D (3-5) and H (6-21) “gender”, Sections E (3-5) and I (6-21) “LEP”, and Section F “Educational Environments”, we agree that these distinctions are needed. Too often there is disproportionate representation for boys vs. girls, children being referred to special education merely because they don’t speak English, or certain disability categories typically being assigned by race or sent to segregated settings due to diagnosis. We would expect this data be used to correct disproportionality in special education.

Thank you for the opportunity to comment on the Department of Education’s proposed information collection requests.

Sincerely,

Lauren Agoratus, M.A.-parent
NJ Coordinator- Family Voices at the Statewide Parent Advocacy Network
35 Halsey St., 4th Fl.
Newark, N.J. 07102
(800) 654-SPAN ext. 110
Email familyvoices@spannj.org
Website www.spannj.org

Our Mission: To empower families and inform and involve professionals and other individuals interested in the healthy development and educational rights of children, to enable all children to become fully participating and contributing members of our communities and society.