

## **New Jersey Department of Education**

### **Nonpublic School State Program Complaint Resolution Process and Form**

Nonpublic schools may use this complaint resolution process and form to report incidences of alleged noncompliance with statute or code. The nonpublic school and district must first try to work together to reach a resolution before involving the New Jersey Department of Education (NJDOE) Nonpublic Schools Programs Office.

Note: New Jersey statutes (N.J.S.A.) Title 18A can be accessed via the website of [Rutgers University School of Law - Newark](#) and the [N.J. Legislature](#).

### **Complaint Resolution Process**

#### **Understand the Nonpublic School Programs and the District's Requirements**

New Jersey public school districts are required to provide the following services to the nonpublic schools located within their boundaries:

- Chapters 192/193 (See [Guidelines for Auxiliary and Remedial Services](#))
  - Chapter 192:
    - Compensatory education
    - English as a Second Language
    - Home Instruction
    - Transportation/Vehicular Classrooms
  - Chapter 193:
    - Initial Examination and Classification
    - Annual Examination and Classification & Reevaluation
    - Speech Correction Examination and Services
    - Supplementary Instruction
- Text Book Aid (See [Guidelines For Administering The New Jersey Nonpublic School Textbook Program](#))
- Technology Aid (See [Guidelines for Administering The New Jersey Nonpublic Technology Initiative Program](#))
- Nursing Services (See [Nonpublic School Nursing Program Guidelines](#))
- School Security (See [Nonpublic Security Program Guidelines](#))
- Transportation (See [Nonpublic Transportation Procedures](#))

## Work Directly with your District

Each public school district and the nonpublic schools located within its boundaries should communicate on a regular basis in order to resolve issues and discuss concerns related to nonpublic programs. The nonpublic school administrator and the district should make every effort to resolve issues without NJDOE involvement.

## Communicate with the NJDOE if Attempts to Work with your District are Unsuccessful

If a concern relates to statute or code and cannot be resolved by working directly with the district or executive county superintendent (if designated in the statute or code), the NJDOE has established the following process that nonpublic school administrators can use to communicate with the NJDOE.

1. Fill out the **NJDOE Complaint Resolution Form** and submit it to [NJDOE Nonpublic Schools Services Program Office](#) along with any supporting documentation. All documents must be sent electronically.

The Program Manager will contact the nonpublic school and the school district to discuss the complaint.

2. If the district is deemed to be noncompliant based on the Program Manager's review and investigation, the district may be required to develop a corrective action plan (CAP). The CAP may include, but will not be limited to:
  - Objectives, strategies and activities for correcting each noncompliance item cited, including resources needed to obtain the objectives; and
  - The dates by which the noncompliance must be corrected.
3. The Program Manager will review the corrective action plan and notify the school district if it is acceptable.
4. Alternatively, or subsequent to the Program Office review and investigation, a nonpublic school may use the process established by the Administrative Procedures Act to hear and decide disputes by filing a Petition of Appeal with the Commissioner, pursuant to the provisions of [N.J.A.C. 6A:3-1.3](#), *Controversies and Disputes*. Please visit the [Bureau of Controversies and Disputes FAQs](#) for more information on this process.

## New Jersey Nonpublic School State Program Complaint Resolution Form For Nonpublic School Administrators

The district and nonpublic school must first work together to resolve complaints. If the complaint has as its basis noncompliance with statute or code and cannot be resolved through the efforts of the district and nonpublic school, the Department of Education may be notified to investigate using this form.

**Instructions:**

1. Please use this form for your responses. If you are viewing it on the internet, be sure to *save* it to your computer. Responses can be typed into shaded fill-in areas *only*. These areas will automatically expand to accommodate text.
2. Email this form with any supporting documents to the [NJDOE Nonpublic Schools Services Program Office](#).
3. Forward a copy of the complaint form to the Chief School Administrator of the district against which the complaint is directed at the same time the complaint is filed with the Department of Education.

**Part I.**

<b>Date submitted</b>	
<b>Time period of the claimed noncompliance with NJ statute or administrative code</b> <i>Note: noncompliance that occurred in the prior school year will not be considered.</i>	
<b>Name of person submitting the form</b>	
<b>Title of person submitting the form</b>	
<b>Nonpublic School Name</b>	
<b>Nonpublic school code</b>	
<b>Email address</b>	
<b>Telephone number</b>	
<b>District name</b>	
<b>District code</b>	
<b>Date when this form was sent to the district</b>	
<b>Name of person at the district to whom this form was sent</b>	
<b>Title of person at the district to whom this form was sent</b>	

## Part II.

Please use the check boxes that follow to indicate the program(s) to which your complaint is related and to specify the nature of your complaint.

### Chapter 192 Related Services

- [N.J.S.A. 18A:46A-1, et seq.](#);
- [N.J.A.C. 6A:14-6.2](#)

Chapter 192 programs provide auxiliary services for compensatory education, English as a second language and home instruction to students enrolled full-time in nonpublic schools. The district is responsible for the provision of these services, through the use of state aid, to eligible students attending nonpublic schools located within its boundaries.

*Prior to any change in the provision of services, the district did not provide timely and meaningful consultation with appropriate nonpublic school representatives, including parents.* (N.J.S.A. 18A:46A-7)

#### **Examples of Supporting Documents:**

- [Consolidated Consultation Form](#)
- Emails indicating that a new provider will service the school (e.g., correspondence, board minutes)

Services were not provided to nonpublic school students by an *appropriately certified* employee of the district, an educational service commission or by an employee of a clinic or agency according to [N.J.A.C. 6A:14-5.1 - 5.2](#) and [N.J.A.C. 6A:14-6.2\(h\)](#).

#### **Examples of Supporting Documents:**

- Documents indicating that service provider does not hold the appropriate NJDOE certifications/endorsements for the specific service provided

The district did not provide *compensatory education services* in language arts literacy and/or mathematics to eligible nonpublic school students according to N.J.S.A. 18A:46A-2e.

#### **Examples of Supporting Documents:**

- Completed Chapter 192 407-1 forms
- Documentation that students have not been tested or evaluated for the appropriate Chapter 192 services in accordance with the [NJDOE Guidelines for Auxiliary and Remedial Services \(Chapters 192 and 193\) for Nonpublic School Students](#)
- Student service listing indicating the name of students eligible for services

- Service logs

The district did not provide *English as a second language services* to nonpublic school students identified as limited English proficient according to [N.J.A.C. 6A:14-6.2\(d\)](#) and [N.J.A.C. 6A:15-1, et seq.](#)

**Examples of Supporting Documents:**

- Completed Chapter 192 407-1 forms
- Documentation that students have not been tested or evaluated in accordance with the [NJDOE Guidelines for Auxiliary and Remedial Services \(Chapters 192 and 193\) for Nonpublic School Students](#)
- Student service listing indicating the name of students eligible for services
- Service logs

The district did not provide *home instruction services* in lieu of regular classroom instruction to eligible nonpublic school students according to [N.J.A.C. 6A:14-6.2\(c\)](#).

**Examples of Supporting Documents:**

- Completed Chapter 192 407-1 forms
- Documentation that the nonpublic school student was determined eligible for home instruction according to [N.J.A.C. 6A:16-10.1\(b\)](#)
- A copy of the licensed physician’s recommendation for home instruction
- Student service listing indicating the names of students eligible for services
- Service logs

*If the complaint related to Chapter 192 services is not listed above, or if you would like to provide additional details, please use the space provided below.*

**Chapter 193 Related Services**

- N.J.S.A. 18A:46-19.1, et seq.
- [N.J.A.C. 6A:14-6.2](#)

Chapter 193 programs provide remedial services such as evaluation and determination of eligibility for special education, supplementary instruction and speech language services to students enrolled full time in nonpublic schools. The district is responsible for the provision of these services, through the use of state aid, to eligible students attending nonpublic schools located within its boundaries.

Prior to any change in the provision of services, the district did not *provide timely and meaningful consultation* with appropriate nonpublic school representatives, including parents, according to N.J.S.A. 18A:46A-7.

**Examples of Supporting Documents:**

- [Consolidated Consultation Form](#)
- Documents indicating that a new provider will service the school (e.g., correspondence, board minutes)

Services were not provided to nonpublic school students by an *appropriately certified* employee of the district, an educational service commission or by an employee of a clinic or agency according to [N.J.A.C. 6A:14-5.1 - 5.2](#) and [N.J.A.C. 6A:14-6.2\(h\)](#).

**Examples of Supporting Documents:**

- Documents indicating that the person employed by the district or service provider does not hold the appropriate NJDOE certifications/endorsements for the specific service provided

The district did not *perform referral and evaluation procedures* to determine the nonpublic school students' eligibility for special education and related services according to [N.J.A.C. 6A:14-6.2\(c\)](#) and [N.J.A.C. 6A:14-1, et seq.](#)

**Examples of Supporting Documents:**

- Completed Chapter 193 407-1 forms
- Documentation that students were not tested or evaluated in accordance with the [NJDOE Guidelines for Auxiliary and Remedial Services \(Chapters 192 and 193\) for Nonpublic School Students](#)
- Documentation developed by the Child Study Team for referrals and evaluations

The district did not *conduct annual reviews* of nonpublic school students' service plans according to [N.J.A.C. 6A:14-6.2\(c\)](#) and [N.J.A.C. 6A:14-3.7](#).

**Examples of Supporting Documents:**

- Completed Chapter 193 407-1 forms
- Documentation that students did not receive an annual review in accordance with the [NJDOE Guidelines for Auxiliary and Remedial Services \(Chapters 192 and 193\) for Nonpublic School Students](#)
- Documentation developed by the Child Study Team for annual reviews

The district did not *conduct reevaluations* of nonpublic school students receiving services within three years of the previous classification according to [N.J.A.C. 6A:14-6.2\(c\)](#) and [N.J.A.C. 6A:14-3.8](#).

**Examples of Supporting Documents:**

- Completed Chapter 193 407-1 forms

- Documentation that students have not been tested or evaluated in accordance with the [NJDOE Guidelines for Auxiliary and Remedial Services \(Chapters 192 and 193\) for Nonpublic School Students](#)
- Documentation developed by the Child Study Team for reevaluations

The district did not develop *appropriate service plans* to meet the special education needs of eligible nonpublic school students according to [N.J.A.C. 6A:14-6.2\(c\)](#) and [N.J.A.C. 6A:14-1, et seq.](#)

**Examples of Supporting Documents:**

- Completed Chapter 193 407-1 forms
- Documentation developed by the Child Study Team for evaluations, reevaluations and annual reviews

The district did not provide *supplementary instruction* to nonpublic school students with disabilities classified as eligible for special education and related services according to [N.J.A.C. 6A:14-6.2\(c\)](#) and [N.J.A.C. 6A:14-1, et seq.](#)

**Examples of Supporting Documents:**

- Completed Chapter 193 407-1 forms
- Documentation developed by the Child Study Team for evaluations, reevaluations and annual reviews
- Student service listing indicating the name of students eligible for services
- Service logs

The district did not provide *speech-language services* as specified in the nonpublic school students' service plans according to [N.J.A.C. 6A:14-6.2\(c\)](#) and [N.J.A.C. 6A:14-1, et seq.](#)

**Examples of Supporting Documents:**

- Completed Chapter 193 407-1 forms
- Documentation that students have not been tested or evaluated in accordance with the [NJDOE Guidelines for Auxiliary and Remedial Services \(Chapters 192 and 193\) for Nonpublic School Students](#)
- Documentation developed by the Child Study Team for evaluations, reevaluations and annual reviews
- Student service listing indicating the name of students eligible for services
- Service logs

*If the complaint related to Chapter 193 services is not listed above, or if you would like to provide additional details, please use the space provided below.*

**Textbook Aid**

- N.J.S.A. 18A:58-37.1, *et seq.*
- [N.J.A.C. 6A:23A-20.1, et seq.](#)

The district *did not provide (upon individual request) textbooks* to nonpublic school students according to [N.J.A.C. 6A:23A-20.3](#).

**Examples of Supporting Documents:**

- Individual ***Student Request For Loan of Textbooks*** form
- Summary of Nonpublic School Textbook Requests form

The district has *denied the nonpublic school's textbook request* based on an erroneous understanding of the materials that are allowable according to N.J.S.A. 18A:58-37.2(c).

**Examples of Supporting Documents:**

- Explanation of how materials meet the definition of a textbook as specified in N.J.S.A. 18A:58-37.2(c)

*If you would like to provide additional details, please use the space provided below.*

**Technology Aid**

- Authorized by language in the annual appropriations act;
- [Guidelines for Administering The New Jersey Nonpublic Technology Initiative Program](#)

The district *did not consult* with the nonpublic school administrator to: 1) advise the nonpublic school of the funds available; and 2) agree on the technology to be provided.

**Examples of Supporting Documents:**

- Consolidated Consultation Form

The district has *denied the nonpublic school's technology request* based on an erroneous understanding of the equipment that is allowable according to [Nonpublic Technology Initiative Allowable and Non-Allowable Expenditures](#).

If the complaint related to technology aid is not listed above, or you would like to offer additional details, please use the space provided below.



## Nursing Services

- N.J.S.A. 18A:40-23 to 31
- [N.J.A.C. 6A:16-2.5](#)

The district *did not* “make every attempt to provide nursing services for nonpublic school students at the beginning of the school year and continuing throughout the year to ensure nonpublic students have access to medical care every day school is in session.” ([N.J.A.C. 6A:16-2.5\(a\)4](#))

### **Examples of Supporting Documents:**

- Consolidated Consultation Form
- A copy of the contract with an independent contractor or agency to provide the services and approved minutes of the district board of education meeting approving the contract, which describes the methods by which the health services to nonpublic school students will be provided for the ensuing year, including a [rationale for the distribution of funds](#) ([N.J.A.C. 6A:16-2.5\(k\)2](#))

The district *did not consult* with the nonpublic school administrator for the following purposes according to [N.J.A.C. 6A:16-2.5\(j\)](#):

1. To advise the nonpublic school of the amount of funds allocated to it by the Department for the provision of health services for full-time students enrolled in the nonpublic school;
2. To agree on the basic health services that shall be provided and the additional medical services, equipment, or supplies that may be provided as set forth in N.J.S.A. 18A:40-23, *et seq.*;
3. To discuss the criteria to be used in the school district’s selection of a nursing service provider for the nonpublic school;
4. To ascertain the level of satisfaction of the nonpublic school with the current nursing service provider;
5. If the chief school administrator or designee and the nonpublic school administrator could not reach an agreement regarding the health services and additional medical services to be provided, the executive county superintendent of education was consulted to provide assistance;
6. To assure that a description of the provision of nursing services is reflected in the school district’s Nursing Services Plan; and
7. To ensure nonpublic school students in the school district who are knowingly without medical coverage have access to the NJ FamilyCare program and to make accessible information regarding the program to the students, pursuant to N.J.S.A. 18A:40-34.

### **Examples of Supporting Documents:**

- Consolidated Consultation Form

The district did not provide *timely and meaningful consultation* with nonpublic school representatives, including parents, prior to any change in the provision of nursing services, pursuant to N.J.S.A. 18A:40-28.

**Examples of Supporting Documents:**

- [Consolidated Consultation Form](#)

On or before October 1, the district did not provide *a copy of the following documentation* to the nonpublic school administrator or to the executive county superintendent according to [N.J.A.C. 6A:16-2.5\(k\)](#):

**Examples of Supporting Documents:**

1. A written statement verifying that the [required conference](#) was held with the nonpublic school;
2. A copy of the contract with an independent contractor or agency to provide services, if applicable, and approved minutes of the district board of education meeting approving the contract that describes the methods by which the health services will be provided to nonpublic school students for the ensuing year, including a [rationale for the distribution of funds](#); and
3. A description of the type and number of services that were provided during the previous school year on a Commissioner-approved form.

The services and obligations in the contract have not been fulfilled. Provide the specific details below.

*If the complaint related to nursing services is not listed above, or you would like to offer additional details, please use the space provided below.*

**Nonpublic Security Program**

- [N.J.S.A. 18A: 58-37.8 - 14](#)
- [Nonpublic Security Program Guidelines](#)

The district did not provide *timely and meaningful consultation* with nonpublic school representatives, including parents, prior to any change in the provision of nursing services, pursuant to N.J.S.A. 18A:40-28.

**Examples of Supporting Documents:**

- [Consolidated Consultation Form](#)

*If the complaint related to school security services is not listed above, or you would like to offer additional details, please use the space provided below.*

**Transportation**

- N.J.S.A. 18A:39-1, *et seq.*
- [N.J.A.C. 6A:27-2.1, et seq.](#)

The school district and/or the executive county superintendent did not adhere to the following requirements<sup>1</sup>:

N.J.A.C. 6A:27-2.1 (b) District boards of education shall advertise and receive bids for nonpublic school transportation before a determination is made to provide transportation or aid in lieu of transportation.

1. The resident district board of education is not required to bid for nonpublic school services when transportation is provided utilizing a district-owned vehicle, public transportation, through a renewal of an existing contract qualifying for renewal under N.J.S.A. 18A:39-3, or an agreement with another district board of education.
2. Resident district boards of education that paid aid in lieu of transportation in the prior year or have determined they cannot provide transportation for the ensuing school year shall attempt to utilize one of the coordinated transportation services agencies (CTSAs) before paying aid in lieu of transportation.

**Examples of Supporting Documents:**

- Copy of bid or bid reference that includes date of issuance and bid number.

N.J.A.C. 6A:27-2.3 (b) The district board of education shall notify by August 1 of each year the parents or legal guardians of the nonpublic school student and the nonpublic school administrator as to the determination of each application for nonpublic school transportation.

**Examples of Supporting Documents:**

- Communication provided to nonpublic school parents, including date of release.

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<sup>1</sup> Note that the nonpublic school is responsible for timely submission of their transportation needs to the district, according to 6A:27-2.4(c): The administrator of the nonpublic school shall annually collect the application for nonpublic school transportation from the students' parents or legal guardians. The administrator also shall submit the forms to the students' resident district boards of education within 30 days of the students' registration in the nonpublic school or by March 15 of the preceding school year in which transportation is to be provided.

N.J.A.C. 6A:27-2.3 (d) The district board of education shall evaluate the January and May certification reports and, if approved, shall continue to provide transportation services. The request for payment of transportation aid voucher prescribed by the Commissioner shall be sent to all parents or legal guardians of eligible students who are to receive first and second semester aid in lieu of transportation payments. After receiving signed vouchers from the parents or legal guardians, the district board of education shall pay aid in lieu of transportation to the student's parents or legal guardians.

**Examples of Supporting Documents:**

- Payments to parents of aid in lieu of transportation are dated within 2 months of receipt of signed vouchers from the parents.

N.J.A.C. 6A:27-2.3 (e) A district board of education shall consult with the nonpublic school administrator prior to designing bus routes and in sufficient time to advertise for bids, when a request is made by a nonpublic school administrator for such consultation.

**Examples of Supporting Documents:**

- Proof of consultation, including date and agreements made, provided a request was made by the nonpublic school administrator for such consultation.

N.J.A.C. 6A:27-2.6 (b) The executive county superintendent shall arbitrate any disputes between district boards of education and the chief school administrators of nonpublic schools regarding student transportation.

**Examples of Supporting Documents:**

- *Written request from the nonpublic chief school administrator to the executive county superintendent for arbitration outlining the matter to be arbitrated.*

*If the complaint related to transportation services is not listed above, or you would like to offer additional details, please use the space provided below.*

**Part III.**

In the space provided below, please list the steps taken, including dates, to resolve the issues with your local school district. Please describe these efforts and the outcome. Include the names of the district personnel involved, their titles and telephone numbers.

<b>For NJDOE Administrative Use Only</b>
<i>Date received:</i>

<i>Investigated by:</i>
<i>Action taken:</i>
<i>Findings:</i>