



January 12, 2023

**Position Statement  
Seeking Amendment to  
S-3285 (Gopal)**

**Requires certain information about provision of special education services in group setting be included in individualized education programs.**

The New Jersey School Boards Association (NJSBA) believes in the importance of parent involvement and in the importance of increasing awareness of the needs of educationally disabled students and their parents at all levels: state, county and local.

**S-3285 although well-intentioned, is already covered by NJ Department of Education regulations.** These regulations, *N.J.A.C. 6A:14 et seq.* already establish limits on the number of students that can be in group settings. The regulations establish limits on the number of students that can be instructed in a particular group before you have to add a teacher aide or establish an entire new class of students. For example, *N.J.A.C. 6A:14-4.4* requires that speech-language services shall be given individually or in groups. It allows the IEP team, of which the parent is a part, to determine the size and composition of the group in accordance with needs of the individual student. However, the regulations specifically say that the upper limit **shall not exceed five students**. This is but one example where the NJ Department of Education specifies the size of instructional classes for those who have individualized education plans.

**Because the size of classes for those in group settings is already highly regulated by the NJ Department of Education, legislation may not be needed at this time.** An IEP is essentially a contract between the parent and the district for the provision of services to the student. By requiring a specific class size be placed in the IEP, it creates liability for the district if the actual number of students is different than the number in the IEP, even if the actual number of students is within the number authorized by the regulations.

Therefore, if S-3285 moves forward, NJSBA believes the bill should be amended to read, “For any student who is enrolled in a public school and receives any special education services in a group setting, the student’s individualized education program shall include the **maximum** number of additional students in the same group and the number of teachers present during the provision of special education services in the group setting.”

In this way, we can ensure flexibility for school districts where the number of students may fluctuate during the school year. This would communicate to parents and students the upper limits that they can expect in any one class, in accord with what NJDOE regulations require.

The NJSBA thanks the Senate Education Committee for its time and consideration of this amendment.