



**Testimony of Dr. Suzanne Buchanan, Psy.D., BCBA-D  
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New Jersey State Board of Education  
N.J.A.C. 6A:23A Fiscal Accountability, Efficiency, and Budgeting Procedures  
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Good afternoon, honorable members of the State Board of Education, thank you for the opportunity to testify on the proposed amendments to Chapter 23A. I am Dr. Suzanne Buchanan, Executive Director of Autism New Jersey and my testimony today is limited to subchapter 18 of the administrative code, which governs fiscal accountability for approved private schools for students with disabilities (“APSSDs”).

I have worked for Autism New Jersey for 23 years, serving as the Executive Director for more than a decade. As a licensed psychologist and board certified behavior analyst (BCBA), my career has one driving force: advocating for the safety of and basic quality of life for individuals with profound autism -- those who may not be able to speak, who may need 24/7 supervision to be safe, and who may be a risk to themselves and others due to aggression, self-injury, and other behaviors.

I do not run a school for students with disabilities, but as a clinician and autism policy advocate with more than three decades of experience, I know that life-long positive change is possible for individuals with profound autism and New Jersey’s APSSDs are a vital part of the infrastructure that makes this change possible.

Some New Jersey private schools are world renowned for the outcomes they produce for students with profound autism. They are run by luminaries in autism education and intervention. They provide environments in which the kids are safe and treated with compassion and respect. They teach them skills you and I take for granted - play skills, social skills, and self-care, – in addition to meeting the academic standards in their IEPs. These schools change families’ lives, too, and their work lets parents worry just a little bit less about what the future holds.

Yet, despite all this good, there is a clear disconnect between DOE’s rightful need to ensure that all schools, including APSSDs, are fiscally accountable and the programmatic realities for private schools for students with disabilities.

The current version of the fiscal code has been turning a financial vice grip on these schools, and the proposed regulatory changes will tighten it more.

Proposals that create rigid and illogical constraints on instructional costs, apply disparate salary calculation restrictions that unduly harm APSSDs’ ability to recruit and retain experienced, high-quality staff are just two examples of a long list of major substantive changes that the DOE intends to propose that, when taken together, will devastate schools with highly specialized

autism programs. These changes will directly impact schools' ability to deliver necessary services to students with disabilities and prevent new schools from opening, even though demand for placements continues to grow.

Autism New Jersey operates a state-funded autism helpline, and about 25 percent of calls are education related. Of those who have expressed concerns about their child's placement, the vast majority have concerns that their child's unique educational needs exceed the services that the public school can provide. Right now, there are parents sitting on waiting lists, in some cases 100 kids long, hoping that a spot at an APSSD will open for their child.

While there has been very recent communication with the Department's staff, the proposed amendments from DOE are without justification, and there has been no satisfactory explanation by DOE of the rationale for the changes.

Other proposals from the DOE's First Discussion draft of these regulations would have further reduced the administrative cost cap while administrative obligations increase and demonstrated offensive and potentially illegal misunderstandings of behavior modification. It was only after swift and firm pushback from stakeholders that the DOE modified these proposals for Second Discussion, still without providing any explanation for their inclusion of such proposals in the first place.

This shows the real need for the disability community stakeholders and the DOE to have ongoing collaboration for the benefit of the students. And yet the proposed regulations miss the opportunity to even do that. Indeed, the DOE has given minimal acknowledgment to Autism New Jersey's proposal to mandate and strengthen the language regarding the roundtable workgroup referenced in the current regulations –only to say that it needs more time to consider having regular dialogue with stakeholders. Without proper discussion and the ability to partner with the DOE to triage any fiscal and programmatic issues going on in these schools, the dysfunction will continue, and it will be nearly impossible to reach the collective goals of improving fiscal accountability, boosting educational programs, and maximizing instruction for the benefit of the students.

With Chapter 23A's expiration on the horizon, and no time to engage on the nuances and complexities of the Department's proposals, the only viable solution is to adopt subchapter 18 without amendments, so as not to do further harm, and provide the opportunity to come to the table and engage in tough, but much needed discussions about how to move forward with this section of the code.

The fiscal code can and should properly reflect DOE's commitment to fiscal responsibility while also recognizing the programmatic realities of operating APSSDs. Frankly, that isn't too much to ask and it's the least that our students with disabilities, their teachers, and families deserve.

As the leading autism advocacy nonprofit in the state, Autism New Jersey stands ready to serve as a resource to the DOE, the State Board of Education, and the Governor on this issue.

Thank you.