



March 17, 2021

The Honorable Steve Sweeney
935 Kings Highway
West Deptford, NJ 08086

Dear Senate President Sweeney:

The New Jersey Speech-Language-Hearing Association (NJSHA) is writing to thank you for your vision on the regionalization the state's school districts and to express our support for S3488 which modifies the process for regionalization.

Although NJSHA had been opposed to previous bills suggesting regionalization solely of special education services, we applaud you for beginning the process of regionalizing New Jersey's school districts. The existence of approximately 600 school districts in New Jersey has not only drained communities due to funding needed for numerous high level administrators, but also has caused misinformation/misinterpretation of special education mandates and, at times, negative effects on services. In addition, such misinterpretation may lead to loss of funding under the *Individuals with Disabilities Education Act* (IDEA).

With the consolidation of districts, there will be one Superintendent per region and one Director of Special Education. This will allow the hiring of an adequate number of Assistant Superintendents and Supervisors, who will be uniform in their thinking throughout a district and have the knowledge to mentor general and special education teachers, child study team (CST) members and speech-language specialists (SLSs). Such knowledge will expedite the appropriate classification of students who have disabilities during optimal points in their school experiences. Increased success of classified students will be the result of intervening early with appropriate services and will in turn further reduce spending. Spending also will be reduced by decreasing prolongation of services for classified students, caused by neglect in addressing impairments early.

Currently most district supervisors of SLSs are personnel from fields other than speech-language pathology. Regionalization will promote best practices, including the ability to afford hiring SLS supervisors who hold a Certificate of Clinical Competence in speech-language pathology (CCC-SLP), from the American Speech-Language-Hearing Association (ASHA), as well as a license from the Division of Consumer Affairs in Newark,¹ which help increase funding ability. To elucidate, the New Jersey Department of Education (NJDOE) requires optimum participation in Medicaid, which brings in millions of dollars to the state that are in turn disbursed to school districts. Speech-language pathology

¹ <https://www.njconsumeraffairs.gov/aud#:~:text=The%20Audiology%20and%20Speech-Language%20Pathology%20Advisory%20Committee%20regulates,pathology%20is%20performed%20in%20compliance%20with%20State%20law.>



services² are the related services responsible for obtaining the major portion of this income. In order to sign off on Medicaid for their own students or to sign off for another SLS,³ one of the above credentials is needed.⁴

To evaluate and refer to Medicaid, a New Jersey license in speech-language pathology⁵ is needed. In the past, the Office of the Inspector General had found, via a sampling of claims,⁶ that "New Jersey Did Not Adequately Monitor School-Based Health Claims." These findings resulted in recommendations for our state to provide ". . . timely guidance on Federal Medicaid criteria to its school-based health providers, and improve ". . . its monitoring of school-based health providers' claims to ensure compliance with Federal and State requirements."

Instead of such remediation, which required New Jersey to return a significant amount of funding, the use of properly certified and licensed speech-language pathologists to serve as supervisors responsible for overseeing SLSs, should prevent further abuse and avoid putting Medicaid funding in jeopardy. In addition, such supervisors would be able to help newly graduated SLSs attain their ASHA certification and Licensure, which will allow them to sign off on Medicaid. Currently, districts need to find such mentors for SLSs at a cost to the district.

NJSHA hopes that regionalization also will prevent the ongoing use of independent contractors, a practice that is already against mandates in New Jersey's Special Education Code (N.J.A.C. 6A:14)

² term used in the federal *Individuals with Disabilities Education Act* (IDEA), the act upon which all state regulations must be based.

³ one who does not have the above credentials

⁴ "Speech-Language Services

Both State and federal guidelines must be met in order for services to be eligible for reimbursement. Speech services provided to eligible students will be considered for Medicaid reimbursement when the services are provided by a practitioner who is:

A. Certified or endorsed by the Department of Education* and holds an American Speech-Language-Hearing Association (ASHA) Certificate of Clinical Competence

- OR -

B. Certified or endorsed by the Department of Education* and holds a valid license authorized by the State Audiology and Speech-Language Pathology Advisory Committee in accordance with New Jersey law at *N.J.S.A.* 45:3B-1 et seq.

* *Provisional certifications are not permissible for use in the SEMI program.*"

⁵ *New Jersey Department of Treasury, School Based Medicaid Reimbursement Programs Provider Handbook*, page 11, paragraph 2, 2019-2020, <https://www.state.nj.us/treasury/administration/semi-mac/pdf/SEMI-Provider-Handbook-FY20.pdf>

and <https://www.state.nj.us/treasury/administration/semi-mac/pdf/MessageSEMI2020-2021Handbook.pdf>

Federal Medicaid regulations contain the following mandate for referral, "services for individuals with speech, hearing and language disorders means diagnostic, screening, preventative and corrective services provided by or under the direction of a speech pathologist or audiologist for which a patient is referred by a physician or other licensed practitioner of the healing arts within the scope of practice of his or her practice under State law" (42CFR§440.110(c)(1)).

⁶ <https://oig.hhs.gov/oas/reports/region2/20701051.pdf>

<https://oig.hhs.gov/oas/reports/region2/21501010.pdf>



except under specific conditions.⁷ Although NJSHA supports the use of independent contracts in cases of substituting for leaves of absence and shortages,⁸ the use of these providers, though qualified in the field, often restricts the practice of least restrictive environment (LRE) mandated under IDEA which for the SLS would mean some delivery of services in the classroom as a result of time used to collaborate with teachers. Independent practitioners are often paid hourly and thus, may not be able to perform many of the additional services that enhance the educational experiences of students provided by district employed SLSs.

Finally, your proposal for coordinated curriculum across schools and grade levels will aid CSTs and SLSs to make the most educationally, legally appropriate, and fiscally responsible decisions for students with disabilities. With the hiring of regional supervisors in the field of speech-language pathology, general and special education personnel will be provided with coordinated information and will help reduce misinterpretations of state and federal mandates that have been reported to NJSHA regularly.⁹ They will also be more likely to understand the difference between a language disability and a language difference, which will support some of mandates in this bill regarding English Language Learners (ELLs). Currently, NJSHA members have reported disparity among districts, some that classify ELL students inappropriately due to language differences and some that neglect to evaluate ELL students for years due to their blanket policy of assigning a second language as the sole reason for an ELL's difficulties.

NJSHA appreciates your vision and leadership.

Sincerely,

Robynne Kratchman
President

Sue Goldman
School Affairs Committee
Past President

Robin Kanis
School Affairs Committee
Past President

⁷ N.J.A.C. 6A:14-5.1 *General requirements*

(c) For the services listed below, district boards of education may contract with private clinics and agencies approved by

1. For public school students:

v. Speech-language services provided by a speech-language specialist when a district board of education or private school for students with disabilities is unable to hire sufficient staff to provide the service.

⁸ NJSHA has received information that New Jersey graduate programs (Master's credential is needed to attain the SLS certificate from the NJ Department of Education) in speech-language pathology are not placing all graduate students in positions for the past several years.

⁹ One such misinterpretation that exists in a number of districts in New Jersey is that preschoolers cannot be classified for articulation (speech production) only impairments and must have a language impairment to be eligible under the Preschool Child with a Disability category. NJSHA has letters of response from the NJ Office of Special Education dating back to 2000, which negates this misinterpretation. Since there is research showing that students who have significant sound production impairments often wind up with reading impairments, early services for preschoolers is key to preventing/reducing learning disabilities that may develop in the future and further cost schools fiscally.