

June 3, 2003

TO: Abbott Early Childhood Supervisors
Abbott Contracting Private Providers

FROM: Ellen Frede, Ph.D., Assistant to the Commissioner
Office of Early Childhood Education

SUBJECT: INFORMAL RESOLUTION OF PROVIDER-DISTRICT DISPUTES

The procedures detailed below have been developed to afford private providers contracting with Abbott school districts with a written informal process for resolving provider-district disputes.

- If a dispute arises between a provider and a district, they will first attempt to resolve it at the local level.
- If the dispute cannot be resolved locally, either the provider or the district, or both jointly, may submit a request in writing, that the Office of Early Childhood Education (OECE) review the dispute.
- Upon receipt of a request for review, OECE will notify the non-requesting entity if the request has not been jointly submitted, and will request any documents it thinks necessary for review.
- OECE staff will review the dispute, in consultation with DHS as appropriate, facilitate communications between the provider and the district, and attempt to bring the parties to agreement on a resolution.
- If a dispute becomes the subject of a contested case proceeding after the informal resolution process has concluded unsuccessfully, discussions occurring during the process will be considered confidential, and may not be used as evidence in the contested case.
- Providers and districts should be advised that this process is an optional service offered by the department. If either is alleging a violation of school law, and the dispute is such that adjudication by the Commissioner may be sought through contested case proceedings, use of the informal dispute resolution process will **not** exempt parties from

complying with filing deadlines for appeals to the Commissioner outlined in N.J.A.C. 6A:3. Parties in this situation may wish to file a petition to protect their rights, but ask that it be held in abeyance pending informal resolution processes.

If you have any questions, please contact your district liaison at the Department of Education or Terri Buccarelli at the Department of Human Services at (609) 984-5321.

EF/E:\informal resolution of provider-district disputes.doc

c: Commissioner William L. Librera
Dwight Pfennig
Gloria Hancock
Assistant Commissioners
Tonya Hall-Coston
Diane Shoener
Terri Buccarelli
George Kobil
Chief School Administrators
Abbott Private Providers