



State of New Jersey

DEPARTMENT OF EDUCATION
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TO: Chief School Administrators
School Business Administrators/Board Secretaries
Directors of Special Services
County Superintendents
County Supervisors of Child Study
County School Business Administrators
Directors, Private Schools for Students with Disabilities

Katherine P. Attwood

FROM: Katherine P. Attwood, Assistant Commissioner
Division of Finance

SUBJECT: Private Schools for Students with Disabilities (PSSD) – Code Effective 7/1/2007 Regarding the Allowable Costs of Meals

In September 2006, the state Board of Education readopted N.J.A.C 6A:23, Finance and Business Services with amendments. One of the amendments (6A:23-4.5(a)20) regarding the cost of meals is effective for the 2007-2008 school year. In order for a PSSD to charge the cost of meals in the tuition rate:

1. The meals must meet the nutritional requirements of the Child Nutrition Program as administered by the New Jersey Department of Agriculture;
2. A non-profit PSSD must apply for and receive funding from the Child Nutrition Program as administered by the New Jersey Department of Agriculture (see item #4); and
3. Both non-profit and profit PSSD must charge for paid and reduced meals based on the income eligibility requirements of the Child Nutrition Program as administered by the New Jersey Department of Agriculture (see item #5).

However, the PSSD may charge the cost of meals in the tuition rate by opting out of the requirements in items #2 and/or #3 above by complying with the following:

4. A non-profit PSSD may obtain, on an annual basis prior to the start of the fiscal year, school board resolutions from a majority of the school districts that have contracted

to send students to the private school in that fiscal year, which resolve the district board of education does not require the private school to apply for and receive funding from the Child Nutrition Program (CNP); and/or

5. Both non-profit and profit PSSD may obtain, on an annual basis prior to the start of the fiscal year, school board resolutions from a majority of the school districts that have contracted to send students to the private school in that fiscal year, which resolve the district board of education does not require the private school to charge students for reduced and/or paid meals.

The PSSD are currently in the process of requesting resolutions for the 2007-2008 school year from district boards of education. A PSSD may request from a school district one or both of the above identified board resolutions; however, the PSSD may not require the school district to provide a board resolution(s) as a requirement of the placement of the pupil in the PSSD. In addition, a PSSD may not request and a school district may not provide a board resolution that indicates pupils attending a PSSD have IEP's that require a free breakfast and/or and lunch. The only mechanism for a PSSD to opt out of the requirements in N.J.A.C. 6A:23-4.5(a)20 is compliance with items #4 and/or #5 above. The decision to provide a resolution to a PSSD regarding items #4 and/or # 5 above is strictly a board of education decision and must not be influenced by a PSSD.

We are currently working on a Question & Answer (Q&A) listing regarding this subject to be posted on the department's website at <http://www.nj.gov/education/finance/fp/psd.shtml>. If you have any questions or comments, please email Jim Verner at jim.verner@doe.state.nj.us or call at (609) 984-4229 or email Elise Sadler-Williams at elise.sadler-williams@doe.state.nj.us or call at (609) 777-4483.

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