



The Innisfree Foundation

Helping Parents Help Their Kids!

www.innisfree-foundation.org

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FOR IMMEDIATE RELEASE

Non-Profit Foundation Announces Statewide Research into New Jersey Public School Settlement Practices

Montclair, NJ, June 29, 2016: The Innisfree Foundation, a 501c3 non-profit that advocates for the education rights of children with disabilities and their parents, announced a new statewide research project, by which it hopes to shine a light on the practices of New Jersey Public Schools in reaching agreements with individual families, sometimes at the expense of others, but always at public expense. The obvious need for this research has arisen from Innisfree's attempts to gather information regarding settlement agreements and contracts between public schools and private schools for special education through public records requests. In myriad instances, public school districts receiving Innisfree's requests (which specify that the school district should remove all personally identifiable information before disclosing the records) have nonetheless refused to comply, asserting that the documents requested (even after they have been anonymized) are "confidential student records" that cannot be obtained through New Jersey's Open Public Records Act.

Innisfree currently has lawsuits pending against more than a dozen public school districts in nine New Jersey counties seeking to vindicate Innisfree's right to obtain these public records. The intransigence of many public school districts in response to the non-profit's requests is what convinced John Rue, Innisfree's President and General Counsel, that a more comprehensive research project is necessary than had previously been planned. "If Innisfree can't easily obtain these records, which should be available by law to literally anyone upon request, we cannot imagine the challenge that would be faced by a typical parent of a child with disabilities who wanted to know whether her school district was telling her the truth about the deals it was cutting with other families," Rue said. As an example, Rue pointed out, a school district might reach an agreement to provide a particular private school placement to the child of an influential school board member, or an affluent parent with the means to hire a high powered special education attorney, but tell other parents "we don't send children to that school," or "if the school is not on the state's list of approved special education schools, we can't even consider it." Only access to the settlement agreements, and the public school's contracts with third party private schools, will permit parents to determine whether they are being treated fairly by their public schools.

By accessing settlement agreements and private school tuition contracts from all public school districts, statewide, Innisfree plans to create reports and summaries that will be useful to all parents of children with disabilities, informing them of what deals their schools are making with other families in town, and which private schools the district pays for on behalf of other children.

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The non-profit hopes to make these materials publicly available, at no charge to its constituents, after obtaining sufficient materials from public school districts through the Open Public Records Act. With each and every request, Rue emphasized, Innisfree demands that the public schools remove any information that could link the document produced to any particular student, thus keeping the records anonymous, and avoiding the disclosure of any personally identifiable information as required by federal and state privacy laws governing education records.

Innisfree currently has litigation pending against the following public school districts for failure to comply with the state public records law: Hillsborough Public Schools, Elizabeth Public Schools, Parsippany-Troy Hills Public Schools, Cherry Hill Public Schools, Jersey City Public Schools, Hillsborough Public Schools, Hawthorne Public Schools, Sparta Public Schools, New Brunswick Public Schools, Hackensack Public Schools, Keyport Public Schools, and North Arlington Public Schools. A substantially similar case has been brought against Montclair Public Schools by a private parent, who is cooperating with Innisfree.

*The Innisfree Foundation is a non-profit entity, approved by the State Supreme Court as a "pro bono entity," that advocates for the educational rights of children in New Jersey and their families. **Innisfree welcomes invitations to speak throughout the state on special education topics, as well as obtaining access to public school records.***

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