

SENATE, No. 3759

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 16, 2019

Sponsored by:

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

Senator Oroho

SYNOPSIS

Creates special education unit within the Office of Administrative Law; requires annual report.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/21/2019)

1 AN ACT concerning the Office of Administrative Law and special
2 education and supplementing Title 52 of the Revised Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. a. The Director and Chief Administrative Law Judge of the
8 Office of Administrative Law shall establish within the Office of
9 Administrative Law a special education unit consisting of
10 administrative law judges having expertise in special education law.
11 The number of administrative law judges in the special education
12 unit shall be proportional to the number and complexity of special
13 education cases referred to the office.

14 b. Upon the establishment of the special education unit, all
15 contested cases, as defined in section 2 of P.L.1968, c.410
16 (C.52:14B-2), concerning special education law referred to the
17 Office of Administrative Law shall be assigned to and adjudicated
18 by the administrative law judges in the special education unit.

19
20 2. The Director and Chief Administrative Law Judge shall
21 prepare an annual report to the Governor and, pursuant to section 2
22 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature regarding the
23 special education unit established under section 1 of
24 P.L. c. (C.) (pending before the Legislature as this bill). The
25 report shall include statistics regarding a. the number of special
26 education cases referred to the special education unit during the
27 reporting period; b. the number of special education cases resolved
28 by the special education unit during the reporting period; c. the
29 average number of cases pending before the special education unit
30 during the reporting period; d. the average time to resolution of the
31 special education cases, e. a brief description of the outcome of the
32 resolved cases and f. other relevant information and
33 recommendations at the discretion of the Director and Chief
34 Administrative Law Judge.

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36 3. This act shall take effect on the first day of the ninth month
37 next following enactment except the Director and Chief
38 Administrative Law Judge of the Office of Administrative Law may
39 take any anticipatory administrative action in advance as shall be
40 necessary for the implementation of this act.

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43 **STATEMENT**

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45 This bill would establish a unit within the Office of
46 Administrative Law (OAL) dedicated to special education cases.
47 The special education unit would consist of administrative law
48 judges having expertise in special education law. The number of

1 administrative law judges in the unit would be proportional to the
2 number and complexity of special education cases referred to the
3 OAL.

4 Under the bill, all contested cases concerning special education
5 law referred to the Office of Administrative Law would be assigned
6 to and adjudicated by the administrative law judges in the special
7 education unit.

8 The bill directs the Director and Chief Administrative Law Judge
9 shall prepare an annual report to the Governor and to the
10 Legislature regarding a. the number of special education cases
11 referred to the special education unit during the reporting period; b.
12 the number of special education cases resolved by the special
13 education unit during the reporting period; c. the average number
14 of cases pending before the special education unit during the
15 reporting period; d. the average time to resolution of the special
16 education cases, e. a brief description of the outcome of the
17 resolved cases and f. other relevant information and
18 recommendations at the discretion of the Director and Chief
19 Administrative Law Judge..

20 The bill has a delayed effective date in order to allow the OAL to
21 develop a timeline for training judges and assigning judges to the
22 new unit. The bill would take effect on the first day of the ninth
23 month next following enactment except the Director and Chief
24 Administrative Law Judge of the Office of Administrative Law may
25 take any anticipatory administrative action in advance as shall be
26 necessary for the implementation of the bill.