

[First Reprint]

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)

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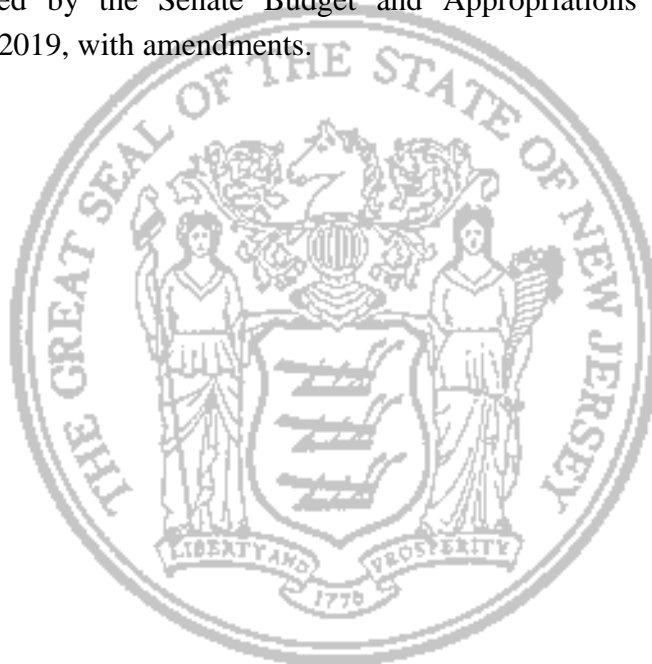
Senators Oroho, Ruiz and Singleton

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on December 5, 2019, with amendments.



(Sponsorship Updated As Of: 12/17/2019)

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

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
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 ¹The Director and Chief Administrative Law Judge shall ensure that
12 the administrative law judges in the special education unit include
13 individuals with a wide range of special education law expertise,
14 including expertise as school board attorneys and as parent and
15 student advocates.¹ The number of administrative law judges in the
16 special education unit shall be proportional to the number and
17 complexity of special education cases referred to the office ¹and
18 shall be of a sufficient number to render decisions within the federal
19 and State mandated time period. The Director and Chief
20 Administrative Law Judge may appoint administrative law judges to
21 the special education unit on a temporary or case basis as need
22 arises¹.

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

28
29 2. The Director and Chief Administrative Law Judge shall
30 prepare an annual report to the Governor and, pursuant to section 2
31 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature regarding the
32 special education unit established under section 1 of
33 P.L. c. (C.) (pending before the Legislature as this bill). The
34 report shall include ¹**【**statistics regarding the number of special
35 education cases referred to the special education unit during the
36 reporting period; b. the number of special education cases resolved
37 by the special education unit during the reporting period; c. the
38 average number of cases pending before the special education unit
39 during the reporting period; d. the average time to resolution of the
40 special education cases, e. a brief description of the outcome of the
41 resolved cases and f.**】** : a. the number of special education cases
42 that were decided via a final settlement within 45 days after the case
43 was transmitted to the Office of Administrative Law, and of the
44 remaining petitions transmitted to the Office of Administrative

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted December 5, 2019.

1 Law, the number of cases that were heard and decided in a written
2 decision within 45 days after the case was transmitted to the Office
3 of Administrative Law; b. a list setting forth each special education
4 case that was not decided within the 45 days, including the total
5 number of days it took the administrative law judge to hear the case
6 and issue the decision and the reason why the case was not decided
7 within the 45 days; and c.¹ other relevant information and
8 recommendations at the discretion of the Director and Chief
9 Administrative Law Judge.

10
11 ¹3. The Director and Chief Administrative Law Judge of the
12 Office of Administrative Law, in consultation with the Department
13 of Education, shall develop a system to track a due process petition
14 once it is assigned to an administrative law judge and to allow
15 petitioners to track the status of their petition.¹

16
17 ¹[3.] 4.¹ This act shall take effect on the first day of the ninth
18 month next following enactment except the Director and Chief
19 Administrative Law Judge of the Office of Administrative Law may
20 take any anticipatory administrative action in advance as shall be
21 necessary for the implementation of this act.