

ASSEMBLY, No. 5366

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 23, 2021

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Co-Sponsored by:

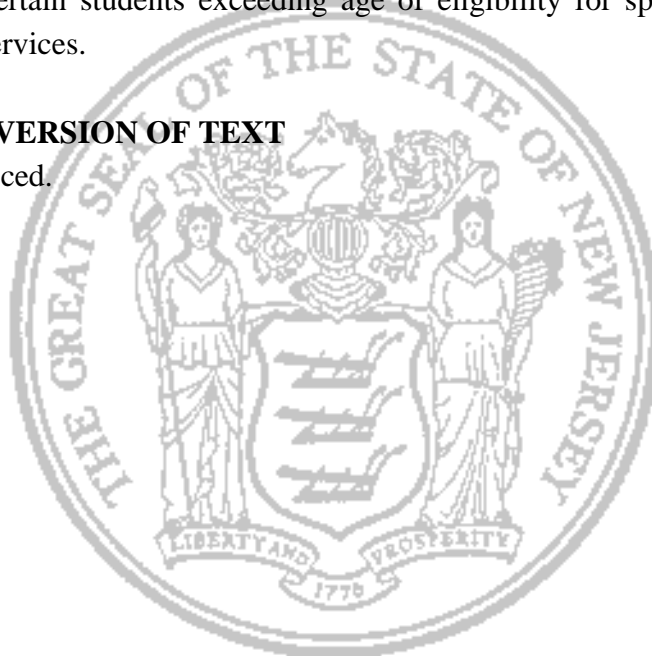
Assemblyman Benson, Assemblywoman Jasey, Assemblymen Stanley, DePhillips, Wimberly, Caputo, Holley, Assemblywoman N.Munoz, Assemblymen Bergen, Scharfenberger, Webber, Zwicker, Assemblywomen Stanfield, Quijano and Carter

SYNOPSIS

Requires boards of education to provide special education and related services to certain students exceeding age of eligibility for special education and related services.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/12/2021)

1 AN ACT concerning education and related services for students with
2 disabilities and supplementing chapter 46 of Title 18A of the
3 New Jersey Statutes.

4

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

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8 1. a. Notwithstanding the provisions of N.J.S.18A:46-6,
9 N.J.S.18A:46-8, or of any other law, rule, or regulation concerning
10 the age of eligibility for special education and related services to the
11 contrary, a board of education shall, in the 2021-2022 school year,
12 provide special education and related services contained in an
13 individualized education program to a student with disabilities who
14 attains the age of 21 during the 2020-2021 school year, provided
15 that the parent of the student in conjunction with the individualized
16 education program team determines that the student requires special
17 education and related services during the 2021-2022 school year. A
18 student receiving special education and related services pursuant to
19 this subsection shall not be eligible to receive such education and
20 services beyond June 30, 2022, unless otherwise provided in a
21 student's individualized education program.

22 b. Notwithstanding the provisions of N.J.S.18A:46-6,
23 N.J.S.18A:46-8, or of any other law, rule, or regulation concerning
24 the age of eligibility for special education and related services to the
25 contrary, a board of education shall, in the 2022-2023 school year,
26 provide special education and related services contained in an
27 individualized education program to a student with disabilities who
28 attains the age of 21 during the 2021-2022 school year, provided
29 that the parent of the student in conjunction with the individualized
30 education program team determines that the student requires special
31 education and related services during the 2022-2023 school year. A
32 student receiving special education and related services pursuant to
33 this subsection shall not be eligible to receive such education and
34 services beyond June 30, 2023, unless otherwise provided in a
35 student's individualized education program.

36 c. A student receiving special education and related services
37 pursuant to this section shall be afforded the same rights, privileges,
38 and remedies provided to students with disabilities pursuant to State
39 law, State Board of Education regulations concerning special
40 education, and the federal "Individuals with Disabilities Education
41 Act," 20 U.S.C. s.1400 et seq.

42 d. As used in this section, "parent" means the natural or
43 adoptive parent, the legal guardian, resource family parent when
44 willing to so serve, a surrogate parent, or a person acting in the
45 place of a parent, such as a grandparent or stepparent with whom
46 the student lives or a person legally responsible for the student's
47 welfare. Parent shall also include an adult student who has attained

1 the age of 18, who is not under legal guardianship, and who is
2 entitled to receive special education and related services.

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4 2. This act shall take effect immediately.

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STATEMENT

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9 This bill requires a board of education to temporarily provide
10 special education and related services to certain students who
11 exceed, or will exceed, the current age of eligibility for special
12 education and related services in the 2020-2021 school year and the
13 2021-2022 school year.

14 Under current State Board of Education regulations, district
15 boards of education are required to provide a free, appropriate
16 public education, in accordance with an individualized education
17 program, to students with disabilities age three through 21. If a
18 student turns 21 years of age during the school year, defined as the
19 period between July 1 and June 30, the student is entitled to finish
20 the school year. On June 30 of the student's final school year, the
21 student is no longer eligible for special education and related
22 services. This process is commonly referred to as "aging out."

23 This bill would extend the age eligibility for special education
24 and related services by requiring boards of education to provide the
25 education and services included in a student's individualized
26 education program (IEP) to students attaining the age of 21 during
27 the 2020-2021 school year and the 2021-2022 school year.
28 Students attaining the age of 21 during the 2020-2021 school year
29 would be eligible for special education and related services in the
30 2021-2022 school year; meanwhile, students attaining the age of 21
31 during the 2021-2022 school year would be eligible for special
32 education and related services in the 2022-2023 school year.
33 Unless otherwise provided in the student's IEP, a student would not
34 be eligible to receive special education and related services under
35 this bill beyond the school year in which he or she attains the age of
36 22.