

**ASSEMBLY, No. 5701**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED MAY 12, 2021

**Sponsored by:**

**Assemblywoman LINDA S. CARTER**

**District 22 (Middlesex, Somerset and Union)**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Co-Sponsored by:**

**Assemblywoman Vainieri Huttie, Assemblymen Wirths and Space**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/16/2021)**

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 The 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. 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 and  
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 arises.

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: a. the number of special education cases that  
35 were decided via a final settlement within 45 days after the case  
36 was transmitted to the Office of Administrative Law, and of the  
37 remaining petitions transmitted to the Office of Administrative  
38 Law, the number of cases that were heard and decided in a written  
39 decision within 45 days after the case was transmitted to the Office  
40 of Administrative Law; b. a list setting forth each special education  
41 case that was not decided within the 45 days, including the total  
42 number of days it took the administrative law judge to hear the case  
43 and issue the decision and the reason why the case was not decided  
44 within the 45 days; and c. other relevant information and  
45 recommendations at the discretion of the Director and Chief  
46 Administrative Law Judge.

