

SENATE BILL NO. 2160
(First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I herewith return Senate Bill No. 2160 (First Reprint) with my recommendations for reconsideration.

Senate Bill No. 2160 (First Reprint) would create a special education unit within the Office of Administrative Law ("OAL"). All contested cases referred to the OAL concerning special education law would be assigned to and adjudicated by the judges in the special education unit, all of whom would have expertise in special education law. The bill also requires the Director and Chief Administrative Law Judge to prepare an annual report to the Governor and Legislature detailing important data points of the special education unit, including, but not limited to, the number of cases referred, the number of cases resolved, and the average time to resolution.

I commend the bill's sponsors for recognizing the need to create a unit within OAL dedicated exclusively to special education cases. A special education unit will help address the longstanding issue of special education case backlog and the resulting delays in delivering appropriate education and services to special education students. Over the past twenty years, there has been an 80% increase in the total number of cases pending before the OAL and a 120% increase in special education cases. There are approximately 1,200 special education cases each year, which translates into an annual caseload of approximately 30 special education cases per Administrative Law Judge. As a result, the average time to resolve special education cases is generally much longer than the average resolution time for other matters pending before the OAL.

This bill will bring welcomed and necessary change to the OAL and the lives of special education students and families throughout the State. However, in order to ensure the proper and efficient operation of the new unit, the OAL will require a significant increase in staffing levels. I am therefore recommending revisions to delay the bill's effective date to coincide with the appointment and confirmation of a minimum of fifteen new Administrative Law Judges and the necessary support personnel.

Thus, I herewith return Senate Bill No. 2160 (First Reprint) and recommend that it be amended as follows:

Page 3, Section 4, Line 24:

After "following" insert "the appointment and confirmation of fifteen additional administrative law judges but in no case later than the first day of the 25th month following"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor