

ASSEMBLY JOINT RESOLUTION

No. 81

STATE OF NEW JERSEY

217th LEGISLATURE

INTRODUCED APRIL 4, 2016

Sponsored by:

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

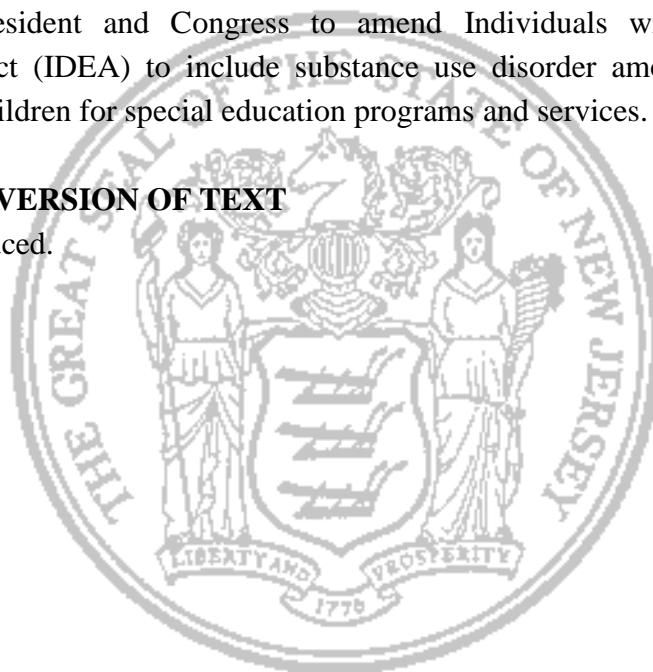
Assemblywoman Jasey

SYNOPSIS

Urges President and Congress to amend Individuals with Disabilities Education Act (IDEA) to include substance use disorder among disabilities qualifying children for special education programs and services.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/8/2017)

1 **A JOINT RESOLUTION** urging the President and Congress to include
2 substance use disorder as a disability qualifying a child for
3 special education programs and services under federal law.

4
5 **WHEREAS**, Substance use disorders, according to the Diagnostic and
6 Statistical Manual of Mental Disorders, Fifth Edition (DSM-5),
7 occur when the recurrent use of alcohol or drugs, or both, causes
8 clinically and functionally significant impairment, such as health
9 problems, disability, and failure to meet major responsibilities at
10 work, school, or home; and

11 **WHEREAS**, According to the 2014 National Survey on Drug Use and
12 Health conducted by the Substance Abuse and Mental Health
13 Services Administration (SAMHSA), a division within the United
14 States Department of Health and Human Services, an estimated 1.3
15 million United States adolescents, ages 12 to 17, had a substance
16 use disorder in 2014, representing 5 percent or about 1 in 20 of all
17 adolescents; and

18 **WHEREAS**, Exposure to alcohol and drugs, especially during the
19 vulnerable period of adolescent development, can lead to acute
20 cognitive difficulties. These cognitive problems make it more
21 difficult to function academically. Recent research has identified
22 areas of the brain involved in learning and memory that are affected
23 adversely by alcohol consumption; and

24 **WHEREAS**, Substance-using students compared with non-users, are at
25 increased risk for academic failure, including dropping out of
26 school, especially when their substance use is frequent and severe.
27 Studies utilizing longitudinal designs have shown that even after
28 statistical adjustment for problem behaviors and other important co-
29 factors, substance use plays a role in increasing the risk for
30 dropping out of high school; and

31 **WHEREAS**, High school dropout rates have been a concern for more
32 than two decades, and although some progress has been made, the
33 problem still commands the attention of policymakers at State and
34 federal levels. Policymakers have recognized the severity of the
35 dropout crisis and its ramifications for securing America’s global
36 competitiveness; and

37 **WHEREAS**, The Office of Safe and Drug-Free Schools in the United
38 States Department of Education and other federal partners held two
39 consultative sessions in 2010 to gain a better understanding of the
40 challenges and opportunities related to supporting youth in recovery
41 in educational settings. The consultative session participants
42 represented a range of perspectives; and

43 **WHEREAS**, Even with this diversity of perspectives, the consultative
44 session participants reached a strong consensus regarding the
45 necessary steps for improving youth recovery services and supports
46 in educational settings including recommendations that substance
47 abuse/substance dependence diagnoses be recognized as primary
48 disabling conditions under the “Individuals with Disabilities

1 Education Act” (IDEA), 20 U.S.C. s.1400 et seq., and that youth
2 with substance abuse/substance dependence diagnoses receive all
3 services under the IDEA, including Individual Education Plans
4 (IEPs); and
5 **WHEREAS**, The IDEA is a federal statute which gives children with
6 certain disabilities who are between the ages of 3 and 21 the right to
7 special education programs and services; and
8 **WHEREAS**, Pursuant to the IDEA, federal funds are provided to states
9 for special education programs and services, and each state
10 educational agency is responsible for administering the IDEA
11 within the state and distributing those funds; and
12 **WHEREAS**, The purpose of the IDEA is “to ensure that all children
13 with disabilities have available to them a free appropriate public
14 education that emphasizes special education and related services
15 designed to meet their unique needs and prepare them for further
16 education, employment, and independent living”; and
17 **WHEREAS**, The IDEA lists and defines a number of disabilities that
18 qualify a child as a child with an educational disability under the
19 act; and
20 **WHEREAS**, Substance use disorder, however, is not one of the listed
21 disabilities under the IDEA, despite its prevalence among our
22 adolescents and the adverse effect it has on their school
23 performance; and
24 **WHEREAS**, An amendment to the IDEA specifying “substance use
25 disorder” as a disability under the act is critically necessary in order
26 to enable children with this disorder to have access to special
27 education programs and services that are vital to addressing their
28 educational needs; now, therefore,

29
30 **BE IT RESOLVED** *by the Senate and General Assembly of the*
31 *State of New Jersey:*

- 32
- 33 1. The President and Congress of the United States are
34 respectfully urged to enact legislation amending the “Individuals
35 with Disabilities Education Act,” 20 U.S.C. s.1400 et seq., to
36 include “substance use disorder” as one of the disabilities that
37 qualify a child as a “child with a disability” under the act.
38
 - 39 2. Copies of this resolution, as filed with the Secretary of State,
40 shall be transmitted by the Clerk of the General Assembly or the
41 Secretary of the Senate to the President of the United States, the
42 Majority and Minority Leaders of the United States Senate, the
43 Speaker and Minority Leader of the United States House of
44 Representatives, each member of Congress elected from this State,
45 and the Secretary of the Department of Health and Human Services.
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 - 47 3. This joint resolution shall take effect immediately.

STATEMENT

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This joint resolution respectfully urges the President and the Congress of the United States to enact legislation amending the “Individuals with Disabilities Education Act” (IDEA), 20 U.S.C. s.1400 et seq., to include “substance use disorder” as one of the disabilities that qualify a child as a “child with a disability” under the act. As a “child with a disability,” a student with substance use disorder will be eligible for special education programs and services under the act.

National surveys have documented the extent of the serious problem of substance use disorder among our nation’s adolescents. This disorder can have a devastating effect on a child’s educational performance. Despite this fact, the IDEA does not include substance use disorder in the list of disabilities that qualify a child as a child with an educational disability under the act. Inclusion of this disorder under the IDEA would allow children with substance use disorder to be eligible for the special education programs and services that can be so vital for their educational success.