

# SENATE JOINT RESOLUTION

No. 21

## STATE OF NEW JERSEY

217th LEGISLATURE

INTRODUCED FEBRUARY 4, 2016

**Sponsored by:**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Co-Sponsored by:**

**Senator Gordon**

**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: 5/10/2016)**

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:*

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- 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.  
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  - 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.