ASSEMBLY, No. 453

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
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SYNOPSIS
Establishes Autism Education Council.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 8/13/2020)

AN ACT establishing the Autism Education Council and supplementing Title 18A of the New Jersey Statutes.

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

1. This act shall be known and may be cited as the "New Jersey Autism Education Act."

2. The Legislature finds and declares that:

a. Autism spectrum disorders, neurological disorders that cause mild to severe social, communication and other impairments in an individual, generally appear during the first three years of life and continue over a lifetime, resulting in significant and long-term emotional and financial distress to both the autistic individual and the family members who care for him;

b. The cost of caring for individuals with autism spectrum disorders is tremendous, particularly since many autistic individuals must reside in specialized settings such as group homes throughout most of their lives. One estimate reports that the cost of autism in the State exceeds one billion dollars each year;

c. Although the exact prevalence of autism spectrum disorders is unknown, it is estimated by the Centers for Disease Control and Prevention that 2 to 6 per 1,000 children have an autism spectrum disorder. The disorders are four times more likely to occur in boys than in girls and are more common among children than many better known disabilities, such as diabetes and Down syndrome;

d. There is no known cure for autism spectrum disorders although specialized educational therapies and approaches are available that may help manage its symptoms. It is therefore imperative that the parents of an affected child work collaboratively with the school district to arrange the most appropriate education for their child;

e. However, a history of inattention to autism spectrum disorders by the education community coupled with a sharp increase in the number of new diagnoses of the condition has resulted in a situation in which the educational needs of autistic children greatly exceed both the range of autism education services currently available and the capacity of the workforce that is qualified to provide them; and

f. The parents, school districts, and local taxpayers across the State who struggle to finance costly education programs for autistic children would benefit from an Autism Education Council which seeks to better develop the capacity of the autism education workforce in this State and broaden the array of services available to students with autism in the public schools.

3. As used in this act:

"Autism" means autism spectrum disorders to the extent determined by the council to be appropriate;

"Council" means the Autism Education Council created pursuant to this act.

4. a. There is established an Autism Education Council in, but not of, the Department of Education. The council shall consist of seven members including the Commissioner of Education, or his designee, who shall serve ex officio, and six public members to be appointed by the Governor, including two public school teachers and one representative of each of the following organizations: Parents of Autistic Children, The New Jersey Center for Outreach Services for the Autism Community, The Family Resource Network, and ASPEN. To the greatest extent practicable, consideration shall be given to the appointment of members from these organizations who possess some teaching experience. The two public school teachers appointed to the council shall have a Master's Degree in Education or other relevant subject area, certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, and a minimum of five years' experience as a teacher.

The commissioner or his designee shall serve as chairman of the council. The two teachers on the council shall serve for two-year terms and all other members shall serve for three-year terms. Each member shall hold office for the term of appointment and until a successor is appointed and qualified.

Vacancies in the membership of the commission shall be filled in the same manner as the original appointments are made and a member may be eligible for reappointment. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term.

The members of the council shall serve without compensation but shall be reimbursed for the reasonable expenses necessarily incurred in the performance of their duties within the limits of funds appropriated or otherwise made available to the council for its purposes.

b. The council shall organize no later than 30 days after the appointment of its members and shall meet periodically at the call of the chairman, but not less than six times in each year. A majority of the members of the council shall constitute a quorum, but a lesser number may hold hearings.

c. The chairman shall appoint a salaried administrator for the council and shall provide the council with additional administrative staff and support as may be necessary to enable the council to carry out its functions.

5. It shall be the duty of the council to:

a. establish a five-member Educational Advisory Committee

whose members shall serve at the pleasure of the council. Three members of the committee shall be appointed by the chairman of the council and shall include one director of special education in a public school district and two chairpersons, coordinators, or other individuals in charge of teacher preparation programs for special education teachers. Two members of the committee shall be appointed by a majority vote of the council.

The committee shall identify and make recommendations to the council regarding the most effective use of grant funds to improve the quality and availability of public school services and programs for children with autism. The committee shall identify potential grant recipients who represent a variety of research-based approaches to educating children with autism.

b. award grants through the Department of Education, upon recommendation of the Educational Advisory Committee established pursuant to subsection a. of this section, to public school districts and public institutions of higher education to increase the quality and availability of public school services and programs for children with autism. Grants may be used to offset the costs of:

(1) professional development and educational activities for educators and other individuals working with children with autism in the public schools and for students of postsecondary institutions who are pursuing education careers working with children with autism. Appropriate activities include programs, workshops, institutes, seminars and other training activities that will enhance the skills and capacity of current and future educators to work with autistic children;

(2) hiring additional paraprofessionals to work directly with children with autism in the public schools; and

(3) supplemental education services for children with autism in the public schools including after-school socialization programs, recreation programs, transitional planning services, and other appropriate services.

c. establish mechanisms to monitor the impact of the grants distributed by the council and to submit an annual report to the Governor, the Legislature, and all public school districts one year after the council is established, and every year thereafter, on its activities. The report shall identify the number of grants distributed and the amount, recipient, purpose, and impact of each grant. The council shall make its annual report available to members of the public, upon request.

6. a. Beginning in Fiscal Year 2007 and in each fiscal year thereafter until Fiscal Year 2017, the Governor shall recommend and the Legislature shall appropriate $10,000,000 from the General Fund to the Department of Education for the Autism Education Council.

b. Of the amount appropriated under subsection a. of this section, a minimum of $9,600,000 shall be used annually to fund grants.

7. This act shall take effect immediately.

STATEMENT

This bill establishes the Autism Education Council in, but not of, the Department of Education. The council will consist of seven members including the Commissioner of Education, or his designee, who will serve ex officio, and six public members to be appointed by the Governor, including two public school teachers and one representative of each of the following organizations: Parents of Autistic Children, The New Jersey Center for Outreach Services for the Autism Community, The Family Resource Network, and ASPEN. To the greatest extent practicable, consideration will be given to the appointment of members from these organizations who possess some teaching experience. The two public school teachers appointed to the council will have a Master's Degree in Education or other relevant subject area, certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, and a minimum of five years' experience as a teacher. The commissioner or his designee will serve as chairman of the council.

The council will establish a five-member Educational Advisory Committee whose members will serve at the pleasure of the council. Three members of the committee will be appointed by the chairman of the council and will include one director of special education in a public school district and two chairpersons, coordinators, or other individuals in charge of teacher preparation programs for special education teachers. Two members of the committee will be appointed by a majority vote of the council. The committee will identify and make recommendations to the council regarding the most effective use of grant funds to improve the quality and availability of public school services and programs for children with autism. The committee will identify potential grant recipients who represent a variety of research-based approaches to educating children with autism.

The council will award grants through the Department of Education, upon recommendation of the Educational Advisory Committee, to public school districts and public institutions of higher education to increase the quality and availability of public school services and programs for children with autism. Grants may be used to offset the costs of: professional development and educational activities for educators and other individuals working with children with autism in the public schools and for students of postsecondary institutions who are pursuing education careers

working with children with autism; hiring additional paraprofessionals to work directly with children with autism in the public schools; and supplemental education services for children with autism in the public schools including after-school socialization programs, recreation programs, transitional planning services, and other appropriate services.

The council will establish mechanisms to monitor the impact of the grants distributed by the council and will submit an annual report to the Governor, the Legislature, and all public school districts. The report will identify the number of grants distributed and the amount, recipient, purpose, and impact of each grant.

The bill directs the Governor to recommend and the Legislature to appropriate $10,000,000 annually beginning in fiscal year 2007 through fiscal year 2017 to the Department of Education for the Autism Education Council. Of the amount appropriated, a minimum of $9,600,000 must be used annually to fund grants.