

ASSEMBLY, No. 4670

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Establishes requirements concerning methods for determining whether child has specific learning disability under federal Individuals with Disabilities Education Act.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/21/2020)

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

(3) effective July 1, 2023, prohibit the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability.

25 2. This act shall take effect immediately.

STATEMENT

45 However, the State Board of Education regulations at
46 N.J.A.C.6A:14-3.5(c)12 only permit school districts to use two
47 methodologies for determining whether a child has a specific
48 learning disability under the IDEA: (1) a severe discrepancy

1 between achievement and intellectual ability; and (2) use of a
2 response to scientifically based interventions methodology.

3 This bill requires the State to include the third approach under
4 federal IDEA regulations and permit the use of other alternative
5 research-based procedures for determining whether a child has a
6 specific learning disability. Adoption of this method of specific
7 learning disability identification will allow school districts to use
8 identification procedures that are consistent with core research
9 principles.

10 Additionally, effective July 1, 2023, this bill prohibits the use of
11 a severe discrepancy between a child's intellectual ability and
12 achievement in determining whether the child has a specific
13 learning disability. The use of severe discrepancy criteria has a
14 long-standing history of controversy and criticism, with many
15 experts believing that the practice should no longer be allowed.

16 The bill also directs the State Board of Education to promulgate
17 regulations to effectuate the provisions of this bill.