

**ASSEMBLY, No. 5252**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED JANUARY 12, 2021

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Co-Sponsored by:**

**Assemblyman Caputo and Assemblywoman Dunn**

**SYNOPSIS**

Allows certain persons with developmental disabilities 21 years of age and older to attend special education programs and to simultaneously participate in adult day and employment programs.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/29/2021)**

1   **AN ACT** concerning certain persons with developmental disabilities  
2       and supplementing Chapter 46 of Title 18A of the New Jersey  
3       Statutes and Chapter 6D of Title 30 of the Revised Statutes.

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

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8       1. The Commissioner of Education shall allow a person with a  
9       developmental disability who is 21 years of age and older, who, due  
10      to behavioral problems, it was determined could not be provided a  
11      suitable special education program pursuant to the provisions of  
12      N.J.S.18A:46-14, to attend a special educational program approved  
13      under N.J.S.18A:46-1 et seq. if:

14      a. the behavioral problems that led to the determination that a  
15      suitable special education program could not be provided to the  
16      person have resolved; and

17      b. the person will benefit from attending the special education  
18      program.

19  
20      2. a. Notwithstanding any law or regulation to the contrary, a  
21      person with a developmental disability who is 21 years of age and  
22      older who transitions from receiving services and supports from the  
23      Division of Children's System of Care in the Department of  
24      Children and Families to receiving services and supports from the  
25      Division of Developmental Disabilities in the Department of  
26      Human Services shall be eligible to attend and participate in both an  
27      adult day program and an employment program if:

28      (1) the person meets the eligibility requirements of and applies  
29      to both the adult day program and the employment program; and

30      (2) the person's individualized service plan developed pursuant  
31      to N.J.A.C.10:4C-1.1 et seq. contains documentation that the person  
32      is authorized to both attend the day program and participate in the  
33      employment program.

34      b. As used in this section:

35      “Day program” means a program that is certified to provide day  
36      habilitation services or sheltered workshops for persons with  
37      developmental disabilities; and

38      “Employment program” means a program designed for persons  
39      with developmental disabilities whose disabilities make sheltered  
40      employment, after completion of a certified program of vocational  
41      evaluation and training, the only suitable form of employment.

42  
43      3. This act shall take effect immediately.

## STATEMENT

This bill requires the Commissioner of Education to allow a person with a developmental disability who is 21 years of age and older, for whom it was determined that, due to behavioral problems, the person could not be provided a suitable special education program pursuant to the provisions of N.J.S.18A:46-14, to attend a special educational program approved under N.J.S. 18A:46-1 et seq. if: the behavioral problems that led to the determination that a suitable special education program could not be provided to the person have resolved; and the person will benefit from attending the special education program.

Under the bill's provisions, a person with a developmental disability who is 21 years of age and older who transitions from receiving services and supports from the Division of Children's System of Care to receiving services and supports from the Division of Developmental Disabilities would be eligible to attend and participate in both an adult day program and an employment program if:

(1) the person meets the eligibility requirements of, and applies to, both the adult day program and the employment program; and

(2) the person's individualized service plan contains documentation that the person is authorized to both attend the day program and participate in the employment program.

As used in bill, "day program" means a program that is certified to provide day habilitation services or sheltered workshops for persons with developmental disabilities; and "employment program" means a program designed for persons with developmental disabilities whose disabilities make sheltered employment, after completion of a certified program of vocational evaluation and training, the only suitable form of employment.

Under current law, people with developmental disabilities age out of special education programs after age 21, and can participate in an adult day program or an employment program, but not both at the same time. Some people who, at a younger age, had issues that prevented them from being enrolled in a special education program might have made progress with those issues and would now benefit from attendance at a special education program. Similarly, some people may benefit from participation in both a day program and an employment program, as the two types of programs offer different types of services and training that, when combined, can more fully reach the needs of a given individual.

It is the sponsor's intent that the State expand the programming options available to people with developmental disabilities to ensure they have access to the services and resources most appropriate to their current needs.