

[First Reprint]

ASSEMBLY, No. 5701

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:

Assemblywoman LINDA S. CARTER

District 22 (Middlesex, Somerset and Union)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Co-Sponsored by:

**Assemblywoman Vainieri Huttle, Assemblymen Wirths, Space, Johnson,
Tully, Assemblywomen Speight and Swain**

SYNOPSIS

Creates special education unit within the Office of Administrative Law; requires annual report.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on June 16, 2021, with amendments.



(Sponsorship Updated As Of: 1/10/2022)

1 AN ACT concerning the Office of Administrative Law and special
2 education and supplementing Title 52 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. The Director and Chief Administrative Law Judge of the
8 Office of Administrative Law shall establish within the Office of
9 Administrative Law a special education unit consisting of
10 administrative law judges having expertise in special education law.
11 The ¹**["Director"]** director¹ and Chief Administrative Law Judge
12 shall ensure that the administrative law judges in the special
13 education unit include individuals with a wide range of special
14 education law expertise, including expertise as school board
15 attorneys and as parent and student advocates. The number of
16 administrative law judges in the special education unit shall be
17 proportional to the number and complexity of special education
18 cases referred to the office and shall be of a sufficient number to
19 render decisions within the ¹**["federal and State mandated time**
20 **period"]** time periods mandated under federal and State law¹. The
21 ¹**["Director"]** director¹ and Chief Administrative Law Judge may
22 appoint administrative law judges to the special education unit on a
23 temporary or case basis as need arises.

24 b. Upon the establishment of the special education unit, all
25 contested cases, as defined in section 2 of P.L.1968, c.410
26 (C.52:14B-2), concerning special education law referred to the
27 Office of Administrative Law shall be assigned to and adjudicated
28 by the administrative law judges in the special education unit.

29
30 2. The ¹**["Director"]** director¹ and Chief Administrative Law
31 Judge shall prepare an annual report to the Governor and, pursuant
32 to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature ¹,¹
33 regarding the special education unit established under section 1 of
34 P.L. c. (C.) (pending before the Legislature as this bill).
35 The report shall include:

36 a. the number of special education cases that were decided via a
37 final settlement within 45 days after the case was transmitted to the
38 Office of Administrative Law, and of the remaining petitions
39 transmitted to the Office of Administrative Law, the number of
40 cases that were heard and decided in a written decision within 45
41 days after the case was transmitted to the Office of Administrative
42 Law;

43 b. a list setting forth each special education case that was not
44 decided within the 45 days, including the total number of days it
45 took the administrative law judge to hear the case and issue the

EXPLANATION – Matter enclosed in bold-faced brackets **["thus"]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted June 16, 2021.

1 decision and the reason why the case was not decided within the 45
2 days; ¹~~and~~¹

3 c. ¹the number of administrative law judges currently assigned
4 to the special education unit;

5 d. recommendations as to whether the number of administrative
6 law judges in the special education unit is sufficient to render
7 decisions within the time periods mandated under federal and State
8 law and, if not, recommendations concerning the number of
9 additional administrative law judges that would be needed to enable
10 the special education unit to render decisions within federal and
11 State mandated time periods; and

12 e.¹ other relevant information and recommendations at the
13 discretion of the ¹~~Director~~¹ director¹ and Chief Administrative
14 Law Judge.

15
16 3. The Director and Chief Administrative Law Judge of the
17 Office of Administrative Law, in consultation with the Department
18 of Education, shall develop a system to track a due process petition
19 once it is assigned to an administrative law judge and to allow
20 petitioners to track the status of their petition.

21
22 4. This act shall take effect on the first day of the ninth month
23 next following enactment except the Director and Chief
24 Administrative Law Judge of the Office of Administrative Law may
25 take any anticipatory administrative action in advance as shall be
26 necessary for the implementation of this act.