

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5701

STATE OF NEW JERSEY

DATED: MAY 12, 2021

The Assembly Education Committee reports favorably Assembly Bill No. 5701.

This bill would establish a unit within the Office of Administrative Law (OAL) dedicated to special education cases. The special education unit would consist of administrative law judges having expertise in special education law. The number of administrative law judges in the unit would be proportional to the number and complexity of special education cases referred to the OAL.

Under the bill, all contested cases concerning special education law referred to the OAL would be assigned to and adjudicated by the administrative law judges in the special education unit.

The bill directs the Director and Chief Administrative Law Judge of the OAL to prepare an annual report to the Governor and to the Legislature regarding: the number of special education cases referred to the special education unit during the reporting period; the number of special education cases resolved by the special education unit during the reporting period; the average number of cases pending before the special education unit during the reporting period; the average time to resolution of the special education cases; a brief description of the outcome of the resolved cases; and other relevant information and recommendations at the discretion of the Director and Chief Administrative Law Judge.

The bill has a delayed effective date in order to allow the OAL to develop a timeline for training judges and assigning judges to the new unit. The bill would take effect on the first day of the ninth month next following enactment except the Director and Chief Administrative Law Judge may take any anticipatory administrative action in advance as necessary for the implementation of the bill.