

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5701

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 16, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5701, with committee amendments.

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; the number of administrative law judges currently assigned to the special education unit; recommendations as to whether the number of administrative law judges is sufficient to render decisions within federal and State-mandated time periods and, if not, recommendations as to the number of administrative law judges needed to enable the special education unit to render decisions within federal and State-mandated time periods; and other relevant information and recommendations at the discretion of the director of the OAL and the 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.

As amended and reported by the committee, Assembly Bill No. 5701 is identical to Senate Bill No. 2160 (1R), which was also reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments provide that the director and Chief Administrative Law Judge of the OAL will prepare an annual report to the Governor and to the Legislature that will also include the number of administrative law judges in the special education unit; and recommendations as to whether the number of administrative law judges is sufficient to render decisions within federal and State-mandated time periods and, if not, recommendations as to the number of administrative law judges that would be needed to enable the special education unit to render decisions within the federal and State mandated time periods.

The committee amendments make technical corrections involving formatting, grammar, and capitalization.

FISCAL IMPACT:

The Office of Legislative Services (OLS) lacks the informational basis to determine the direction and magnitude of the impact the bill may have on annual State expenditures. The proposed changes regarding the adjudication by the Office of Administrative Law (OAL) of contested special education law cases would not alter the office's special education caseload relative to the current law baseline. Any change in annual OAL expenditures would result from reorganizing the office in accordance with the legislation and from developing a public-facing system to track contested special education cases once they are assigned to specific administrative law judges. Absent information from the OAL on the manner in which it would implement the bill, the OLS cannot assess the extent to which the bill may produce annual OAL position and expenditure outcomes that may differ from the current law baseline.