

SENATE, No. 3298

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED DECEMBER 18, 2020

Sponsored by:

Senator ROBERT W. SINGER
District 30 (Monmouth and Ocean)

Co-Sponsored by:

Senators A.M.Bucco, Corrado and Schepisi

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: 12/6/2021)

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.

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43 3. This act shall take effect immediately.

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46 STATEMENT

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48 This bill requires the Commissioner of Education to allow a
49 person with a developmental disability who is 21 years of age and

1 older, for whom it was determined that, due to behavioral problems,
2 the person could not be provided a suitable special education
3 program pursuant to the provisions of N.J.S.18A:46-14, to attend a
4 special educational program approved under N.J.S. 18A:46-1 et seq.
5 if: the behavioral problems that led to the determination that a
6 suitable special education program could not be provided to the
7 person have resolved; and the person will benefit from attending the
8 special education program.

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

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

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

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

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

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