

SENATE HEALTH, HUMAN SERVICES AND SENIOR CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 3298

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2021

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 3298.

As amended by the committee, this bill requires the Commissioner of Education to allow a person with a developmental disability who is 21 years of age or older but younger than 26 years of age, 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.

As amended, the bill provides that a person with a developmental disability who is 21 years of age or 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, if applicable, 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.

COMMITTEE AMENDMENTS:

The committee amendments add language specifying that the provisions of the bill authorizing a person over age 21 to participate in special education programs will apply to persons older than 21 years of age but younger than 26 years of age.

The committee amendments make various technical changes involving grammar and punctuation and to remove an incorrect cross-citation from the bill.