

**SENATE, No. 3434**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED FEBRUARY 11, 2021

**Sponsored by:**

**Senator DAWN MARIE ADDIEGO**

**District 8 (Atlantic, Burlington and Camden)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Co-Sponsored by:**

**Senators Diegnan, Ruiz, Oroho, O'Scanlon, Thompson, Testa, Weinberg  
and Singleton**

**SYNOPSIS**

Requires boards of education to provide special education and related services to certain students exceeding age of eligibility for special education and related services.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/22/2021)**

1    **AN ACT** concerning education and related services for students with  
2       disabilities and supplementing chapter 46 of Title 18A of the  
3       New Jersey 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.   a.   Notwithstanding the provisions of N.J.S.18A:46-6,  
9       N.J.S.18A:46-8, or of any other law, rule, or regulation concerning  
10      the age of eligibility for special education and related services to the  
11      contrary, a board of education shall, in the 2021-2022 school year,  
12      provide special education and related services contained in an  
13      individualized education program to a student with disabilities who  
14      attains the age of 21 during the 2020-2021 school year, provided  
15      that the parent of the student in conjunction with the individualized  
16      education program team determines that the student requires special  
17      education and related services during the 2021-2022 school year. A  
18      student receiving special education and related services pursuant to  
19      this subsection shall not be eligible to receive such education and  
20      services beyond June 30, 2022, unless otherwise provided in a  
21      student's individualized education program.

22      b.   Notwithstanding the provisions of N.J.S.18A:46-6,  
23      N.J.S.18A:46-8, or of any other law, rule, or regulation concerning  
24      the age of eligibility for special education and related services to the  
25      contrary, a board of education shall, in the 2022-2023 school year,  
26      provide special education and related services contained in an  
27      individualized education program to a student with disabilities who  
28      attains the age of 21 during the 2021-2022 school year, provided  
29      that the parent of the student in conjunction with the individualized  
30      education program team determines that the student requires special  
31      education and related services during the 2022-2023 school year. A  
32      student receiving special education and related services pursuant to  
33      this subsection shall not be eligible to receive such education and  
34      services beyond June 30, 2023, unless otherwise provided in a  
35      student's individualized education program.

36      c.   A student receiving special education and related services  
37      pursuant to this section shall be afforded the same rights, privileges,  
38      and remedies provided to students with disabilities pursuant to State  
39      law, State Board of Education regulations concerning special  
40      education, and the federal "Individuals with Disabilities Education  
41      Act," 20 U.S.C. s.1400 et seq.

42      d.   As used in this section, "parent" means the natural or  
43      adoptive parent, the legal guardian, resource family parent when  
44      willing to so serve, a surrogate parent, or a person acting in the  
45      place of a parent, such as a grandparent or stepparent with whom  
46      the student lives or a person legally responsible for the student's  
47      welfare. Parent shall also include an adult student who has attained

1 the age of 18, who is not under legal guardianship, and who is  
2 entitled to receive special education and related services.

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4 2. This act shall take effect immediately.

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STATEMENT

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9 This bill requires a board of education to temporarily provide  
10 special education and related services to certain students who  
11 exceed, or will exceed, the current age of eligibility for special  
12 education and related services in the 2020-2021 school year and the  
13 2021-2022 school year.

14 Under current State Board of Education regulations, district  
15 boards of education are required to provide a free, appropriate  
16 public education, in accordance with an individualized education  
17 program, to students with disabilities age three through 21. If a  
18 student turns 21 years of age during the school year, defined as the  
19 period between July 1 and June 30, the student is entitled to finish  
20 the school year. On June 30 of the student's final school year, the  
21 student is no longer eligible for special education and related  
22 services. This process is commonly referred to as "aging out."

23 This bill would extend the age eligibility for special education  
24 and related services by requiring boards of education to provide the  
25 education and services included in a student's individualized  
26 education program (IEP) to students attaining the age of 21 during  
27 the 2020-2021 school year and the 2021-2022 school year.  
28 Students attaining the age of 21 during the 2020-2021 school year  
29 would be eligible for special education and related services in the  
30 2021-2022 school year; meanwhile, students attaining the age of 21  
31 during the 2021-2022 school year would be eligible for special  
32 education and related services in the 2022-2023 school year.  
33 Unless otherwise provided in the student's IEP, a student would not  
34 be eligible to receive special education and related services under  
35 this bill beyond the school year in which he or she attains the age of  
36 22.