

CHAPTER 390
(CORRECTED COPY)

AN ACT concerning the Office of Administrative Law and special education and supplementing Title 52 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.52:14F-21.1 Special education law unit, Office of Administrative Law, establishment.

1. a. The director and Chief Administrative Law Judge of the Office of Administrative Law shall establish within the Office of Administrative Law a special education unit consisting of administrative law judges having expertise in special education law. The director and Chief Administrative Law Judge shall ensure that the administrative law judges in the special education unit include individuals with a wide range of special education law expertise, including expertise as school board attorneys and as parent and student advocates. The number of administrative law judges in the special education unit shall be proportional to the number and complexity of special education cases referred to the office and shall be of a sufficient number to render decisions within the time periods mandated under federal and State law. The director and Chief Administrative Law Judge may appoint administrative law judges to the special education unit on a temporary or case basis as need arises.

b. Upon the establishment of the special education unit, all contested cases, as defined in section 2 of P.L.1968, c.410 (C.52:14B-2), concerning special education law referred to the Office of Administrative Law shall be assigned to and adjudicated by the administrative law judges in the special education unit.

C.52:14F-21.2 Annual report to the Governor, Legislature.

2. The director and Chief Administrative Law Judge shall prepare an annual report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, regarding the special education unit established under section 1 of P.L.2021, c.390 (C.52:14F-21.1). The report shall include:

a. the number of special education cases that were decided via a final settlement within 45 days after the case was transmitted to the Office of Administrative Law, and of the remaining petitions transmitted to the Office of Administrative Law, the number of cases that were heard and decided in a written decision within 45 days after the case was transmitted to the Office of Administrative Law;

b. a list setting forth each special education case that was not decided within the 45 days, including the total number of days it took the administrative law judge to hear the case and issue the decision and the reason why the case was not decided within the 45 days;

c. the number of administrative law judges currently assigned to the special education unit;

d. recommendations as to whether the number of administrative law judges in the special education unit is sufficient to render decisions within the time periods mandated under federal and State law and, if not, recommendations concerning the number of additional administrative law judges that would be needed to enable the special education unit to render decisions within federal and State mandated time periods; and

e. other relevant information and recommendations at the discretion of the director and Chief Administrative Law Judge.

C.52:14F-21.3 Track system development, petition status.

3. The director and Chief Administrative Law Judge of the Office of Administrative Law, in consultation with the Department of Education, shall develop a system to track a due process petition once it is assigned to an administrative law judge and to allow petitioners to track the status of their petition.

4. This act shall take effect on the first day of the ninth month next following the appointment and confirmation of 15 additional administrative law judges but in no case later than the first day of the 25th month following enactment except the director and Chief Administrative Law Judge of the Office of Administrative Law may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved January 18, 2022.