

ASSEMBLY, No. 1635

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman JOHN CATALANO

District 10 (Ocean)

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

**Assemblyman Giblin, Assemblywoman Dunn, Assemblymen McClellan
and Simonsen**

SYNOPSIS

Establishes Autism Education Council.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/14/2022)

1 AN ACT establishing the Autism Education Council and
2 supplementing Title 18A of the New Jersey Statutes.

3

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

6

7 1. This act shall be known and may be cited as the "New Jersey
8 Autism Education Act."

9

10 2. The Legislature finds and declares that:

11 a. Autism spectrum disorders, neurological disorders that cause
12 mild to severe social, communication and other impairments in an
13 individual, generally appear during the first three years of life and
14 continue over a lifetime, resulting in significant and long-term
15 emotional and financial distress to both the autistic individual and
16 the family members who care for him;

17 b. The cost of caring for individuals with autism spectrum
18 disorders is tremendous, particularly since many autistic individuals
19 must reside in specialized settings such as group homes throughout
20 most of their lives. One estimate reports that the cost of autism in
21 the State exceeds one billion dollars each year;

22 c. Although the exact prevalence of autism spectrum disorders
23 is unknown, it is estimated by the Centers for Disease Control and
24 Prevention that 2 to 6 per 1,000 children have an autism spectrum
25 disorder. The disorders are four times more likely to occur in boys
26 than in girls and are more common among children than many
27 better known disabilities, such as diabetes and Down syndrome;

28 d. There is no known cure for autism spectrum disorders
29 although specialized educational therapies and approaches are
30 available that may help manage its symptoms. It is therefore
31 imperative that the parents of an affected child work collaboratively
32 with the school district to arrange the most appropriate education
33 for their child;

34 e. However, a history of inattention to autism spectrum
35 disorders by the education community coupled with a sharp
36 increase in the number of new diagnoses of the condition has
37 resulted in a situation in which the educational needs of autistic
38 children greatly exceed both the range of autism education services
39 currently available and the capacity of the workforce that is
40 qualified to provide them; and

41 f. The parents, school districts, and local taxpayers across the
42 State who struggle to finance costly education programs for autistic
43 children would benefit from an Autism Education Council which
44 seeks to better develop the capacity of the autism education
45 workforce in this State and broaden the array of services available
46 to students with autism in the public schools.

1 3. As used in this act:

2 "Autism" means autism spectrum disorders to the extent
3 determined by the council to be appropriate;

4 "Council" means the Autism Education Council created pursuant
5 to this act.

6

7 4. a. There is established an Autism Education Council in, but
8 not of, the Department of Education. The council shall consist of
9 seven members including the Commissioner of Education, or his
10 designee, who shall serve ex officio, and six public members to be
11 appointed by the Governor, including two public school teachers
12 and one representative of each of the following organizations:
13 Parents of Autistic Children, The New Jersey Center for Outreach
14 Services for the Autism Community, The Family Resource
15 Network, and ASPEN. To the greatest extent practicable,
16 consideration shall be given to the appointment of members from
17 these organizations who possess some teaching experience. The
18 two public school teachers appointed to the council shall have a
19 Master's Degree in Education or other relevant subject area,
20 certification as a Board Certified Behavior Analyst by the Behavior
21 Analyst Certification Board, and a minimum of five years'
22 experience as a teacher.

23 The commissioner or his designee shall serve as chairman of the
24 council. The two teachers on the council shall serve for two-year
25 terms and all other members shall serve for three-year terms. Each
26 member shall hold office for the term of appointment and until a
27 successor is appointed and qualified.

28 Vacancies in the membership of the commission shall be filled in
29 the same manner as the original appointments are made and a
30 member may be eligible for reappointment. Vacancies occurring
31 other than by expiration of a term shall be filled for the unexpired
32 term.

33 The members of the council shall serve without compensation
34 but shall be reimbursed for the reasonable expenses necessarily
35 incurred in the performance of their duties within the limits of funds
36 appropriated or otherwise made available to the council for its
37 purposes.

38 b. The council shall organize no later than 30 days after the
39 appointment of its members and shall meet periodically at the call
40 of the chairman, but not less than six times in each year. A majority
41 of the members of the council shall constitute a quorum, but a lesser
42 number may hold hearings.

43 c. The chairman shall appoint a salaried administrator for the
44 council and shall provide the council with additional administrative
45 staff and support as may be necessary to enable the council to carry
46 out its functions.

1 5. It shall be the duty of the council to:

2 a. establish a five-member Educational Advisory Committee
3 whose members shall serve at the pleasure of the council. Three
4 members of the committee shall be appointed by the chairman of
5 the council and shall include one director of special education in a
6 public school district and two chairpersons, coordinators, or other
7 individuals in charge of teacher preparation programs for special
8 education teachers. Two members of the committee shall be
9 appointed by a majority vote of the council.

10 The committee shall identify and make recommendations to the
11 council regarding the most effective use of grant funds to improve
12 the quality and availability of public school services and programs
13 for children with autism. The committee shall identify potential
14 grant recipients who represent a variety of research-based
15 approaches to educating children with autism.

16 b. award grants through the Department of Education, upon
17 recommendation of the Educational Advisory Committee
18 established pursuant to subsection a. of this section, to public
19 school districts and public institutions of higher education to
20 increase the quality and availability of public school services and
21 programs for children with autism. Grants may be used to offset the
22 costs of:

23 (1) professional development and educational activities for
24 educators and other individuals working with children with autism
25 in the public schools and for students of postsecondary institutions
26 who are pursuing education careers working with children with
27 autism. Appropriate activities include programs, workshops,
28 institutes, seminars and other training activities that will enhance
29 the skills and capacity of current and future educators to work with
30 autistic children;

31 (2) hiring additional paraprofessionals to work directly with
32 children with autism in the public schools; and

33 (3) supplemental education services for children with autism in
34 the public schools including after-school socialization programs,
35 recreation programs, transitional planning services, and other
36 appropriate services.

37 c. establish mechanisms to monitor the impact of the grants
38 distributed by the council and to submit an annual report to the
39 Governor, the Legislature, and all public school districts one year
40 after the council is established, and every year thereafter, on its
41 activities. The report shall identify the number of grants distributed
42 and the amount, recipient, purpose, and impact of each grant. The
43 council shall make its annual report available to members of the
44 public, upon request.

45

46 6. a. Beginning in Fiscal Year 2007 and in each fiscal year
47 thereafter until Fiscal Year 2017, the Governor shall recommend
48 and the Legislature shall appropriate \$10,000,000 from the General

1 Fund to the Department of Education for the Autism Education
2 Council.

3 b. Of the amount appropriated under subsection a. of this
4 section, a minimum of \$9,600,000 shall be used annually to fund
5 grants.

6

7 7. This act shall take effect immediately.

8

9

10 STATEMENT

11

12 This bill establishes the Autism Education Council in, but not of,
13 the Department of Education. The council will consist of seven
14 members including the Commissioner of Education, or his designee,
15 who will serve ex officio, and six public members to be appointed
16 by the Governor, including two public school teachers and one
17 representative of each of the following organizations: Parents of
18 Autistic Children, The New Jersey Center for Outreach Services for
19 the Autism Community, The Family Resource Network, and
20 ASPEN. To the greatest extent practicable, consideration will be
21 given to the appointment of members from these organizations who
22 possess some teaching experience. The two public school teachers
23 appointed to the council will have a Master's Degree in Education
24 or other relevant subject area, certification as a Board Certified
25 Behavior Analyst by the Behavior Analyst Certification Board, and
26 a minimum of five years' experience as a teacher. The
27 commissioner or his designee will serve as chairman of the council.

28 The council will establish a five-member Educational Advisory
29 Committee whose members will serve at the pleasure of the council.
30 Three members of the committee will be appointed by the chairman
31 of the council and will include one director of special education in a
32 public school district and two chairpersons, coordinators, or other
33 individuals in charge of teacher preparation programs for special
34 education teachers. Two members of the committee will be
35 appointed by a majority vote of the council. The committee will
36 identify and make recommendations to the council regarding the
37 most effective use of grant funds to improve the quality and
38 availability of public school services and programs for children
39 with autism. The committee will identify potential grant recipients
40 who represent a variety of research-based approaches to educating
41 children with autism.

42 The council will award grants through the Department of
43 Education, upon recommendation of the Educational Advisory
44 Committee, to public school districts and public institutions of
45 higher education to increase the quality and availability of public
46 school services and programs for children with autism. Grants may
47 be used to offset the costs of: professional development and
48 educational activities for educators and other individuals working

1 with children with autism in the public schools and for students of
2 postsecondary institutions who are pursuing education careers
3 working with children with autism; hiring additional
4 paraprofessionals to work directly with children with autism in the
5 public schools; and supplemental education services for children
6 with autism in the public schools including after-school
7 socialization programs, recreation programs, transitional planning
8 services, and other appropriate services.

9 The council will establish mechanisms to monitor the impact of
10 the grants distributed by the council and will submit an annual
11 report to the Governor, the Legislature, and all public school
12 districts. The report will identify the number of grants distributed
13 and the amount, recipient, purpose, and impact of each grant.

14 The bill directs the Governor to recommend and the Legislature
15 to appropriate \$10,000,000 annually beginning in fiscal year 2007
16 through fiscal year 2017 to the Department of Education for the
17 Autism Education Council. Of the amount appropriated, a minimum
18 of \$9,600,000 must be used annually to fund grants.