SYNOPSIS
Estabishes requirements concerning methods for determining whether student has specific learning disability under federal Individuals with Disabilities Education Act.

CURRENT VERSION OF TEXT
As reported by the Senate Education Committee on January 25, 2024, with amendments.
AN ACT concerning the identification of students with specific
classifications of disabilities and supplementing chapter 46 of Title 18A
of the New Jersey Statutes.

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

1. a. The State criteria for determining whether a [child] student
has a specific classification of disability under the federal
"Individuals with Disabilities Education Act," 20 U.S.C. s.1400 et
seq., shall:

   (1) permit the use of a process based on the [child’s] student’s response to scientific, research-based intervention;
   (2) permit the use of other alternative research-based procedures; and
   (3) effective [July 1, 2023] in the fourth full school year following the date of enactment of this act, prohibit the use of a
severe discrepancy between intellectual ability and achievement for
determining whether a [child] student has a specific classification of disability.

   b. With respect to determining whether a student has a
specific classification of disability pursuant to subsection a. of this section,
a board of education shall not use any single procedure as the sole
criterion for determining whether a student has a specific classification of
disability or for determining an appropriate educational program for
the student.

   c. With respect to determining whether a student has a specific
classification of disability pursuant to subsection a. of this section, a board
of education shall ensure that the evaluation is sufficiently
comprehensive and, at a minimum, includes an assessment of basic
psychological processes to identify all of the student’s special
education and related services needs given the most current
evidence-based research and practice available when making the
determination.

   d. The State Board of Education shall promulgate regulations
pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
(C.52:14B-1 et seq.), necessary to effectuate the provisions of this
section. The regulations shall permit the use of methodologies for
determining whether a [child] student has a specific classification of
disability that are consistent with the provisions of this section.

2. This act shall take effect immediately.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
Senate SED committee amendments adopted January 25, 2024.