

[First Reprint]

SENATE, No. 1812

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator ANGELA V. MCKNIGHT

District 31 (Hudson)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

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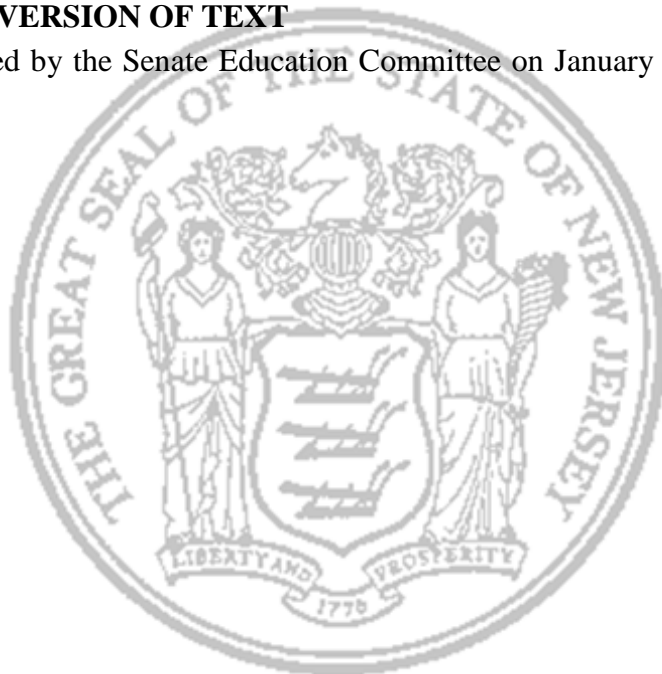
Senators Corrado, Gopal and Ruiz

SYNOPSIS

Establishes 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.



(Sponsorship Updated As Of: 1/29/2024)

1 AN ACT concerning the identification of students with specific
2 learning disabilities and supplementing chapter 46 of Title 18A
3 of the New Jersey Statutes.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. a. The State criteria for determining whether a ¹**[child]**
9 student¹ has a specific learning disability under the federal
10 “Individuals with Disabilities Education Act,” 20 U.S.C. s.1400 et
11 seq., shall:

12 (1) permit the use of a process based on the ¹**[child’s]**
13 student’s¹ response to scientific, research-based intervention;

14 (2) permit the use of other alternative research-based
15 procedures; and

16 (3) effective ¹**[July 1, 2023]** in the fourth full school year
17 following the date of enactment of this act¹, prohibit the use of a
18 severe discrepancy between intellectual ability and achievement for
19 determining whether a ¹**[child]** student¹ has a specific learning
20 disability.

21 b. ¹With respect to determining whether a student has a
22 specific learning disability pursuant to subsection a. of this section,
23 a board of education shall not use any single procedure as the sole
24 criterion for determining whether a student has a specific learning
25 disability or for determining an appropriate educational program for
26 the student.

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

35 d.¹ The State Board of Education shall promulgate regulations
36 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
37 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this
38 section. The regulations shall permit the use of methodologies for
39 determining whether a ¹**[child]** student¹ has a specific learning
40 disability that are consistent with the provisions of this section.
41

42 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:

¹Senate SED committee amendments adopted January 25, 2024.