ASSEMBLY, No. 5718

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED OCTOBER 29, 2026

Sponsored by:
Assemblywoman VERLINA REYNOLDS-JACKSON
District 15 (Hunterdon and Mercer)
Assemblywoman ROSAURA "ROSY" BAGOLIE
District 27 (Essex and Passaic)
Assemblywoman ELIANA PINTOR MARIN
District 29 (Essex and Hudson)

SYNOPSIS

Requires Commissioner of Education to appoint independent investigators for complaints against DOE regarding special education.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 10/29/2026)

AN ACT concerning special education 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 Commissioner of Education shall appoint an independent, impartial individual or entity to investigate any complaint concerning the provision of special education and related services made pursuant to 34 C.F.R. s.300.151 through 34 C.F.R. s.300.153 and N.J.A.C.6A:14-9.2, as well as any successor regulations, against the Department of Education, the Office of Special Education, or any other division or office within the department.

b. (1) The commissioner shall not appoint an investigator who was previously employed by the department or an agency which is the subject of the complaint or who otherwise has a potential conflict of interest regarding the complaint.

(2) An appointed independent investigator shall be knowledgeable about federal and State special education requirements.

c. (1) An individual or entity appointed to investigate a complaint pursuant to this section shall undertake an impartial investigation into the complaint in which the investigator:

(a) conducts a complete review of all documentation related to the complaint, including an onsite review as necessary;

(b) gives the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint; and

(c) provides the department, or the applicable division or office within the department that is the subject of the complaint, with the opportunity to respond to the complaint.

(2) After undertaking an investigation pursuant to paragraph (1) of this subsection, the investigator shall render a written decision within 60 days of receipt of the complaint to the department, or the applicable division or office within the department that is the subject of the complaint, and the complainant, which decision shall include findings of fact, any proposed corrective action, and the reasons for the decision.

(3) A written decision rendered by an independent investigator appointed pursuant to this section shall be final, and the investigator's report drafts shall not subject to revision by the Office of Special Education or any employee of the department.

d. The State Board of Education, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the provisions of this act.

2. This act shall take effect on the first day of the second month next following enactment.

STATEMENT

This bill requires the Commissioner of Education to appoint an impartial, independent individual or entity to investigate complaints concerning the provision of special education and related services made against the Department of Education, Office of Special Education, or any other division or office within the department. Under the bill, the commissioner is prohibited from appointing an investigator who was previously employed by the department or an agency that is the subject of the complaint or who potentially has a conflict of interest. An appointee is also required to be knowledgeable of State and federal special education requirements.

The bill requires an individual or entity appointed pursuant to the bill to undertake an impartial investigation into the complaint. Following the investigation, the investigator is required to render a written decision to the parties to the complaint, including findings of fact, any proposed corrective action, and the reasons for the decision. A written decision rendered by an appointed investigator would be final, and the investigator's report drafts would be ineligible for revision by the department.