

ASSEMBLY, No. 5720

STATE OF NEW JERSEY 222nd LEGISLATURE

INTRODUCED OCTOBER 29, 2026

Sponsored by:

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

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District 27 (Essex and Passaic)

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex and Hudson)

SYNOPSIS

Requires additional monitoring and enforcement of certain orders of compliance and corrective actions plans issued during special education disputes.

CURRENT VERSION OF TEXT

As introduced.



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

1 AN ACT concerning enforcement of special education law and
2 supplementing chapter 46 of Title 18A of the New Jersey
3 Statutes.

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

7
8 1. a. The Commissioner of Education shall appoint personnel from
9 the Office of Special Education, or in the case of a complaint against
10 the Office of Special Education, an independent investigator, to
11 monitor the implementation of the provisions of an order of
12 compliance or corrective action plan issued to a school district or other
13 public or private education agency responsible for the development
14 and implementation of a student's individualized education program or
15 for provision of special education and related services to New Jersey
16 students as a result of a State complaint investigation conducted in
17 accordance with State and federal special education laws.

18 b. At the conclusion of each applicable time limit specified for a
19 school district or other public or private education agency to have
20 implemented the provisions of an order of compliance or corrective
21 action plan as well as at the end of one year from the date of the report
22 finding noncompliance, the Office of Special Education or
23 independent investigator shall forward to the Commissioner of
24 Education and the complainant a written report indicating whether the
25 issues have been resolved, and if not, the extent to which action has
26 been taken to achieve compliance with the requirements of State and
27 federal special education laws.

28 c. In the event the written report from the Office of Special
29 Education or independent investigator shows that a school district or
30 other public or private agency has not complied with orders issued by
31 the Office of Special Education or independent investigator, the
32 Commissioner of Education shall give written notice to the school
33 district or other public or private agency and to the complainant of the
34 further enforcement action to be taken.

35 d. When taking enforcement action, the commissioner shall
36 consider:

37 (1) severity, length, and the repetitive nature of the same or other
38 noncompliance;

39 (2) whether the actions of a student's parent or guardian prevented
40 full implementation of corrective activities;

41 (3) the impact on students; and

42 (4) whether the nature of the noncompliance is de minimis.

43 Good faith efforts made to correct the problem shall not be a
44 defense to enforcement but may be relevant to the enforcement action
45 selected pursuant to subsection e. of this section.

46 e. Enforcement action shall include, but not be limited to:

47 (1) corrective action plan development, implementation, and
48 monitoring;

- 1 (2) voluntary and mandatory technical assistance as determined by
2 the commissioner;
- 3 (3) mandatory, targeted professional development as determined by
4 the commissioner;
- 5 (4) targeting or redirecting, as permissible, the use of federal special
6 education funds in the areas of concern, including designating the use
7 of such funds for specific activities;
- 8 (5) ordering the cessation of operations of discrete programs
9 operated by a school district or other public or private education
10 agency for the benefit of students with disabilities;
- 11 (6) withholding payments of State aid to a school district or other
12 public or private education agency, or the transfer of State aid thereto,
13 until compliance is met;
- 14 (7) order the repayment of misspent or misapplied State or federal
15 funds;
- 16 (8) in the case of an approved private school for students with
17 disabilities, order all school districts sending students to the approved
18 private school to relocate the students for whom each district is
19 responsible to other programs or facilities that are in compliance with
20 State and federal education laws;
- 21 (9) imposing other sanctions, as appropriate; and
- 22 (10) referral to the New Jersey Attorney General for further
23 enforcement of sanctions.
- 24 f. A review of programs to ensure compliance, which may include a
25 desk audit, scheduled on-site reviews, and unannounced on-site
26 reviews, shall take place on a schedule to be determined by the
27 commissioner.

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29 2. This act shall take effect immediately.

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32 STATEMENT

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34 This bill requires additional monitoring and enforcement of orders
35 of compliance and corrective action plans issued during special
36 education disputes.

37 This bill directs the Commissioner of Education to appoint
38 personnel from the Office of Special Education, or in the case of a
39 complaint against the Office of Special Education, an independent
40 investigator, to monitor the execution of the orders of compliance or
41 corrective action plan issued to a school district or other public or
42 private education agency as a result of a State complaint investigation
43 conducted in accordance with State and federal special education laws.

44 Under the bill, at the conclusion of the time limit specified for the
45 school district or other public or private education agency to have
46 completed the corrective action specified in the orders of compliance
47 or corrective action plan as well as at the end of one year from the date
48 of the report finding noncompliance, the Office of Special Education

1 or independent investigator is required to forward to the Commissioner
2 of Education and the complainant a written report indicating whether
3 the issues have been resolved, and if not, the extent to which corrective
4 action has been taken to achieve compliance with the requirements of
5 State and federal special education laws. In the event the written
6 report shows that a school district or other public or private agency has
7 not complied with orders issued by the department, the Commissioner
8 of Education or independent investigator is directed to give the written
9 notice of the further enforcement action to be taken.

10 Under the bill, when taking enforcement action, the commissioner
11 is required to consider:

12 (1) severity, length and the repetitive nature of the same or other
13 noncompliance;

14 (2) whether the actions of a student's parent or guardian prevented
15 full implementation of corrective activities;

16 (3) the impact on students; and

17 (4) whether the nature of the noncompliance is de minimis.

18 The bill details numerous enforcement actions that may be taken.

19 The bill provides that a review of programs to ensure compliance will
20 take place on a schedule to be determined by the commissioner.