ASSEMBLY, No. 5721

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED OCTOBER 29, 2026

Sponsored by:
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District 15 (Hunterdon and Mercer)
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SYNOPSIS

Requires State Board of Education to promulgate certain regulations concerning special education complaint investigations and corrective action plans.

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 State Board of Education shall promulgate regulations requiring the Office of Special Education in the Department of Education, in the course of conducting a complaint investigation and taking action in response to any signed, written complaint regarding the provision of special education and related services pursuant to the federal "Individuals with Disabilities Education Act," 20 U.S.C. s.1400 et seq., chapter 46 of Title 18A of the New Jersey Statutes, or regulations promulgated thereto, to:

(1) share with the complainant all documents and information from the school district or other public or private education agency against which the complaint is directed, in response to the complaint;

(2) provide an opportunity for the complainant to reply, both orally and in writing, to the response of the school district or other public or private education agency;

(3) include in the complaint investigation report a complete list of all documents, interviews, and other evidence relied upon in reaching the office's findings and conclusions, and when warranted, a directive on required corrective action;

(4) make publicly available on the Department of Education's Internet website the Office of Special Education's complaint resolution manual; and

(5) require the Department of Education to make publicly available on the department's Internet website a form for use by a parent or guardian to request enforcement of a corrective action plan that is produced as part of a complaint investigation report.

b. The State Board of Education shall promulgate regulations requiring a corrective action plan that is produced as part of a complaint investigation report developed by the Office of Special Education or by an independent investigator, which report finds a school district or other public or private education agency to be in noncompliance with respect to the provision of special education and related services, to include data collection for measuring the correction of each noncompliance item cited in the report. The data collection requirement pursuant to this subsection shall be in addition to all other required elements of a corrective action plan pursuant to the applicable provisions of the federal "Individuals with Disabilities Education Act," 20 U.S.C. s.1400 et seq., chapter 46 of Title 18A of the New Jersey Statutes, or regulations promulgated thereto.

2. This act shall take effect immediately.

STATEMENT

This bill requires the State Board of Education to promulgate regulations related to transparency in complaint investigation reports prepared by the Office of Special Education and corrective action plans developed by school districts or public or private education agencies found to be in noncompliance with respect to the provision of special education and related services.

Under current State Board of Education regulations, the Office of Special Education in the Department of Education is responsible for reviewing, investigating, and taking action on any signed, written complaint against a public or private education agency for alleged noncompliance in the provision of special education and related services. During an investigation, the education agency is given an opportunity to respond to the complaint and may be afforded an opportunity to try to resolve the issues prior to the issuance of a formal complaint investigation report. In instances in which a directive on required corrective action is included in the complaint investigation report, the education agency is required to submit a corrective action plan to the Office of Special Education that includes, but is not limited to: (1) objectives, strategies, and activities for correcting each noncompliance item cited, including the resources needed to obtain the objectives; and (2) the dates by which the noncompliance will be corrected.

This bill requires the State Board of Education to promulgate additional regulations to increase the transparency of the complaint investigation process. Under the bill, the Office of Special Education would: (1) share with the complainant all documents and information received from the school district or other education agency against which the complaint is directed, in response to the complaint; (2) provide the complainant an opportunity to reply, both orally and in writing, to the response of the school district or other public or private education agency; (3) include in the complaint investigation report a complete list of all documents, interviews, and other evidence relied upon in reaching the office's findings and conclusions, and when warranted, a directive on required corrective action; (4) make publicly available on the Department of Education's Internet website the Office of Special Education's current complaint resolution manual which sets forth the uniform policies and procedures to be followed in a complaint investigation; and (5) require the Department of Education to make publicly available on the department's Internet website a form for use by a parent or guardian to request enforcement of a corrective action plan that is produced as part of a complaint investigation report.

The bill also requires the State Board of Education to promulgate additional regulations to require data collection for measuring correction of each noncompliance item identified in a complaint

investigation report that finds a school district or other education agency to be in noncompliance with respect to the provision of special education and related services.