

18A:72H-1

5/28/86

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:72H-1 "Higher Education Services for Visually Impaired, Auditorially Impaired and Learning Disabled Students"

LAWS OF: 1985 CHAPTER: 493

BILL No: S2766

Sponsor(s): Ewing, Dumont and Feldman

Date Introduced: February 28, 1985

Committee: Assembly: -----

Senate: Education

Amended during passage: Yes Substituted for A4336 (not attached since identical to S2766). Amendments during passage denoted by asterisks.

Date of Passage: Assembly: January 6, 1986

Senate: December 12, 1985

Date of Approval: January 21, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

For background see:

(Over)

ED1.2: Hourihan, John P.
D63 Disability: the college's challenge. Columbia University Project for Handicapped College Students. New York 1980.

ED1.2: Anderson, William R.
D63/3 Federally Funded programs for disabled students: models for postsecondary campuses; a summary of regional education programs, 1975-80. American Council on Education. Washington, D.C., 1981.

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SENATE, No. 2766

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 28, 1985

By Senators EWING, DUMONT and FELDMAN

Referred to Committee on Education

AN ACT concerning higher education services for handicapped students and supplementing Title 18A of the New Jersey Statutes.

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

1 1. This act shall be known and may be cited as the "Higher
2 Education Services for Visually Impaired, Auditorily Impaired
3 and Learning Disabled Students Act."

1 2. The Legislature finds and declares that:

2 a. It is a fundamental aspiration of the people of New Jersey
3 that individuals are afforded the opportunity to be educated to an
4 extent consistent with their potential and desire;

5 b. Accordingly, it is an appropriate act of State government, in
6 furtherance of this aspiration, to make available appropriate
7 support services to those individuals who are able to attend college
8 by virtue of their potential and desire, but whose educational
9 progress and success is hampered by conditions of visual impair-
10 ment, auditory impairment or a specific learning disability; and

11 c. It is the intent and purpose of the Legislature that the imple-
12 mentation of this act shall significantly improve the access to, and
13 appropriate supportive services for, collegiate education in the
14 State for individuals with a specific learning disability, visual
15 impairment or auditory impairment who are otherwise able to
16 attend college; and it is reasonably anticipated that, in addition to
17 the primary benefits accruing to individuals who receive direct
18 services, the implementation of this act will produce significant
19 benefits in New Jersey for all handicapped individuals, including
20 increasing the understanding of handicapping conditions, promoting
21 research and development of techniques and approaches to offset

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted May 6, 1985.

22 handicapping conditions, and providing for the integration of com-
23 prehensive supportive services in institutions of higher education.

1 3. As used in this act:

2 a. "Auditorily impaired" means a hearing impairment of such
3 severity that the individual depends primarily upon visual com-
4 munication.

5 b. "Competent authority" means any doctor of medicine or any
6 doctor of osteopathy licensed to practice medicine or surgery in
7 this State.

8 c. "Department" means the Department of Higher Education.

9 d. "Eligible student" means any student **admitted to a public*
10 *or independent institution of higher education who is** suffering
11 from a visual impairment, auditory impairment or a specific learn-
12 ing disability within guidelines established by the Department of
12A Higher Education pursuant to regulations promulgated under this
12B act.

13 e. "Independent institution of higher education" means a college
14 or university incorporated and located in New Jersey, which by
15 virtue of law or character or license, is a nonprofit educational
16 institution authorized to grant academic degrees and which provides
17 a level of education which is equivalent to the education provided
18 by the State's public institutions of higher education as attested
19 by the receipt of and continuation of regional accreditation by the
20 Middle States Association of Colleges and Schools, and which is
21 eligible to receive State aid under the provisions of the Constitution
22 of the United States and the Constitution of the State of New
23 Jersey, but does not include any educational institution dedicated
24 primarily to the education or training of ministers, priests, rabbis
25 or other professional persons in the field of religion.

26 f. "Learning disability" means a significant barrier to learning
27 caused by a disorder in one or more of the basic psychological
28 processes involved in understanding or in using language, spoken
29 or written, which disorder may manifest itself in imperfect ability
30 to listen, think, speak, read, write, spell, or do mathematical calcu-
31 lations. The disorder includes conditions such as perceptual handi-
32 caps, brain injury, minimal brain dysfunction, dyslexia, and
33 development aphasia. This term shall not include learning problems
34 which are primarily the result of visual, hearing, or motor handi-
35 caps, mental retardation, emotional disturbances, or environmental,
36 cultural, or economic disadvantage.

37 g. "Program" means the Higher Education Services for Visually
38 Impaired, Auditorily Impaired and Learning Disabled Students
39 Program established pursuant to this act.

40 h. "Public institution of higher education" means Rutgers, The
 41 State University, the New Jersey Institute of Technology, the
 42 University of Medicine and Dentistry of New Jersey, the State
 43 colleges and the county colleges.

44 i. "Support services" or "supportive services" means services
 45 that assist eligible students in obtaining a collegiate education
 46 and include, but are not limited to, interpreters, note takers, and
 47 tutors.

48 j. "Visually impaired" means a vision impairment where the
 49 better eye with correction does not exceed 20/200 or where there
 50 is a field defect in the better eye in which the diameter of the field
 51 is no greater than 20 degrees.

1 4. There is established a Higher Education Services for Visually
 2 Impaired, Auditorily and Learning Disabled Students Program
 3 within the Department of Higher Education. The program shall
 4 provide appropriate support services for eligible students attending
 5 a public or independent institution of higher education within the
 6 the State and promote research and development of techniques
 7 and approaches to offset handicapping conditions. **All appropriate*
 8 *public and private groups, organizations and agencies shall be con-*
 9 *sulted in preparing programs and services for these students.**

1 5. In order for a learning disabled student to qualify as an eligible
 2 student, the student shall submit to the department documentation
 3 by a competent authority of the learning disability and that it
 4 results from organic dysfunction. The authority may consult with
 5 colleagues in associated disciplines in order to prepare the docu-
 6 mentation.

1 6. The department, through the Chancellor of Higher Education,
 2 shall:

3 a. Enter into agreements with any individual, agency or public
 4 or independent institution of higher education in this State, under
 5 which the individual, agency or institution shall undertake to pro-
 6 vide direct support services to eligible students*, *provided these*
 6A *services do not duplicate or replace any services for which these*
 6B *students are currently eligible*.*

7 b. Enter into contractual agreements with any public or inde-
 8 pendent institution of higher education to establish and maintain
 9 within that institution offices to facilitate the provision and coordi-
 10 nation of support services to eligible students.

11 c. Authorize the payment to those individuals, agencies and
 12 institutions as set forth in subsections a. and b. of this section of
 13 funds appropriated or otherwise made available to the department
 14 under this act or any other law, or from any other lawful source.

15 d. Assess, evaluate and review the extent of the visual or auditory
 16 impairments or the learning disabilities which shall qualify stu-
 17 dents for eligibility for services pursuant to the regulations promul-
 18 gated under this act.

19 e. Develop and coordinate a comprehensive support plan for
 20 eligible students specifying the needs of the eligible students.

21 f. Provide the supportive services outlined in the support plan,
 22 directly or through contractual agreements with individuals, insti-
 23 tutions, agencies and others, as appropriate.

24 g. Foster awareness of, and sensitivity to, the students' handicap-
 25 ping conditions through seminars, presentations, bulletins and
 26 other activities for instructional, administrative and other staff of
 27 public and independent higher educational institutions.

28 h. Encourage and facilitate the use of a variety of instructional
 29 materials and methods by disseminating to professional staff of
 30 public and independent institutions of higher education information
 31 on techniques, materials and sources relating to curricular
 32 specialities.

33 i. Annually review and report to the Governor and the State
 34 Legislature on the services and activities funded by the department
 35 each year under this act.

1 7. To assist in fulfilling the duties and responsibilities relating
 2 to this act, the chancellor shall appoint an advisory board, which
 3 shall be broadly representative of those individuals and organiza-
 4 tions having an active interest in, and academic or practical knowl-
 5 edge and experience of, the abilities and needs of visually impaired,
 6 auditorily impaired and learning disabled students; the methods
 7 and techniques of evaluation of handicapping conditions and cur-
 8 ricular support development; including, without limitation, repre-
 9 sentatives from professional organizations, parent/student organi-
 10 zations, institutional administrations, academic personnel, student
 11 personnel services staff, and students. **A representative from the*
 12 *Departments of Labor and Human Services shall serve on the ad-*
 13 *visory board.**

1 8. The chancellor shall adopt rules and regulations pursuant to
 2 the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1
 3 et seq.) to implement the provisions of this act.

1 9. If in any fiscal year, the funds made available under this act
 2 are not sufficient to fully fund all services and activities required
 3 pursuant to this act, the department shall utilize the available funds
 4 in such a manner and for such purposes as it determines will best
 5 meet the needs of eligible students under this act.

1 10. This act shall take effect immediately.

19 e. Develop and coordinate a comprehensive support plan for
20 eligible students specifying the needs of the eligible students.

21 f. Provide the supportive services outlined in the support plan,
22 directly or through contractual agreements with individuals, insti-
23 tutions, agencies and others, as appropriate.

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25 ping conditions through seminars, presentations, bulletins and
26 other activities for instructional, administrative and other staff of
27 public and independent higher educational institutions.

28 h. Encourage and facilitate the use of a variety of instructional
29 materials and methods by disseminating to professional staff of
30 public and independent institutions of higher education information
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34 Legislature on the services and activities funded by the department
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6 auditorily impaired and learning disabled students; the methods
7 and techniques of evaluation of handicapping conditions and cur-
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11 personnel services staff, and students.

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3 pursuant to this act, the department shall utilize the available funds
4 in such a manner and for such purposes as it determines will best
5 meet the needs of eligible students under this act.

1 10. This act shall take effect immediately.

STATEMENT

This bill would establish the Higher Education Services for Visually Impaired, Auditorily Impaired and Learning Disabled Students Program within the Department of Higher Education.

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The program would provide appropriate support services for eligible students attending a public or independent institution of higher education within the State and would promote research and development of techniques and approaches to offset handicapping conditions. The support services would include, for example, interpreters, note takers, and tutors.

The purpose of this bill is to significantly improve the access to a collegiate education in this State for individuals with a specific learning disability or visual or auditory impairment who are otherwise able to attend college.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 2766

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 1985

This bill provides for a program of support services to students in New Jersey colleges who are visually or auditorily impaired or learning disabled. These services would include such things as tutors, note takers and interpreters.

Under the bill, the Chancellor of Higher Education would enter into agreement with individuals or agencies to provide the support services and enter into contracts with institutions of higher education to maintain offices to facilitate and coordinate the provisions of these services.

The chancellor is authorized to pay for these services, and to establish priorities in the event that funds are inadequate in any given year.

The program will also seek to promote an understanding of handicapping conditions throughout the college community and to promote research into curriculum and teaching techniques appropriate for handicapped students.

The chancellor would appoint a broadly representative advisory board to assist in implementing the various aspects of this program. The committee amendments provide that representatives from the Departments of Labor and Human Services shall serve on the board.

The committee amendments clarify that a student must be admitted to an institution of higher education in order to be eligible for the program. In addition they provide for consultation with appropriate groups in preparing programs and services and further provide that these programs and services shall not duplicate or replace any services for which the students are already eligible.