

# 18A:6-135

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2016 **CHAPTER:** 48

**NJSA:** 18A:6-135 (Establishes Response to Intervention initiative in DOE to support and encourage school districts in implementation of Response to Intervention framework.)

**BILL NO:** A2566 (Substituted for S496)

**SPONSOR(S)** Diegnan Jr. and others

**DATE INTRODUCED:** February 4, 2017

**COMMITTEE:** **ASSEMBLY:** Education  
**SENATE:** Education  
Budget and Appropriations

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** June 27, 2016

**SENATE:** June 27, 2016

**DATE OF APPROVAL:** September 6, 2016

### FOLLOWING ARE ATTACHED IF AVAILABLE:

#### FINAL TEXT OF BILL (First Reprint enacted)

#### A2566

**SPONSOR'S STATEMENT:** (Begins on page 2 of introduced bill) Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes

**SENATE:** Yes Education  
Budget and Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes February 25, 2016  
June 28, 2016

#### S496

**SPONSOR'S STATEMENT:** (Begins on page 2 of introduced bill) Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** Yes Education  
Budget and Appropriations

(continued)

**FLOOR AMENDMENT STATEMENT:**

No

**LEGISLATIVE FISCAL ESTIMATE:**

Yes June 14, 2016  
June 28, 2016

**VETO MESSAGE:**

No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

Yes

"Christie marks school year's start, signs 6 education bills," Associated Press Wire: New Jersey, September 6, 2016

"No suspension before 3rd grade as Christie signs bills," Press of Atlantic City, September 7, 2016

"Caldwell Christie signs education bills," Star-Ledger, September 8, 2016

"Christie kicks off new school year with education reform bills," NJTV, September 6, 2016

"Christie uses back-to-school bill-signing to draw attention to school funding proposal," NorthJersey.com, September 6, 2016

"Christie: Private schools will get state money for security," nj.com, September 7, 2016

RWH/CL

# ASSEMBLY, No. 2566

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 4, 2016

**Sponsored by:**

**Assemblyman PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

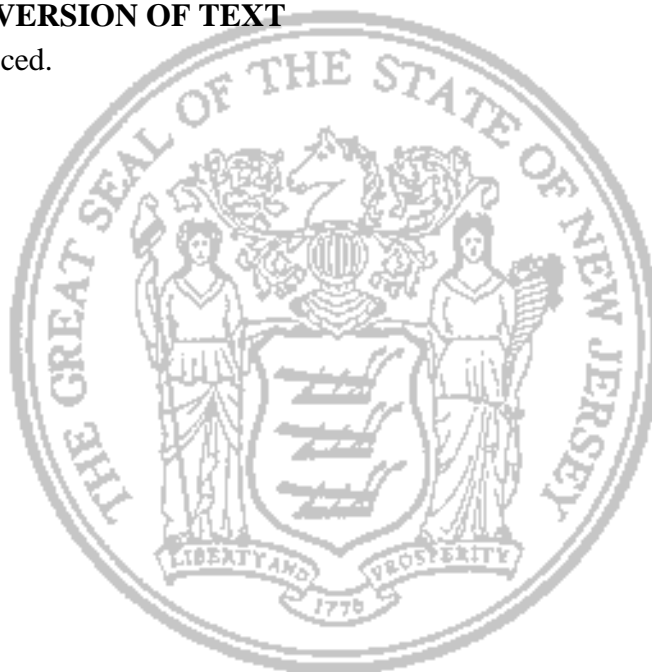
**Assemblywoman Caride**

**SYNOPSIS**

Establishes Response to Intervention initiative in DOE to support and encourage school districts in implementation of Response to Intervention framework.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/19/2016)**

1 AN ACT concerning the implementation of a Response to  
2 Intervention framework by school districts and supplementing  
3 chapter 6 of Title 18A 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 Commissioner of Education shall develop and  
9 establish an initiative to support and encourage the use of a  
10 Response to Intervention framework by school districts to promote  
11 the achievement of all students. The initiative shall include  
12 dissemination of information and guidance to school districts  
13 regarding the development and effective implementation of a  
14 Response to Intervention framework as a methodology to identify  
15 struggling learners, maximize student achievement, and reduce  
16 behavioral problems. The initiative shall also include dissemination  
17 of information and guidance to school districts regarding the  
18 effective use of a Response to Intervention framework as a  
19 methodology to identify students with specific learning disabilities  
20 in accordance with the “Individuals with Disabilities Education  
21 Act,” 20 U.S.C. s.1400 et seq.

22 b. The commissioner shall ensure that a Response to  
23 Intervention framework implemented by a school district includes,  
24 at a minimum, the following elements:

25 (1) high quality research-based instruction in the general  
26 education setting;

27 (2) universal screening procedures to identify students at risk for  
28 poor learning outcomes or behavioral challenges;

29 (3) multiple levels of evidence-based interventions that are  
30 progressively more intense, based on the student’s responsiveness;  
31 and

32 (4) continuous monitoring of student progress.

33 c. The commissioner shall make available technical assistance  
34 and training to assist school districts in the implementation of a  
35 Response to Intervention framework.

36  
37 2. This act shall take effect immediately.

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STATEMENT

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42 This bill directs the Commissioner of Education to develop and  
43 establish an initiative to support and encourage the use of a  
44 Response to Intervention (RTI) framework by school districts to  
45 promote the achievement of all students. The initiative must  
46 include the dissemination of information and guidance to school  
47 districts regarding the development and effective implementation of  
48 an RTI framework as a methodology to identify struggling learners,

1 maximize student achievement, and reduce behavioral problems.  
2 The initiative also must include the dissemination of information  
3 and guidance to school districts regarding the effective use of an  
4 RTI framework as a methodology to identify students with specific  
5 learning disabilities in accordance with the federal “Individuals  
6 with Disabilities Education Act” (IDEA), 20 U.S.C. s.1400 et seq.  
7 State Board of Education regulations at N.J.A.C.6A:14-  
8 3.5(c)12.(ii), consistent with the IDEA, expressly permit school  
9 districts to utilize a response to intervention methodology to  
10 identify students with specific learning disabilities. The initiative  
11 established under the bill would assist districts in the use of RTI for  
12 this and other purposes.

13 In addition, the bill requires the commissioner to ensure that an  
14 RTI framework developed and implemented by a school district  
15 includes, at a minimum, certain elements that are commonly  
16 recognized as core components of any RTI model. These elements  
17 include: (1) high quality research-based instruction in the general  
18 education setting; (2) universal screening procedures to identify  
19 students at risk for poor learning outcomes or behavioral  
20 challenges; (3) multiple levels of evidence-based interventions that  
21 are progressively more intense, based on the student’s  
22 responsiveness; and (4) continuous monitoring of student progress.

23 Finally, the bill requires the commissioner to make technical  
24 assistance and training available to assist school districts in  
25 implementing an RTI framework.

P.L.2016, CHAPTER 48, *approved September 6, 2016*  
Assembly, No. 2566 (*First Reprint*)

1 **AN ACT** concerning the implementation of a Response to  
2 Intervention framework by school districts and supplementing  
3 chapter 6 of Title 18A 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 Commissioner of Education shall develop and establish  
9 an initiative to support and encourage the use of a Response to  
10 Intervention framework by school districts to promote the achievement  
11 of all students. The initiative shall include dissemination of  
12 information and guidance to school districts regarding the  
13 development and effective implementation of a Response to  
14 Intervention framework as a methodology to identify struggling  
15 learners, maximize student achievement, and reduce behavioral  
16 problems. The initiative shall also include dissemination of  
17 information and guidance to school districts regarding the effective use  
18 of a Response to Intervention framework as a methodology to identify  
19 students with specific learning disabilities in accordance with the  
20 “Individuals with Disabilities Education Act,” 20 U.S.C. s.1400 et seq.  
21 <sup>1</sup>The information and guidance provided to school districts shall make  
22 clear that a Response to Intervention framework is not a substitute for  
23 classification of a student as eligible for special education and related  
24 services if the student requires classification.<sup>1</sup>

25 b. The commissioner shall ensure that a Response to Intervention  
26 framework implemented by a school district includes, at a minimum,  
27 the following elements:

28 (1) high quality research-based instruction in the general education  
29 setting;

30 (2) universal screening procedures to identify students at risk for  
31 poor learning outcomes or behavioral challenges;

32 (3) multiple levels of evidence-based interventions that are  
33 progressively more intense, based on the student’s responsiveness; and

34 (4) continuous monitoring of student progress.

**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:

<sup>1</sup>Senate SBA committee amendments adopted June 16, 2016.

1       c. The commissioner shall make available technical assistance  
2 and training to assist school districts in the implementation of a  
3 Response to Intervention framework.

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5       2. This act shall take effect immediately.

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10       Establishes Response to Intervention initiative in DOE to support  
11 and encourage school districts in implementation of Response to  
12 Intervention framework.

# ASSEMBLY EDUCATION COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2566

# STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2016

The Assembly Education Committee reports favorably Assembly Bill No. 2566.

This bill directs the Commissioner of Education to develop and establish an initiative to support and encourage the use of a Response to Intervention (RTI) framework by school districts to promote the achievement of all students. The initiative must include the dissemination of information and guidance to school districts regarding the development and effective implementation of an RTI framework as a methodology to identify struggling learners, maximize student achievement, and reduce behavioral problems. The initiative also must include the dissemination of information and guidance to school districts regarding the effective use of an RTI framework as a methodology to identify students with specific learning disabilities in accordance with the federal “Individuals with Disabilities Education Act” (IDEA), 20 U.S.C. s.1400 et seq. State Board of Education regulations at N.J.A.C.6A:14-3.5(c)12.(ii), consistent with the IDEA, expressly permit school districts to utilize a response to intervention methodology to identify students with specific learning disabilities. The initiative established under the bill would assist districts in the use of RTI for this and other purposes.

In addition, the bill requires the commissioner to ensure that an RTI framework developed and implemented by a school district includes, at a minimum, certain elements that are commonly recognized as core components of any RTI model. These elements include: (1) high quality research-based instruction in the general education setting; (2) universal screening procedures to identify students at risk for poor learning outcomes or behavioral challenges; (3) multiple levels of evidence-based interventions that are progressively more intense, based on the student’s responsiveness; and (4) continuous monitoring of student progress.

Finally, the bill requires the commissioner to make technical assistance and training available to assist school districts in implementing an RTI framework.



# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2566**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 16, 2016

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 2566, with committee amendments.

As amended, this bill directs the Commissioner of Education to develop and establish an initiative to support and encourage the use of a Response to Intervention (RTI) framework by school districts to promote the achievement of all students.

Under the bill, the initiative must include the dissemination of information and guidance to school districts regarding the development and effective implementation of an RTI framework as a methodology to identify struggling learners, maximize student achievement, and reduce behavioral problems. The initiative also must include the dissemination of information and guidance to school districts regarding the effective use of an RTI framework as a methodology to identify students with specific learning disabilities in accordance with the federal “Individuals with Disabilities Education Act” (IDEA), 20 U.S.C. s.1400 et seq. State Board of Education regulations at N.J.A.C.6A:14-3.5(c)12.(ii), consistent with the IDEA, expressly permit school districts to utilize a response to intervention methodology to identify students with specific learning disabilities. The initiative established under the bill would assist districts in the use of RTI for this and other purposes. The bill stipulates that the information and guidance provided to school districts through the initiative must make clear that an RTI framework is not a substitute for classification of a student as eligible for special education and related services if the student requires classification.

In addition, the bill requires the commissioner to ensure that an RTI framework developed and implemented by a school district includes, at a minimum, certain elements that are commonly recognized as core components of any RTI model. These elements include: (1) high quality research-based instruction in the general education setting; (2) universal screening procedures to identify students at risk for poor learning outcomes or behavioral challenges; (3) multiple levels of evidence-based interventions that

are progressively more intense, based on the student's responsiveness; and (4) continuous monitoring of student progress.

Finally, the bill requires the commissioner to make technical assistance and training available to assist school districts in implementing an RTI framework.

As amended and reported, this bill is identical to Senate Bill No. 496, as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The amendments stipulate that the information and guidance provided to school districts through the initiative must make clear that an RTI framework is not a substitute for classification of a student as eligible for special education and related services if the student requires classification.

FISCAL IMPACT:

The Office of Legislative Services (OLS), in the Legislative Fiscal Estimate for this bill, anticipates the bill will not cause a change in State expenditures. Currently, the Department of Education, through the Learning Resource Centers (LRCs) located in various regions of the State, provides information and technical assistance to school districts, including information related to the implementation of RTI. It is plausible that the commissioner would use this infrastructure to carry out the provisions of the bill. To the extent that the LRCs are supported by federal funds awarded under the IDEA, there would be no change in State expenditures. Since the bill does not require school districts to implement RTI, the OLS notes that the bill would not lead to an increase in school districts' expenditures.

# SENATE EDUCATION COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2566

# STATE OF NEW JERSEY

DATED: MAY 23, 2016

The Senate Education Committee favorably reports Assembly Bill No. 2566.

This bill directs the Commissioner of Education to develop and establish an initiative to support and encourage the use of a Response to Intervention (RTI) framework by school districts to promote the achievement of all students. The initiative must include the dissemination of information and guidance to school districts regarding the development and effective implementation of an RTI framework as a methodology to identify struggling learners, maximize student achievement, and reduce behavioral problems. The initiative also must include the dissemination of information and guidance to school districts regarding the effective use of an RTI framework as a methodology to identify students with specific learning disabilities in accordance with the federal “Individuals with Disabilities Education Act” (IDEA), 20 U.S.C. s.1400 et seq. State Board of Education regulations at N.J.A.C.6A:14-3.5(c)12.(ii), consistent with the IDEA, expressly permit school districts to utilize a response to intervention methodology to identify students with specific learning disabilities. The initiative established under the bill would assist districts in the use of RTI for this and other purposes.

In addition, the bill requires the commissioner to ensure that an RTI framework developed and implemented by a school district includes, at a minimum, certain elements that are commonly recognized as core components of any RTI model. These elements include: (1) high quality research-based instruction in the general education setting; (2) universal screening procedures to identify students at risk for poor learning outcomes or behavioral challenges; (3) multiple levels of evidence-based interventions that are progressively more intense, based on the student’s responsiveness; and (4) continuous monitoring of student progress.

Finally, the bill requires the commissioner to make technical assistance and training available to assist school districts in implementing an RTI framework.

As reported by the committee, this bill is identical to Senate Bill No. 496, which also was reported by the committee on this same date.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 2566**  
**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

DATED: FEBRUARY 25, 2016

**SUMMARY**

**Synopsis:** Establishes Response to Intervention initiative in DOE to support and encourage school districts in implementation of Response to Intervention framework.

**Type of Impact:** No Change in Expenditures

**Agencies Affected:** Department of Education; School Districts

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>		No Change	
<b>Local Cost</b>		No Change	

- The Office of Legislative Services (OLS) anticipates that Assembly Bill No. 2566 would not lead to a change in State expenditures. While it is plausible that the Department of Education would use new State resources to implement the bill’s provisions, the OLS notes that the department currently provides information and technical assistance to school districts through the Learning Resource Centers located in different regions of the State. To the extent that additional expenditures are necessary, it appears reasonable to assume that the department would continue to use federal funds awarded under the Individuals with Disabilities Education Act to support such costs.
- While the bill specifies that the department would encourage the use of a Response to Intervention framework by school districts, the bill does not mandate its use. As such, the OLS notes that the bill will not lead to a change in school districts’ expenditures.

**BILL DESCRIPTION**

Assembly Bill No. 2566 of 2016 requires that the Commissioner of Education develop and establish an initiative to support and encourage school districts’ use of the Response to Intervention (RTI) framework to promote achievement among all students. The initiative would include the dissemination of information and guidance regarding: 1) the development and

effective implementation of an RTI framework as a methodology for identifying struggling learners, maximizing student achievement, and reducing behavioral problems, and 2) the use of an RTI framework for identifying students with specific learning disabilities. The commissioner would also be responsible for providing technical assistance and training to school districts that are implementing an RTI framework, and ensuring that an RTI framework implemented by a school district includes certain elements.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS anticipates that Assembly Bill No. 2566 will not cause a change in State expenditures. Currently, the Department of Education, through the Learning Resource Centers (LRCs) located in various regions of the State, provides information and technical assistance to school districts, including information related to the implementation of RTI. It is plausible that the commissioner would use this infrastructure to carry out the bill's provisions. To the extent that the LRCs are supported by federal funds awarded under the Individuals with Disabilities Education Act, there would be no change in State expenditures. Since the legislation does not require school districts to implement RTI, the OLS notes that the bill would not cause an increase in school districts' expenditures.

*Section: Education*  
*Analyst: Allen T. Dupree*  
*Principal Fiscal Analyst*  
*Approved: Frank W. Haines III*  
*Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 2566

### STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JUNE 28, 2016

#### SUMMARY

- Synopsis:** Establishes Response to Intervention initiative in DOE to support and encourage school districts in implementation of Response to Intervention framework.
- Type of Impact:** No Change in Expenditures
- Agencies Affected:** Department of Education; School Districts

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	No Change – See comments below		
<b>Local Cost</b>	No Change – See comments below		

- The Office of Legislative Services (OLS) anticipates that Assembly Bill No. 2566 (1R) would not lead to a change in State expenditures. While it is plausible that the Department of Education would use new State resources to implement the bill's provisions, the OLS notes that the department currently provides information and technical assistance to school districts through the Learning Resource Centers located in different regions of the State. To the extent that additional expenditures are necessary, it appears reasonable to assume that the department would continue to use federal funds awarded under the Individuals with Disabilities Education Act to support such costs.
- While the bill specifies that the department would encourage the use of a Response to Intervention framework by school districts, the bill does not mandate its use. As such, the OLS notes that the bill will not lead to a change in school districts' expenditures.

#### BILL DESCRIPTION

Assembly Bill No. 2566 (1R) of 2016 requires that the Commissioner of Education develop and establish an initiative to support and encourage school districts' use of the Response to

Intervention (RTI) framework to promote achievement among all students. The initiative would include the dissemination of information and guidance regarding: 1) the development and effective implementation of an RTI framework as a methodology for identifying struggling learners, maximizing student achievement, and reducing behavioral problems, and 2) the use of an RTI framework for identifying students with specific learning disabilities. The commissioner would also be responsible for providing technical assistance and training to school districts that are implementing an RTI framework, and ensuring that an RTI framework implemented by a school district includes certain elements.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS anticipates that Assembly Bill No. 2566 (1R) will not cause a change in State expenditures. Currently, the Department of Education, through the Learning Resource Centers (LRCs) located in various regions of the State, provides information and technical assistance to school districts, including information related to the implementation of RTI. It is plausible that the commissioner would use this infrastructure to carry out the bill's provisions. To the extent that the LRCs are supported by federal funds awarded under the Individuals with Disabilities Education Act, there would be no change in State expenditures. Since the legislation does not require school districts to implement RTI, the OLS notes that the bill would not cause an increase in school districts' expenditures.

*Section: Education*  
*Analyst: Allen T. Dupree*  
*Principal Fiscal Analyst*  
*Approved: Frank W. Haines III*  
*Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# SENATE, No. 496

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Senators Pennacchio and Allen**

**SYNOPSIS**

Establishes Response to Intervention initiative in DOE to support and encourage school districts in implementation of Response to Intervention framework.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 5/24/2016)**



1 AN ACT concerning the implementation of a Response to  
2 Intervention framework by school districts and supplementing  
3 chapter 6 of Title 18A 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 Commissioner of Education shall develop and  
9 establish an initiative to support and encourage the use of a  
10 Response to Intervention framework by school districts to promote  
11 the achievement of all students. The initiative shall include  
12 dissemination of information and guidance to school districts  
13 regarding the development and effective implementation of a  
14 Response to Intervention framework as a methodology to identify  
15 struggling learners, maximize student achievement, and reduce  
16 behavioral problems. The initiative shall also include dissemination  
17 of information and guidance to school districts regarding the  
18 effective use of a Response to Intervention framework as a  
19 methodology to identify students with specific learning disabilities  
20 in accordance with the “Individuals with Disabilities Education  
21 Act,” 20 U.S.C. s.1400 et seq.

22 b. The commissioner shall ensure that a Response to  
23 Intervention framework implemented by a school district includes,  
24 at a minimum, the following elements:

25 (1) high quality research-based instruction in the general  
26 education setting;

27 (2) universal screening procedures to identify students at risk for  
28 poor learning outcomes or behavioral challenges;

29 (3) multiple levels of evidence-based interventions that are  
30 progressively more intense, based on the student’s responsiveness;  
31 and

32 (4) continuous monitoring of student progress.

33 c. The commissioner shall make available technical assistance  
34 and training to assist school districts in the implementation of a  
35 Response to Intervention framework.  
36

37 2. This act shall take effect immediately.  
38  
39

40 STATEMENT  
41

42 This bill directs the Commissioner of Education to develop and  
43 establish an initiative to support and encourage the use of a  
44 Response to Intervention (RTI) framework by school districts to  
45 promote the achievement of all students. The initiative must  
46 include the dissemination of information and guidance to school  
47 districts regarding the development and effective implementation of  
48 an RTI framework as a methodology to identify struggling learners,

1 maximize student achievement, and reduce behavioral problems.  
2 The initiative also must include the dissemination of information  
3 and guidance to school districts regarding the effective use of an  
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5 learning disabilities in accordance with the federal “Individuals  
6 with Disabilities Education Act” (IDEA), 20 U.S.C. s.1400 et seq.  
7 State Board of Education regulations at N.J.A.C.6A:14-  
8 3.5(c)12.(ii), consistent with the IDEA, expressly permit school  
9 districts to utilize a response to intervention methodology to  
10 identify students with specific learning disabilities. The initiative  
11 established under the bill would assist districts in the use of RTI for  
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13 In addition, the bill requires the commissioner to ensure that an  
14 RTI framework developed and implemented by a school district  
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16 recognized as core components of any RTI model. These elements  
17 include: (1) high quality research-based instruction in the general  
18 education setting; (2) universal screening procedures to identify  
19 students at risk for poor learning outcomes or behavioral  
20 challenges; (3) multiple levels of evidence-based interventions that  
21 are progressively more intense, based on the student’s  
22 responsiveness; and (4) continuous monitoring of student progress.

23 Finally, the bill requires the commissioner to make technical  
24 assistance and training available to assist school districts in  
25 implementing an RTI framework.

# SENATE, No. 496

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Senators Pennacchio, Allen and Beck**

**SYNOPSIS**

Establishes Response to Intervention initiative in DOE to support and encourage school districts in implementation of Response to Intervention framework.

**CURRENT VERSION OF TEXT**

As reported by the Senate Education Committee with technical review.



**(Sponsorship Updated As Of: 6/17/2016)**

1 AN ACT concerning the implementation of a Response to  
2 Intervention framework by school districts and supplementing  
3 chapter 6 of Title 18A 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 Commissioner of Education shall develop and  
9 establish an initiative to support and encourage the use of a  
10 Response to Intervention framework by school districts to promote  
11 the achievement of all students. The initiative shall include  
12 dissemination of information and guidance to school districts  
13 regarding the development and effective implementation of a  
14 Response to Intervention framework as a methodology to identify  
15 struggling learners, maximize student achievement, and reduce  
16 behavioral problems. The initiative shall also include dissemination  
17 of information and guidance to school districts regarding the  
18 effective use of a Response to Intervention framework as a  
19 methodology to identify students with specific learning disabilities  
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21 Act,” 20 U.S.C. s.1400 et seq.

22 b. The commissioner shall ensure that a Response to  
23 Intervention framework implemented by a school district includes,  
24 at a minimum, the following elements:

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26 education setting;

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28 poor learning outcomes or behavioral challenges;

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30 progressively more intense, based on the student’s responsiveness;  
31 and

32 (4) continuous monitoring of student progress.

33 c. The commissioner shall make available technical assistance  
34 and training to assist school districts in the implementation of a  
35 Response to Intervention framework.  
36

37 2. This act shall take effect immediately.

# SENATE EDUCATION COMMITTEE

## STATEMENT TO

### SENATE, No. 496

# STATE OF NEW JERSEY

DATED: MAY 23, 2016

The Senate Education Committee favorably reports Senate Bill No. 496.

This bill directs the Commissioner of Education to develop and establish an initiative to support and encourage the use of a Response to Intervention (RTI) framework by school districts to promote the achievement of all students. The initiative must include the dissemination of information and guidance to school districts regarding the development and effective implementation of an RTI framework as a methodology to identify struggling learners, maximize student achievement, and reduce behavioral problems. The initiative also must include the dissemination of information and guidance to school districts regarding the effective use of an RTI framework as a methodology to identify students with specific learning disabilities in accordance with the federal “Individuals with Disabilities Education Act” (IDEA), 20 U.S.C. s.1400 et seq. State Board of Education regulations at N.J.A.C.6A:14-3.5(c)12.(ii), consistent with the IDEA, expressly permit school districts to utilize a response to intervention methodology to identify students with specific learning disabilities. The initiative established under the bill would assist districts in the use of RTI for this and other purposes.

In addition, the bill requires the commissioner to ensure that an RTI framework developed and implemented by a school district includes, at a minimum, certain elements that are commonly recognized as core components of any RTI model. These elements include: (1) high quality research-based instruction in the general education setting; (2) universal screening procedures to identify students at risk for poor learning outcomes or behavioral challenges; (3) multiple levels of evidence-based interventions that are progressively more intense, based on the student’s responsiveness; and (4) continuous monitoring of student progress.

Finally, the bill requires the commissioner to make technical assistance and training available to assist school districts in implementing an RTI framework.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As reported by the committee, this bill is identical to Assembly Bill No. 2566, which also was reported by the committee on this same date.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **SENATE, No. 496**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 16, 2016

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 496, with committee amendments.

As amended, this bill directs the Commissioner of Education to develop and establish an initiative to support and encourage the use of a Response to Intervention (RTI) framework by school districts to promote the achievement of all students.

Under the bill, the initiative must include the dissemination of information and guidance to school districts regarding the development and effective implementation of an RTI framework as a methodology to identify struggling learners, maximize student achievement, and reduce behavioral problems. The initiative also must include the dissemination of information and guidance to school districts regarding the effective use of an RTI framework as a methodology to identify students with specific learning disabilities in accordance with the federal “Individuals with Disabilities Education Act” (IDEA), 20 U.S.C. s.1400 et seq. State Board of Education regulations at N.J.A.C.6A:14-3.5(c)12.(ii), consistent with the IDEA, expressly permit school districts to utilize a response to intervention methodology to identify students with specific learning disabilities. The initiative established under the bill would assist districts in the use of RTI for this and other purposes. The bill stipulates that the information and guidance provided to school districts through the initiative must make clear that an RTI framework is not a substitute for classification of a student as eligible for special education and related services if the student requires classification.

In addition, the bill requires the commissioner to ensure that an RTI framework developed and implemented by a school district includes, at a minimum, certain elements that are commonly recognized as core components of any RTI model. These elements include: (1) high quality research-based instruction in the general education setting; (2) universal screening procedures to identify students at risk for poor learning outcomes or behavioral challenges; (3) multiple levels of evidence-based interventions that are progressively more intense, based on the student’s responsiveness; and (4) continuous monitoring of student progress.

Finally, the bill requires the commissioner to make technical assistance and training available to assist school districts in implementing an RTI framework.

As amended and reported, this bill is identical to Assembly Bill No. 2566, as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The amendments stipulate that the information and guidance provided to school districts through the initiative must make clear that an RTI framework is not a substitute for classification of a student as eligible for special education and related services if the student requires classification.

FISCAL IMPACT:

The Office of Legislative Services (OLS), in the Legislative Fiscal Estimate for this bill, anticipates the bill will not cause a change in State expenditures. Currently, the Department of Education, through the Learning Resource Centers (LRCs) located in various regions of the State, provides information and technical assistance to school districts, including information related to the implementation of RTI. It is plausible that the commissioner would use this infrastructure to carry out the provisions of the bill. To the extent that the LRCs are supported by federal funds awarded under the IDEA, there would be no change in State expenditures. Since the bill does not require school districts to implement RTI, the OLS notes that the bill would not lead to an increase in school districts' expenditures.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 496**  
**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

DATED: JUNE 14, 2016

**SUMMARY**

**Synopsis:** Establishes Response to Intervention initiative in DOE to support and encourage school districts in implementation of Response to Intervention framework.

**Type of Impact:** No Change in Expenditures

**Agencies Affected:** Department of Education; School Districts

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost</b>		No Change	
<b>Local Cost</b>		No Change	

- The Office of Legislative Services (OLS) anticipates that Senate Bill No. 496 would not lead to a change in State expenditures. While it is plausible that the Department of Education would use new State resources to implement the bill’s provisions, the OLS notes that the department currently provides information and technical assistance to school districts through the Learning Resource Centers located in different regions of the State. To the extent that additional expenditures are necessary, it appears reasonable to assume that the department would continue to use federal funds awarded under the Individuals with Disabilities Education Act to support such costs.
- While the bill specifies that the department would encourage the use of a Response to Intervention framework by school districts, the bill does not mandate its use. As such, the OLS notes that the bill will not lead to a change in school districts’ expenditures.

**BILL DESCRIPTION**

Senate Bill No. 496 of 2016 requires that the Commissioner of Education develop and establish an initiative to support and encourage school districts’ use of the Response to Intervention (RTI) framework to promote achievement among all students. The initiative would include the dissemination of information and guidance regarding: 1) the development and



effective implementation of an RTI framework as a methodology for identifying struggling learners, maximizing student achievement, and reducing behavioral problems; and 2) the use of an RTI framework for identifying students with specific learning disabilities. The commissioner would also be responsible for providing technical assistance and training to school districts that are implementing an RTI framework, and ensuring that an RTI framework implemented by a school district includes certain elements.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS anticipates that Senate Bill No. 496 will not cause a change in State expenditures. Currently, the Department of Education, through the Learning Resource Centers (LRCs) located in various regions of the State, provides information and technical assistance to school districts, including information related to the implementation of RTI. It is plausible that the commissioner would use this infrastructure to carry out the bill's provisions. To the extent that the LRCs are supported by federal funds awarded under the Individuals with Disabilities Education Act, there would be no change in State expenditures. Since the legislation does not require school districts to implement RTI, the OLS notes that the bill would not cause an increase in school districts' expenditures.

*Section: Education*  
*Analyst: Allen T. Dupree*  
*Principal Fiscal Analyst*  
*Approved: Frank W. Haines III*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

**LEGISLATIVE FISCAL ESTIMATE**  
 [First Reprint]  
**SENATE, No. 496**  
**STATE OF NEW JERSEY**  
**217th LEGISLATURE 216th LEGISLATURE**

DATED: JUNE 28, 2016

**SUMMARY**

**Synopsis:** Establishes Response to Intervention initiative in DOE to support and encourage school districts in implementation of Response to Intervention framework.

**Type of Impact:** No Change in Expenditures

**Agencies Affected:** Department of Education; School Districts

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost</b>	No Change – See comments below		
<b>Local Cost</b>	No Change – See comments below		

- The Office of Legislative Services (OLS) anticipates that Senate Bill No. 496 (1R) would not lead to a change in State expenditures. While it is plausible that the Department of Education would use new State resources to implement the bill’s provisions, the OLS notes that the department currently provides information and technical assistance to school districts through the Learning Resource Centers located in different regions of the State. To the extent that additional expenditures are necessary, it appears reasonable to assume that the department would continue to use federal funds awarded under the Individuals with Disabilities Education Act to support such costs.
- While the bill specifies that the department would encourage the use of a Response to Intervention framework by school districts, the bill does not mandate its use. As such, the OLS notes that the bill will not lead to a change in school districts’ expenditures.

**BILL DESCRIPTION**

Senate Bill No. 496 (1R) of 2016 requires that the Commissioner of Education develop and establish an initiative to support and encourage school districts’ use of the Response to

Intervention (RTI) framework to promote achievement among all students. The initiative would include the dissemination of information and guidance regarding: 1) the development and effective implementation of an RTI framework as a methodology for identifying struggling learners, maximizing student achievement, and reducing behavioral problems; and 2) the use of an RTI framework for identifying students with specific learning disabilities. The commissioner would also be responsible for providing technical assistance and training to school districts that are implementing an RTI framework, and ensuring that an RTI framework implemented by a school district includes certain elements.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS anticipates that Senate Bill No. 496 (1R) will not cause a change in State expenditures. Currently, the Department of Education, through the Learning Resource Centers (LRCs) located in various regions of the State, provides information and technical assistance to school districts, including information related to the implementation of RTI. It is plausible that the commissioner would use this infrastructure to carry out the bill's provisions. To the extent that the LRCs are supported by federal funds awarded under the Individuals with Disabilities Education Act, there would be no change in State expenditures. Since the legislation does not require school districts to implement RTI, the OLS notes that the bill would not cause an increase in school districts' expenditures.

*Section: Education*

*Analyst: Allen T. Dupree  
Principal Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

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## Governor Christie Signs Education Reform Legislation

Tuesday, September 06, 2016

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State of New Jersey  
OFFICE OF THE GOVERNOR

### *Governor Takes Action on Seven Bills*

**Trenton, NJ** – As many New Jersey students head back to school today, Governor Christie visited Grover Cleveland Middle School in Caldwell to act upon seven bills focused on improving education in the state.

“Over the last six years, my administration has prided itself on engaging in education reform to make sure our schools are safer, more effective, and facilitating the success of our students,” said Governor Christie. “Providing and ensuring a high quality education for every student in every corner of this state is a firm commitment of mine and it is why I continue to support and bolster education in the Garden State.”

For the last two months, Governor Christie has traveled the state talking about his Fairness Formula, which would change the school funding formula to provide equal funding of \$6,599 per enrolled student, while continuing aid for special needs students and at the same time providing much-needed property tax relief to municipalities.

The Governor’s fiscal year 2017 budget spends more than \$13.3 billion on education, an increase of \$548 million from fiscal 2016, continuing a six-year commitment to providing the highest amount of school aid in New Jersey history.

The state’s high school graduation rate continues to increase. In 2015, the rate was 89.7 percent, up from 88.6 percent in 2014, the fourth straight year that the statewide high school graduation rate increased and the third consecutive year in which it grew by at least a full percentage point.

Other education accomplishments include reforming teacher tenure rules, greatly expanding charter schools, and establishing Renaissance schools under the Urban Hope Act.

The bills the Governor acted on today include measures to enhance school security and early intervention in situations where students exhibit behavioral or learning problems, and that will ensure that substance abuse instruction for students encompasses the latest research and best practices. Governor Christie has also signed two bills focused on higher education, to increase transparency and enable public colleges and universities to save money by engaging in cooperative purchasing agreements. Specifically, the Governor took the following action on the following pending legislation:

#### **BILL SIGNINGS:**

**S-2081/A-3790 (Ruiz, Turner/Vainieri Huttie, Wimberly)** - Limits expulsions and suspensions for students in preschool through grade 2 with certain exceptions; requires early detection and prevention programs for behavioral issues in preschool through grade 2

**A-2292/S-372 (Vainieri Huttie, Benson, McKnight, Gusciora, Lampitt, Wimberly/Codey, Allen)** - Requires review of Core Curriculum Content Standards to ensure guidance for substance abuse instruction provided to public school students incorporates most recent evidence-based standards and practices

**A-2563/S-1753 (Jasey, Singleton, Wimberly, Danielsen/Turner)** - Directs institutions of higher education and proprietary degree-granting institutions to provide Higher Education Student Assistance Authority with graduation and transfer rates of State tuition aid grant recipients

**A-2566/S-496 (Jasey, Wimberly/Ruiz, Turner)** - Establishes Response to Intervention initiative in DOE to support and encourage school districts in implementation of Response to Intervention framework

**A-2689/S-754 (Schaer, Prieto, Lagana, Lampitt, Vainleri Huttie, Eustace, S. Kean, Auth, Quijano, Wimberly/Beach, Gordon)** - "Secure Schools for All Children Act"; establishes State aid program for security services, equipment, or technology to ensure safe and secure school environment for nonpublic school students

**A-3405/S-1822 (Coughlin, Schaer, Jasey, Benson/Sarlo, Cunningham)** - Permits certain public institutions of higher education to make purchases and contract for services as participating contracting units in cooperative pricing systems and through use of nationally-recognized and accepted cooperative purchasing agreements

**BILL VETOED:**

**S-86/A-3629 (A.R. Bucco, Sweeney/A.M. Bucco, Rible, Singleton, Caride, Moriarty, Schepisi, Wimberly)** – **CONDITIONAL** - Establishes Class Three special law enforcement officers to provide security in public and nonpublic schools and county colleges

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