

18A:46-13

LEGISLATIVE HISTORY CHECKLIST
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(Day training for
handicapped pupils)

NJSA: 18A:46-13

LAWS OF: 1992 CHAPTER: 129

BILL NO: S885

SPONSOR(S) Ewing

DATE INTRODUCED: June 1, 1992

COMMITTEE: ASSEMBLY: Education
SENATE: Education

AMENDED DURING PASSAGE: No Senate Committee substitute enacted

DATE OF PASSAGE: ASSEMBLY: October 15, 1992
SENATE: July 23, 1992

DATE OF APPROVAL: October 26, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 885

STATE OF NEW JERSEY

ADOPTED JULY 20, 1992

Sponsored by Senators PALAIA, EWING, Kyrillos and Codey

1 **AN ACT** concerning special education, amending N.J.S.18A:46-13
2 and repealing parts of the statutory law.

3

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

6 1. N.J.S.18A:46-13 is amended to read as follows:

7 18A:46-13. It shall be the duty of each board of education to
8 provide suitable facilities and programs of education for all the
9 children who are classified as handicapped under this chapter
10 [except those so mentally retarded as to be eligible for day
11 training pursuant to N.J.S.18A:46-9]. The absence or
12 unavailability of a special class facility in any district shall not
13 be construed as relieving a board of education of the
14 responsibility for providing education for any child who qualifies
15 under this chapter.

16 The Department of Human Services shall provide
17 transportation for all children who attend day training centers
18 operated by the department.

19 A board of education is not required to provide any further
20 educational program for children who have been admitted to the
21 Marie H. Katzenbach School for the Deaf but shall be required to
22 furnish necessary daily transportation Monday through Friday to
23 and from the school for nonboarding pupils when such
24 transportation is approved by the county superintendent of
25 schools in accordance with such rules and regulations as the State
26 board shall promulgate for such transportation. Any special
27 education facility or program authorized and provided for a child
28 attaining age 20 during a school year shall be continued for the
29 remainder of that school year.

30 (cf: P.L.1975, c.212, s.40)

31 2. The following sections are repealed:

32 N.J.S.18A:46-16;

33 N.J.S.18A:46-17;

34 N.J.S.18A:46-18; and

35 Section 43 of P.L.1975, c.212 (C.18A:46-18.1).

36 3. This act shall take effect July 1, 1993.

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41 Provides children classified as eligible for day training the same
42 placement options as other handicapped students.

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.

SENATE, No. 885

STATE OF NEW JERSEY

INTRODUCED JUNE 1, 1992

By Senator EWING

1 AN ACT concerning special education and amending various parts
2 of the statutory law.

3

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

6 1. N.J.S.18A:46-13 is amended to read as follows:

7 18A:46-13. It shall be the duty of each board of education to
8 provide suitable facilities and programs of education for all the
9 children who are classified as handicapped under this chapter
10 [except those so mentally retarded as to be eligible for day
11 training pursuant to N.J.S.18A:46-9.] The absence or
12 unavailability of a special class facility in any district shall not
13 be construed as relieving a board of education of the
14 responsibility for providing education for any child who qualifies
15 under this chapter. For each child classified pursuant to
16 N.J.S.18A:46-9 as severely mentally retarded and eligible for day
17 training, a board of education shall be responsible for designing
18 an individualized education program, which shall be utilized to
19 the extent possible by the institution in which the child may be
20 placed by the Department of Human Services.

21 A board of education is not required to provide any further
22 educational program for children who have been admitted to the
23 Marie H. Katzenbach School for the Deaf but shall be required to
24 furnish necessary daily transportation Monday through Friday to
25 and from the school for nonboarding pupils when such
26 transportation is approved by the county superintendent of
27 schools in accordance with such rules and regulations as the State
28 board shall promulgate for such transportation. Any special
29 education facility or program authorized and provided for a child
30 attaining age 20 during a school year shall be continued for the
31 remainder of that school year.

32 (cf: P.L.1975, c.212, s.40)

33 2. N.J.S.18A:46-17 is amended to read as follows:

34 18A:46-17. [The superintendent of schools, or the principal of a
35 school in a district where there is no superintendent, may, upon
36 the advice of the psychological examiner or examiners
37 administering classification procedures required by this chapter
38 refuse to admit, or, having admitted, exclude, any child whose
39 mental retardation is so severe that he is eligible for day training
40 under this chapter.

41 Any child so refused admission or excluded] A child placed in a
42 day training program administered by the Department of Human

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.

1 Services pursuant to section 43 of P.L.1975, c.212
2 (C.18A:46-18.1) shall be reexamined, upon the request of the
3 parent or other person having custody and control of the child,
4 after a period of [1] one year shall have elapsed from the date of
5 the last previous examination.

6 (cf: P.L.1975, c.212, s.41)

7 3. N.J.S.18A:46-18 is amended to read as follows:

8 18A:46-18. The superintendent of schools or the principal of
9 each school, as the case may be, shall forthwith report to the
10 secretary of the board of education of the district the names of
11 all children who have been [refused admission or have been
12 excluded under this chapter] referred to the Department of
13 Human Services for day training, and the names and addresses of
14 their parents or persons having custody and control of them.
15 [Such refusal of admission or exclusion shall continue unless and
16 until set aside by action of the board of education or lifted as a
17 result of a reexamination.] The superintendent or principal, as
18 the case may be, shall report the names of any other mentally
19 retarded children in the district known to him who are not in a
20 private school or in a residential institution and who are
21 considered to be eligible for day training.

22 The secretary of the board of education, after the meeting of
23 the board next following the meeting at which the names of the
24 children [not admitted or excluded] referred are reported, shall
25 report the names and addresses to the county superintendent of
26 schools of the county in which the district is situate. The county
27 superintendent shall furnish a list of such names and addresses to
28 the commissioner, who shall, in turn, transmit copies of all such
29 lists to the Commissioner of [Institutions and Agencies] Human
30 Services. Such list shall not be made public, but shall be open to
31 the inspection of such public and private agencies, only, as have a
32 legitimate interest in it and then only to the extent so necessary.

33 (cf: P.L.1975, c.212, s.42)

34 4. Section 43 of P.L.1975, c.212 (C.18A:46-18.1) is amended to
35 read as follows:

36 43. It shall be the duty of the Department of Human Services
37 to provide suitable facilities and programs for all the children
38 who are classified as eligible for day training, and to provide
39 transportation for all such children who attend day training
40 centers. The Department of Human Services shall require the
41 child study team of the school district of residence, or the
42 referring school district, to furnish an individualized education
43 plan for each child referred. The department shall endeavor to
44 fully implement the plan to the extent possible, and shall
45 coordinate with the school district in making all beneficial
46 educational services available to the child.

47 The school district of residence shall pay tuition for each child
48 in a State facility classified as eligible for day training, but shall
49 not pay the cost of transportation for any such child.

50 (cf: P.L.1979, c. 207, s.16)

51 5. This act shall take effect immediately, and shall first apply
52 in the 1992-93 school year.

STATEMENT

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This bill amends the statutes dealing with the education of the severally mentally retarded. Under current law, a school district is not required to admit a student who has been classified as severally mentally retarded, which is referred to as "eligible for day training." The Department of Human Services is solely responsible for the design and implementation of educational programs for these children, although the district pays the tuition for any placement. This bill would require the school district of residence, or the district responsible for examining and classifying the handicapped student, to prepare an individualized education program for each classified student, whether or not the student is severely mentally retarded. The Department of Human Services would still be responsible for providing the educational programs, but the program would be required to be tailored to the individualized education plan of a child, to the extent feasible.

Federal law makes no distinction for the severally mentally retarded under the "Individuals with Disabilities Education Act," 20 U.S.C. §1400 et seq., in requiring "specially designed instruction" with an individualized education program for each child with a disability, developed by a representative of a local educational agency. This bill, therefore, would bring New Jersey special education laws more in line with federal laws.

Requires local board of education to design an individualized education program for student eligible for day training.

ASSEMBLY EDUCATION COMMITTEE
STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 885
STATE OF NEW JERSEY

DATED: SEPTEMBER 14, 1992

The Assembly Education Committee reports favorably Senate Bill No. 885 Scs.

This committee substitute modifies and repeals current statutes dealing with the placement of handicapped school children who are severely mentally retarded and have been classified as eligible for day training. Currently, a child who has been classified as eligible for day training need not be admitted to a public school but must be admitted to a day training center operated by the Department of Human Services. The Department of Human Services, not the local school district, would be responsible for providing suitable facilities and programs for these children.

The Senate committee substitute provides for the school district to be responsible for the provision of programs and facilities for severely mentally retarded children classified as eligible for day training in the same manner as educable mentally retarded children and trainable mentally retarded children. This would increase placement options for children classified as eligible for day training to include settings other than day training centers, such as private schools.

The Department of Human Services would remain responsible for the transportation costs for a pupil placed by a school district in a day training center operated by the department.

This Senate Committee Substitute is identical to Assembly Bill No. 1746 of 1992.

A representative of the United Cerebral Palsy Association of New Jersey, The Arc of New Jersey, COSAC-Center for Outreach and Services for the Autism Community and New Jersey Department of Education testified in favor of the bill.

SENATE EDUCATION COMMITTEE
STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 885
STATE OF NEW JERSEY

DATED: JULY 9, 1992

The Senate Education Committee favorably reports Senate Bill No. 885 as a Senate Committee Substitute.

This committee substitute modifies and repeals current statutes dealing with the placement of handicapped school children who are severely mentally retarded and have been classified as eligible for day training. Currently, a child who has been so classified need not be admitted to a public school but must be admitted to a day training center operated by the Department of Human Services. The committee substitute would require that a school district be responsible for the provision of programs and services for children eligible for day training in the same manner as educable mentally retarded children and trainable mentally retarded children. This would increase placement options for children classified as eligible for day training to include settings other than day training centers, such as private schools.

The Department of Human Services would remain responsible for the transportation costs for a pupil placed by a school district in a day training center operated by the department.