

18A:46-18.2 to 18A:46-18.6

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:46-18.2 to  
18A:46-18.6

(Handicapped children--  
planning and referral  
service for those too old to  
stay in State facilities)

LAWS OF: 1986

CHAPTER 32

BILL NO: A896

Sponsor(s): Deverin

Date Introduced: Pre-filed

Committee: Assembly: Health and Human Resources

Senate: Children's Services

Amended during passage: Yes

Amendments during passage denoted by  
asterisks.

Date of Passage:

Assembly:

January 30, 1986

Senate:

May 5, 1986

Date of Approval:

June 23, 1986

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

LAURENCE S. DAVIS OF N. J. 56  
APR 23 1986  
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**ASSEMBLY, No. 896**

**STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman DEVERIN

AN ACT concerning the referral of handicapped children for adult educational services.

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

1 1. For the purposes of this act:

2 a. "Multidisciplinary treatment team" means an evaluation  
3 team consisting of a psychologist; a learning disability teacher  
4 consultant; a social worker and any other professional who may be  
5 involved in the evaluation or treatment of a child in a State facility.

6 b. "State facility" means a State residential facility for the  
7 \***[retarded]**\* *\*developmentally disabled\**; a day training center  
8 which is operated by or under contract with the State and in which  
9 all the children have been placed by the State; a State residential  
10 youth center; a State training school or correctional facility; and  
11 a State child treatment center or psychiatric hospital.

1 2. a. The multidisciplinary treatment team at a State facility  
2 shall provide written notice to the parent or legal guardian of a  
3 child who is placed in the facility when the child attains the age  
4 of 18, or, if the child is over the age of 18 when placed in the  
5 facility, at the time of placement, that the child is not entitled  
6 to receive tuition free education services after the age of 21.

7 b. Written notice given pursuant to this section shall describe in  
8 detail the parent's or guardian's opportunity to consent to having  
9 the child's name or other relevant information forwarded in a re-  
10 port to the Commissioner of the Department of Human Services,  
11 *\*or the Commissioner of the Department of Corrections, as ap-*

**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 April 7, 1986.

12 *propriate,\** for the purposes of determining whether the child  
 13 will likely need services after the age of 21 and, if so, recommend-  
 14 ing possible adult educational services. For the purposes of this  
 15 subsection "relevant information" means that information in  
 16 the possession of and used by the multidisciplinary treatment  
 17 team to ascertain the physical, mental, emotional and cultural-  
 18 educational factors which contribute to the child's handicapping  
 19 condition, including but not limited to: (1) results of physical and  
 20 psychological examinations performed by private and school dis-  
 21 trict physicians and psychologists; (2) relevant information pre-  
 22 sented by the parent or legal guardian and teacher; (3) school  
 23 data which bear on the child's progress including the child's most  
 24 recent individualized education program; (4) results of the most  
 25 recent examinations and evaluations performed; and (5) results  
 26 of other suitable evaluations and examinations possessed by the  
 27 team. Nothing in this subsection shall be construed to require a  
 28 multidisciplinary treatment team to perform any examination or  
 29 evaluation not otherwise required by law.

30 c. Upon the written consent of the parent or legal guardian,  
 31 the multidisciplinary treatment team shall forward the child's  
 32 name and other relevant information in a report to the Commis-  
 33 sioner of Human Services *\*or the Commissioner of Corrections,*  
 34 *as appropriate,\** for the development of a recommendation for  
 35 adult educational services. A copy of the report shall also be  
 36 submitted to the Commissioner of Education at the same time  
 37 that the report is submitted to the Commissioner of Human  
 38 Services.

1 3. a. The Commissioner of Human Services *\*or the Commis-*  
 2 *sioner of Corrections, as appropriate,\** or *\*[his designee]\* \*their*  
 3 *designees\*,* in consultation with the Commissioner of Education,  
 4 or his designee, shall determine whether a child, whose report is  
 5 submitted to the Department of Human Services *\*or the Depart-*  
 6 *ment of Corrections, as appropriate,\** pursuant to subsection  
 7 c. of section 2 of this act, will likely need adult educational ser-  
 8 vices and, if the need will likely exist, develop a recommendation  
 9 of all appropriate educational programs operated or approved  
 10 by the Departments of Human Services\*, *Corrections\** or Edu-  
 11 cation which may be available when the child attains the age of 21.  
 12 If necessary and appropriate, the Commissioner of Human Ser-  
 13 vices *\*or the Commissioner of Corrections, as appropriate,\** may  
 14 conduct an evaluation of the child to determine if adult educa-  
 15 tional services will be needed. The recommendation of all pro-

16 grams shall be made available to the parent or guardian of the  
 17 child as soon as practicable but not later than six months before  
 18 the child attains the age of 21.

19 b. If the Commissioner of Human Services *\*or Commissioner*  
 20 *of Corrections, as appropriate,\** determines, pursuant to sub-  
 21 section a. of this section, that the child will not require adult  
 22 educational services, the commissioner shall notify the child's  
 23 parent or guardian in writing of the determination. The notice  
 24 shall be given as soon as practicable but no later than six months  
 25 before the child attains the age of 21.

1 4. The multidisciplinary treatment team shall prepare and sub-  
 2 mit an annual report to the Departments of Education\*, *Correc-*  
 3 *tions\** and Human Services on October 1, *\*[1984]\* \*1986\** and  
 4 thereafter on or before October 1 of each year. The annual report  
 5 shall contain the number of cases submitted to the Commissioner  
 6 of Human Services *\*and the Commissioner of Corrections\** pur-  
 7 suant to subsection c. of section 2 of this act, the type and severity  
 8 of the handicapping condition involved with each case, and other  
 9 necessary information. The annual report shall not contain in-  
 10 dividually identifying information.

1 5. The Commissioner of Human Services *\*and the Commissioner*  
 2 *of Corrections\** shall adopt, within six months from the date that  
 3 this act takes effect, rules and regulations in accordance with the  
 4 "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1  
 5 et seq.) that are appropriate to implement this act.

1 6. This act shall take effect immediately.

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HANDICAPPED—MENTAL AND PHYSICAL

Establishes a planning and referral process for handicapped chil-  
 dren for educational services.

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1 4. The multidisciplinary treatment team shall prepare and sub-  
 2 mit an annual report to the Departments of Education and Human  
 3 Services on October 1, 1984 and thereafter on or before October 1  
 4 of each year. The annual report shall contain the number of cases  
 5 submitted to the Commissioner of Human Services pursuant to  
 6 subsection c. of section 2 of this act, the type and severity of the  
 7 handicapping condition involved with each case, and other neces-  
 8 sary information. The annual report shall not contain individually  
 9 identifying information.

1 5. The Commissioner of Human Services shall adopt, within six  
 2 months from the date that this act takes effect, rules and regula-  
 3 tions in accordance with the "Administrative Procedure Act,"  
 4 P. L. 1968, c. 410 (C. 52:14B-1 et seq.) that are appropriate to  
 5 implement this act.

1 6. This act shall take effect immediately.

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#### STATEMENT

This bill creates a planning and referral process for handi-  
 capped children placed in State residential facilities who will re-  
 quire educational services after the age of 21. Multidisciplinary  
 treatment teams within these facilities are required to give writ-  
 ten notice to the parents or guardian of a handicapped child when  
 the child attains the age of 18, or at the time of placement if it  
 occurs after the age of 18, that their child will no longer be eligible  
 for tuition free education after the age of 21. Determination re-  
 garding the need for adult educational services and recommenda-  
 tion for these services will be made by the Commissioner of  
 Human Services or his designee in consultation with the Com-  
 missioner of Education or his designee and will be given in  
 writing to the child's parent or guardian six months prior to his  
 21st birthday.

The multidisciplinary treatment team shall prepare and submit  
 an annual report to the Departments of Human Services and  
 Education which contains the number of cases reviewed and the  
 type and severity of the handicapping conditions.

A 896 (1986)

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ASSEMBLY HEALTH AND HUMAN RESOURCES COMMITTEE

STATEMENT TO

Assembly Bill No. 896

DATED January 27, 1986

The Assembly Health and Human Resources Committee reports favorably  
Assembly Bill No. 896.

This bill creates a planning and referral process for handicapped children placed in State residential facilities who will require educational services after the age of 21. The bill requires multidisciplinary treatment teams within these facilities to give written notice to the parents or guardian of a handicapped child when the child attains the age of 18, or at the time of placement if it occurs after the age of 18, that their child will no longer be eligible for tuition-free education after the age of 21. The Commissioner of Human Services or his designee, in consultation with the Commissioner of Education or his designee, shall determine whether the child is likely to need adult educational services and, if necessary, develop a recommendation for these services, which will be given in writing to the child's parent or guardian at least six months prior to the child's 21st birthday.

The bill provides that the multidisciplinary treatment team shall prepare and submit a report to the Departments of Human Services and Education on October 1, 1986, and thereafter on or before October 1 of each year, which contains the number of cases reviewed and the type and severity of the handicapping conditions.

This bill was pre-filed for introduction in the 1986-87 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE COMMITTEE ON CHILDREN'S SERVICES

STATEMENT TO

**ASSEMBLY, No. 896**

with Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: APRIL 7, 1986

The Senate Committee on Children's Services favorably reports Assembly Bill No. 896 with committee amendments.

As amended, this bill creates a planning and referral process for handicapped children placed in State residential facilities who will require educational services after the age of 21. Multidisciplinary treatment teams within the facilities are required to give written notice to parents or guardians of a handicapped child when the child attains the age of 18, or at the time of placement if it occurs after the age of 18, that their child will no longer be eligible for tuition free education after the age of 21. The Commissioner of Human Services or the Commissioner of Corrections, as appropriate, or their designees, in consultation with the Commissioner of Education or his designee shall make the determination whether the child has a need for adult educational services. The commissioner's recommendation will be given in writing to the child's parent or guardian six months prior to his 21st birthday.

The multidisciplinary treatment team shall prepare and submit an annual report to the Departments of Human Services, Corrections and Education which contains the number of cases reviewed and the type and severity of the handicapping conditions.

The committee amended the bill to add the Department of Corrections since juveniles in correctional facilities are included in the bill. Amendments also add the Department of Corrections to the departments which receive an annual report containing the number of cases reviewed and the type and severity of the handicapping conditions.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

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