



127 Route 206, Suite 18, Hamilton, New Jersey 08610 Phone: 609-581-8375 • Fax: 609-581-8512  
Email: [Lowell@abcdnj.org](mailto:Lowell@abcdnj.org) Website: [www.abcdnj.org](http://www.abcdnj.org)

## **Legislative and Administrative Notes**

### **New Jersey Legislative Update: 2006- 2007 Session; 212<sup>th</sup> Legislature (Update #7 June 2006)**

This edition of Legislative and Administrative Notes is devoted to legislation, affecting people with disabilities, passed in the 2006-2007 New Jersey Legislative session. The bills listed herein are not inclusive of all legislation impacting people with developmental disabilities, but a compilation of legislation that is moving through the legislative review process and/or have been introduced since June 23, 2006.

Log onto [www.njleg.state.nj.us](http://www.njleg.state.nj.us) for the most up-to-date Legislative information.

*Legislative and Administrative Notes is an educational/informational publication and is not intended to be a compilation of bills supported by the Alliance for the Betterment of Citizens with Disabilities (ABCD). If you have questions regarding this document, please contact Lowell at [Lowell@abcdnj.org](mailto:Lowell@abcdnj.org) (609) 581-8375.*

Table of Contents

**Housing.....page 3**

***A3166/S1839* Supplemental appropriation of \$5 million to DHS to develop community residences for Division of Developmental Disabilities clients on the waiting list**

***A2826* “Group Home Fire Safety Act”**

**Education.....page 4**

***A3010/S1220* Directs DOE to include information about State adult disability services in booklet for parents of special education students and to require schools to designate staff member as parent liaison**

***A3227/S1857* Requires certain information regarding special education students to be reported annually to the Legislature**

***SJR14* Designates third week of May "New Jersey Early Intervention Week."**

**Access/Rights/Protection.....page 6**

***S1090/A2947* Directs Division of Developmental Disabilities to prepare plan to ensure community-based living for certain individuals with developmental disabilities.**

***S1786* Directs half of excess federal reimbursement for Community Care Waiver and intermediate care facility for the mentally retarded programs be used to expand services to persons with developmental disabilities.**

**A3166/S1839** Supplemental appropriation of \$5 million to DHS to develop community residences for Division of Developmental Disabilities clients on the waiting list.

<b>Sponsor(s)</b>	<i>Senate: Ciesla (R-10) Assembly: Wolfe (D-12); Holzapfel (R-10)</i>
<b>Action</b>	<i>Senate: 1/26/2006 Introduced in the Senate, Referred to Senate Health, Human Services and Senior Citizens Committee Assembly: 6/1/2006 Introduced, Referred to Assembly Human Services Committee</i>

This bill appropriates \$5 million to the Department of Human Services, Division of Developmental Disabilities, to enable the division to develop additional community residential programs for persons on the division's waiting list.

The Governor's recommended FY 2007 budget provides \$3.0 million in funds and up to \$50 million in certain recoveries to the division to develop community programs for persons who currently reside in developmental centers and who have been determined eligible for community residential programs. No funds are provided to develop community programs for the over 3,600 clients in the Priority Category of the Residential Waiting List (December 2005).

The \$5.0 million supplemental appropriation would enable the division to develop upwards of 13 community residential programs to provide services for between 50 and 80 clients.

**A2826** "Group Home Fire Safety Act"

<b>Sponsor(s)</b>	Diegnan(D-18); Scalera (D-36); Burzichelli (D-3)
<b>Action</b>	3/9/2006 Introduced, Referred to Assembly Human Services Committee 6/15/2006 Reported out of Assembly Committee with Amendments and Referred to Assembly Appropriations Committee

This bill, which is designated the "Group Home Fire Safety Act," requires the installation of automatic fire suppression systems in the common areas (meaning the living, dining and kitchen areas) and bedrooms of all group homes in this State.

The bill defines "group home" to mean a licensed community residence for the developmentally disabled or mentally ill, a community shelter for victims of domestic violence, or a community residence for the terminally ill or a community residence for persons with head injuries, which has an approved service contract or an affiliation agreement with a State agency or department and which is owned by a nonprofit organization whose property is tax-exempt.

*ABCD Note:* There is a fiscal impact to Provider organizations due to this bill. Enactment of this legislation without additional resources is an un-fundable mandate. ABCD has requested a fiscal note because provider agencies lack the money to satisfy this mandate.

**A3010/S1220** Directs DOE to include information about State adult disability services in booklet for parents of special education students and to require schools to designate staff member as parent liaison.

<b>Sponsor(s)</b>	<i>Senate:</i> Rice (D-28); Turner (D-15) <i>Assembly:</i> Cryan (D-20); Greenwald (D-6); Schaer (D-36)
<b>Action</b>	<i>Senate:</i> 2/28/2005 Introduced in the Senate, Referred to Senate Education Committee 6/9/2005 Reported from Senate Committee with Amendments, 2nd Reading 1/30/2006 Introduced in the Senate, Referred to Senate Education Committee 6/8/2006 Reported from Senate Committee, 2nd Reading 6/19/2006 Passed by the Senate (38-0) 6/19/2006 Received in the Assembly without Reference, 2nd Reading 6/22/2006 Substituted for A3010 6/22/2006 Passed Assembly (Passed Both Houses) (80-0-0) <i>Assembly:</i> 5/15/2006 Introduced, Referred to Assembly Education Committee 6/1/2006 Reported out of Assembly Committee, 2nd Reading 6/22/2006 Substituted by S1220

The purpose of this bill is to provide parents of children who receive special education services with information and assistance concerning the transition from the school system to adult-based services for persons with disabilities.

The bill requires the Department of Education to include in its "Parental Rights in Special Education" booklet that is available to parents of children who receive special education services, information describing services available through, and contact information for, State agencies serving persons with disabilities. The State agencies serving persons with disabilities include, but are not limited to: the Division of Vocational Rehabilitation Services in the Department of Labor and Workforce Development; the Divisions of Developmental Disabilities, Mental Health Services, the Deaf and Hard of Hearing, and Disability Services in the Department of Human Services; and the Commission for the Blind and Visually Impaired in the Department of Human Services.

The bill also requires that, beginning with the 2006-2007 school year, the Department of Education must require all school districts with grades nine through 12 to designate at least one staff member to serve as a disability services resource for parents. The designated staff member must be able to demonstrate competency in the various must

provide information to parents about how to access the services and assistance to parents in contacting the appropriate State agency. A designated staff member will be able to assist parents and students in navigating the adult disability system and in preparing for a smooth transition from the school system to State adult disability services.

The bill also requires a district to conduct outreach services to ensure that parents of children who receive special education services in a district, and local community disability organizations and service providers, are made aware of the name and contact information of the designated staff member.

<b>A3227/S1857</b> Requires certain information regarding special education students to be reported annually to the Legislature
---

<b>Sponsor(s)</b>	<i>Senate:</i> Coniglio (D-38); Doria (D-31) <i>Assembly:</i> McKeon (D-27); Stanley (D-28); Voss (D-38)
<b>Action</b>	<i>Senate:</i> 5/15/2006 Introduced in the Senate, Referred to Senate Education Committee <i>Assembly:</i> 6/1/2006 Introduced, Referred to Assembly Education Committee

This bill requires the Commissioner of Education to make a report annually by December 1 to the Legislature on information collected by the Department of Education with respect to students in school districts who receive special education services. The commissioner is required under the bill to provide the Legislature with the following information concerning the transfer between districts of special education students: the extent of such transfers; increases or decreases in State or local costs, if any, due to a change in the student's school district of residence and the basis for the increase or decrease; disruption in services experienced by a student as a result of a transfer from one district to another, if any, whether the transfer occurred prior to or after a district has reported its October enrollment information to the State on the district's Application for State School Aid; and any other information the commissioner deems important to keep the Legislature informed concerning the provision of special education services to classified students and the costs of those services.

In addition, the report is required to include information the department receives from each school district which itemizes the district's expenses with respect to each student who receives special education services pursuant to chapter 46 of Title 18A of the New Jersey Statutes.

<b>SJR14</b> Designates third week of May "New Jersey Early Intervention Week."
---

<b>Sponsor(s)</b>	Turner (D-15); Karcher (D-12)
-------------------	-------------------------------

<b>Action</b>	1/10/2006 Introduced in the Senate, Referred to Senate Health, Human Services and Senior Citizens Committee 1/26/2006 Reported from Senate Committee, 2nd Reading 3/20/2006 Passed by the Senate (40-0) 3/21/2006 Received in the Assembly, Referred to Assembly Human Services Committee 5/15/2006 Reported out of Assembly Committee, 2nd Reading
---------------	---

This resolution designates the third week of May as "New Jersey Early Intervention Week." The purpose is to focus public attention on the needs of young children, to recognize the early childhood programs and services that meet those needs, and to plan how we can better meet the needs of all young children. The Governor is requested to issue a proclamation calling upon public officials and citizens of this State to observe the week with appropriate activities and programs.

**S1090/A2947 Directs Division of Developmental Disabilities to prepare plan to ensure community-based living for certain individuals with developmental disabilities.**

<b>Sponsor(s)</b>	<i>Senate:</i> Rice (D-28); Vitale (D-19); Sweeney (D-3) <i>Assembly:</i> Cryan (D-20); Gordon(D-38); Manzo (D-31); Voss (D-38)
<b>Action</b>	<i>Senate:</i> 1/26/2006 Introduced in the Senate, Referred to Senate Health, Human Services and Senior Citizens Committee 5/4/2006 Reported from Senate Committee with Amendments, 2nd Reading 5/18/2006 Passed by the Senate (38-0) 5/18/2006 Received in the Assembly without Reference, 2nd Reading 6/22/2006 Substituted for A2947 6/22/2006 Passed Assembly (Passed Both Houses) (80-0-0) <i>Assembly:</i> 3/9/2006 Introduced, Referred to Assembly Human Services Committee 5/11/2006 Introduced, Referred to Assembly Human Services Committee 5/15/2006 Reported out of Assembly Committee, 2nd Reading 6/22/2006 Substituted by S1090 (1R)

This bill requires that the Director of the Division of Developmental Disabilities in the Department of Human Services develop a plan with established benchmarks to ensure that, within eight years of implementation, each resident in a State developmental center who expresses a desire to live in the community, and whose individual habilitation plan recommends a community-based setting, can do so. It is the sponsors' intent that the plan assist these individuals to live in community-based settings appropriate to their needs consistent with the principles of the decision of the United States Supreme Court in *Olmstead v. L.C. by Zimring* (1999) 527 U.S. 581.

The bill specifically provides that the director shall review and establish objective criteria to identify individuals with developmental disabilities who are candidates for living in community-based settings, identify the resources needed to ensure that they

can reside in the community and receive needed community-based services and supports in a manner that enables them to live as independently as possible, and set forth how the necessary funding, services and housing will be provided. The director is to solicit public input in developing the plan and conduct four public hearings, one each in the northern, upper central, lower central, and southern regions of the State, at or in close proximity to the State's developmental centers. The director is to provide a plan and report his findings and recommendations to the Governor and the Senate Health, Human Services and Senior Citizens and Assembly Health and Human Services committees no later than nine months after the effective date of this bill.

**S1786 Directs half of excess federal reimbursement for Community Care Waiver and intermediate care facility for the mentally retarded programs be used to expand services to persons with developmental disabilities.**

<b>Sponsor(s)</b>	Vitale (D-19); Sweeney (D-3)
<b>Action</b>	5/4/2006 Introduced in the Senate, Referred to Senate Health, Human Services and Senior Citizens Committee 5/11/2006 Reported from Senate Committee, 2nd Reading 5/11/2006 Referred to Senate Budget and Appropriations Committee

This bill creates a fund in the Department of Human Services for any excess unanticipated federal funds received through a Community Care Waiver for the provision of services to persons with developmental disabilities, and establishes priorities for spending those funds. The purpose of this bill is to ensure that federal funds which the State receives for the benefit of persons with developmental disabilities in the community are used to directly benefit those individuals.

Specifically, the bill provides that if the Department of Human Services receives federal reimbursement, including but not limited to retroactive reimbursement, through a community care waiver for services for persons with developmental disabilities and the funds exceed the amount anticipated in the annual appropriations act, the excess funds shall be used first to offset any deficits that may exist respecting contracts between the Division of Developmental Disabilities and community provider agencies. Any remaining funds will be deposited in the Developmental Disabilities Community Infrastructure Fund and used solely to fulfill the following priorities: updating and repairing facilities and infrastructure that directly affect residential and transportation needs, purchasing accessibility equipment, and purchasing assistive technology.

The bill also requires that the Director of the Division of Developmental Disabilities report annually to the Senate Health, Human Services and Senior Citizens and Assembly Human Services committees, detailing the expenditures made under this bill.