



TESTIMONY OF EDUCATION LAW CENTER

ASSEMBLY EDUCATION COMMITTEE

ASSEMBLY BILL 1281

February 7, 2022

Thank you for the opportunity to comment on Assembly Bill A1281 which would extend the statute of limitations for COVID-19 related compensatory education claims for New Jersey students with disabilities. Education Law Center (ELC) supports passage of this bill, as amended to match its Senate counterpart, S905, for the reasons set forth briefly here and in the comments of Professor Jennifer Rosen Valverde.

We all know that students with disabilities were among those most adversely affected by the school closures that have occurred during the COVID-19 pandemic. And we know that the length and severity of the pandemic have impaired the ability of families and schools to address the compensatory education needs of those students, as required by federal law. Extending the statute of limitations and ensuring that Individualized Education Program (IEP) meetings are held in the interim, will provide the needed framework for addressing students' needs as cooperatively as possible. Contrary to what some may fear, extending the statute of limitation will result in less litigation, not more, since it will provide the time for collaborative meetings before families are forced to meet a filing deadline. All the evidence ELC has seen demonstrates, despite federal and state guidance instructing the convening of IEP

meeting to address compensatory education, that the vast majority of those meetings have not yet occurred. We understand the difficulties that continue to confront school officials, such as needed HVAC improvements and staff shortages, and believe that the passage of A1281, as amended to match S905, will better enable New Jersey's school districts to meet their obligations to their students with disabilities. Of greater importance, the framework established by S905 – unanimously approved on February 3 by the Senate Education Committee -- will surely result in better outcomes for our students with disabilities, as families and schools are provided the opportunity to meet their pandemic-related compensatory education needs.

We are grateful to Assemblyman Sterley S. Stanley, Assemblywoman Linda S. Carter, Assemblyman Raj Mukherji for sponsoring this bill, and to Assemblywoman Mila M. Jasey for her co-sponsorship. We also thank Assemblywoman Lampitt and the members of the Committee for their consideration of these comments. Please do not hesitate to contact Elizabeth Athos, Esq., ELC Senior Attorney, at eathos@edlawcenter.org for additional information or to answer any questions.