



TESTIMONY OF EDUCATION LAW CENTER

SENATE EDUCATION COMMITTEE

SENATE BILL 905

February 3, 2022

Thank you for the opportunity to comment on Senate Bill 905 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 introduced, for the reasons set forth briefly here and for the reasons set forth 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 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 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.

Let me note, however, that we are running out of time to realize the full benefits of this legislation. With the statute of limitations starting to run in less than two months, advocates have had no alternative but to alert families to this upcoming deadline for obtaining a complete remedy for their children with disabilities. In turn, families whose districts have not addressed compensatory education have no alternative but to file for due process hearings prior to March 18, 2022 at the already overwhelmed Office of Administrative Law, even though we know that most, if not all, of them would prefer to work out compensatory education issues with their school district.

We are grateful to Senators Ruiz and Gopal for sponsoring this bill and thank 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.