

CHAPTER 250

AN ACT establishing the New Jersey Special Education and Traumatic Brain Injury Task Force.

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

1. The Legislature finds and declares that:

a. A traumatic brain injury is an acquired injury to the brain caused by an external physical force or insult to the brain, resulting in total or partial functional disability or psychosocial impairment, or both;

b. According to the New Jersey Department of Health and Senior Service's Center for Health Statistics, in 2007 approximately 1,231 children in New Jersey under the age of 18 were hospitalized with moderate to severe traumatic brain injury, and an additional 22,436 children under 18 were seen in hospital emergency departments with mild traumatic brain injury which may result in reduced concentration, attention, and other performance problems;

c. In 1998, the category of traumatic brain injury was added to the list of disabilities included in State Board of Education regulations for which a student may be eligible for special education and related services, and currently 1,260 students are receiving special education services under this classification;

d. A marked discrepancy exists between the number of students receiving special education services under the classification of traumatic brain injury and the number of children who sustain a brain injury each year;

e. At the time that the State Board of Education adopted the classification category of traumatic brain injury, at least 36 states offered in-service professional development on traumatic brain injury to accompany the introduction of this special education classification. However, no formal training has ever been offered to assist New Jersey educators on how to recognize, classify, and educate students with a traumatic brain injury, resulting in inappropriate classification for many students suffering from such injury and a lack of educational programs for students who are appropriately classified; and

f. It is therefore in the public interest of the students in this State to establish a New Jersey Special Education and Traumatic Brain Injury Task Force to study instructional practices and strategies that improve recognition of, and benefit students with, a traumatic brain injury and examine the ways in which current State policies affect this population.

2. a. There is hereby established the New Jersey Special Education and Traumatic Brain Injury Task Force. The purpose of the task force shall be to: develop best practices and processes for education professionals working with students with a traumatic brain injury; address the needs of students with a traumatic brain injury; study and evaluate practices for recognizing and educating children with traumatic brain injuries of all types, ranging from mild to severe; prepare students with a traumatic brain injury for entry into college or the work force; and examine how current statutes and regulations affect these students in order to develop recommendations to be presented to the Governor and the Legislature. The task force shall also focus upon recognition by all educational professionals of the signs and symptoms of mild traumatic brain injury in order to promote cognitive rest until the student recovers and to help avoid re-injury. The task force shall examine the correlation between traumatic brain injury and psychiatric illness and potential future incarceration.

b. The task force shall consist of 18 members as follows:

(1) the Commissioners of Education and Human Services, or their designees, who shall serve ex officio; and

(2) 16 members who shall be appointed no later than the 30th day after the effective date of this act, as follows:

(a) 14 persons appointed by the Governor, who shall include:

one representative of the Department of Education, one representative of the Department of Human Services, one representative of the Department of Health and Senior Services, two representatives of the Brain Injury Association of New Jersey, two parents of children who have suffered a traumatic brain injury, two pediatric rehabilitation professionals with knowledge of traumatic brain injury, one school social worker, one school nurse, one special education teacher, one director of special education services for a school district, and one representative of the Athletic Trainers' Society of New Jersey; and

(b) two members of the public, one selected by the President of the Senate and one selected by the Speaker of the General Assembly, with demonstrated expertise in issues relating to the work of the task force.

Vacancies in the membership of the task force shall be filled in the same manner as the original appointments were made.

c. The Commissioner of Education, or the commissioner's designee, shall serve as chairperson of the task force. The task force shall organize as soon as practicable following the appointment of its members and shall select a vice-chairperson from among its members. The chairperson shall appoint a secretary who need not be a member of the task force.

d. The public members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties and within the limits of funds available to the task force.

e. The Department of Education shall provide such stenographic, clerical and other administrative assistants, and such professional staff, as the task force requires to carry out its work. The task force shall also be entitled to call to its assistance and avail itself of the services of the employees of any State, county, or municipal department, board, bureau, commission, or agency as it may require and as may be available to it for its purposes.

3. The task force shall report its findings and recommendations to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), along with any legislative bills that it desires to recommend for adoption by the Legislature, no later than 12 months after the initial meeting of the task force.

4. This act shall take effect immediately and shall expire upon the issuance of the task force report.

Approved January 16, 2010.