

**GOVERNOR'S STATEMENT UPON SIGNING  
SENATE BILL NO. 3434  
(Second Reprint)**

Today I am pleased to sign Senate Bill No. 3434 (Second Reprint), which requires boards of education to provide additional or compensatory special education and related services, including transition services, to students with disabilities following a determination by a student's Individualized Education Program ("IEP") team that the student requires such services. This bill applies to students with disabilities who exceed, or will exceed, the current age of eligibility for special education and related services in the 2020-2021 school year, 2021-2022 school year, and 2022-2023 school year. Under current State and federal laws, district boards of education are required to provide a free appropriate public education, in accordance with a student's IEP, to students with disabilities age three through 21. If a student turns 21 years of age during the school year, defined as the period between July 1 and June 30, the student is entitled to finish that final school year. As of June 30 of the student's final school year, the student is no longer eligible for special education and related services. This process is commonly referred to as "aging out".

I commend the bill's sponsors for their dedication to assisting New Jersey's most vulnerable students and their families, many of whom have been especially hard hit by the disruptions caused by the Coronavirus disease 2019 (COVID-19) pandemic. The provision of educational and related services required by students' IEPs has been especially challenging to deliver through remote learning, which has been a primary mode of instruction in many school districts over the last 15 months. Many students with disabilities were unable to receive the education and related services necessary to prepare them for a successful transition into adult life and are far less prepared for the aging out process than they would be during normal times.

The provision of services to the three cohorts of students identified in this bill could cost approximately \$600 million. Although the bill authorizes the use of State funding, I have been advised by the Department of Education that the State is unable to fund this provision of services through any means other than federal dollars due to the Maintenance of Financial Support and Maintenance of Effort obligations imposed by the federal Individuals with Disabilities Education Act (IDEA). For this reason, the bill will be funded entirely through the American Rescue Plan State Fiscal Recovery Fund.

Date: June 16, 2021

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor