

Testimony before the Senate Education Committee  
Bill S3470  
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For more information: [DRNJ-COVID.org](http://DRNJ-COVID.org)

Thank you Chairperson Ruiz and members of the committee for the opportunity to provide written testimony on Senate Bill S3470 which allows certain students to repeat prior grade level during 2021-2022 school year upon parental request.

Disability Rights NJ is the federally funded, designated protection and advocacy system for people with disabilities in the State of New Jersey. Under our federal enabling statutes, we provide legal representation, advocacy, education and training, and information and referral to people with disabilities, their families, and the professionals who serve them. Disability Rights NJ advocates for students with disabilities who seek appropriate educational services.

During the past year, many students with and without disabilities have struggled due to the virtual instruction provided by most school districts. This bill attempts to address the students' loss of learning and provide them with an opportunity to gain the knowledge and skills that they were not able to learn this past year. The bill specifically refers to "general education" students, but notes that the bill does not "limit, supersede, or preempt the rights, remedies, or

*Advocating and advancing the human, civil and legal rights of persons with disabilities*

procedures afforded to” special education students and students with a Section 504 plan. It is not clear that “general education” students include “special education” students and applies to them.

During the past year, many students with disabilities have struggled due the school districts providing remote learning. Although the school districts were required to implement each child’s individualized education program, the fact many school districts operated virtually has reduced the impact of the services that the student received. Many of these students have disabilities that render them unable to benefit from virtual or remote instruction for myriad reasons that include, but are not limited to, the inability to focus for an extended period of time without in-person redirection and the lack of cognitive ability to use educational packets to instruct themselves. A shortage of special education and related services personnel to deliver the necessary in-person instruction and services has also been a significant problem. In addition, for children who need social skills integration, the limited student interaction has prevented the students from fully experiencing the services needed to make substantial gainful progress on these skills.

It is important that students with disabilities receive the same rights and services as students without disabilities, and we believe that the legislation should be clear that it applies to all students. If the intent of the legislation is to only apply to “general education” students, then

the legislation is discriminatory against individuals with disabilities, and should be revised so as not to discriminate against students with disabilities.

Thank you for the opportunity for Disability Rights NJ to provide comments to this bill.