



STATE OF NEW JERSEY

# DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: April 24, 2024  
To: Local Educational Agency Leads, Administrators of Approved Private Schools for Students with Disabilities  
From: Kathy Ehling, Assistant Commissioner  
Division of Educational Services

## New Jersey Department of Human Services Division of Developmental Disabilities Policy Change for Students with Disabilities

The Division of Developmental Disabilities (DDD) in the New Jersey Department of Human Services recently instituted a policy change that would allow a small number of eligible young adults with developmental disabilities to enroll in DDD services as early as age 18. This policy change only impacts individuals between the ages of 18 and 21 who have met both graduation requirements and the goals in their Individualized Education Program (IEP) and are not eligible to remain in high school until age 21. Individuals, if eligible for DDD services, may only enroll in DDD as early as age 18 if they have graduated and are seeking DDD services to **support immediate enrollment at an institute of higher education or trade school not funded by DDD or to support established competitive integrated employment and if the services being sought from DDD would not otherwise be the responsibility of their local education agency to provide**. This flexibility does not allow individuals to enroll in DDD before the age of 21 for other reasons such as enrolling in a DDD adult day habilitation program.

Under the Individuals with Disabilities Education Act (IDEA), students with disabilities ages 3 through 21 are entitled to a free, appropriate public education (FAPE). Students are entitled to receive the special education and related services identified through their Individualized Education Program (IEP) as determined by the IEP team. The IEP contains goals aligned with academic achievement, behavioral and functional performance as well as post-secondary goals related to training, education, employment, and, if appropriate, independent living.

When a student with disabilities graduates from high school it is considered a change in placement under the IDEA and the student is no longer eligible for services, even if the student has not yet reached age 21. That change of placement may not be rescinded if the student and family determine the services provided by DDD are not meeting the needs of the student. It should be noted that the services provided by DDD are not an entitlement and may not meet the level of services provided under the IDEA. The IEP team, of which the student and family are members, should discuss the benefits and risks of pursuing DDD services between the ages of 18 and 21.

Please visit DDD's [Policies and Procedures webpage](#) for more information. Details about this policy can be found in Section 3.1.5, *Limited Circumstances Where a Person Ages 18 through 21 May Receive Division Services* of DDD's updated Community Care Program and Supports Program policy manuals.

For more information, please email [DDD.TransitionHelpdesk@dhs.nj.gov](mailto:DDD.TransitionHelpdesk@dhs.nj.gov).

c: Members, State Board of Education  
NJDOE Staff  
Statewide Parent Advocacy Network  
Garden State Coalition of Schools  
NJ LEE Group