

NJ Department of Human Services
Division of Developmental Disabilities

Information Bulletin

To: All Division of Developmental Disabilities Stakeholders

From: Jonathan Seifried, Assistant Commissioner

Date: April 23, 2024

RE: Policy Change: Limited Circumstances Where a Person Ages 18 through 21 May Receive Division Services

The April 2024 release of the Division of Developmental Disabilities (DDD) Community Care Program and Supports Program [policy manuals](#) includes the following new section:

Section 3.1.5 Limited Circumstances Where a Person Ages 18 through 21 May Receive Division Services

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, and behavioral and functional performance, as well as post-secondary goals related to training, education, employment and, if appropriate, independent living. The local educational agency (LEA) is responsible for ensuring all services are provided at no cost to the student or parents. **The level of services and protections provided under the IDEA to students with disabilities are not equivalent to those offered through the New Jersey Division of Developmental Disabilities' (Division) adult service system as Division services are not an entitlement.** For this reason, individuals with disabilities who have established eligibility for Division services receive them when they turn 21 and are no longer eligible to receive services in the public education system under the IDEA.

The Division recognizes that each year there may be a small number of eligible young adults with developmental disabilities ages 18 through 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. An individual, if eligible for Division services, may be eligible to enroll in the Division as early as the age of 18 if they have graduated and are seeking Division services to:

- Support immediate enrollment at an institute of higher education or trade school not funded by the Division of Developmental Disabilities; and/or
- Support established competitive integrated employment.

In both of the above circumstances, the services being sought from the Division would not otherwise have been the responsibility of their LEA to provide. Please note that this flexibility does **not** allow individuals to enroll in Division services before the age of 21 for other reasons, such as enrolling in a Division-funded adult day habilitation program.

If you feel the above circumstance applies to you we strongly suggest you contact a Division Representative for Options Counseling at least six months prior to your anticipated graduation. This is to ensure that you would be eligible to access Division Services before electing to graduate prior to the age of 21. Please email DDD.TransitionHelpdesk@dhs.nj.gov for more information.

There are also organizations in New Jersey, such as the [SPAN Parent Advocacy Network](#) and [The Arc of New Jersey Family Institute](#), that can assist families with children who receive special education and related services if you have questions about the IEP process.