



STATE OF NEW JERSEY

DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: January 17, 2024
To: Local Educational Agency Leads, Directors of Approved Private Schools for Students with Disabilities
Route To: Directors of Special Education
From: Kathy Ehling, Assistant Commissioner
Division of Educational Services

Clarification of the Timeline for Conducting Special Education Due Process Hearings

In New Jersey, special education due process hearings are conducted by Administrative Law Judges (ALJs) within the Office of Administrative Law (OAL). Under the Individuals with Disabilities Education Act (IDEA) and its implementing regulations, a final decision in a special education due process hearing must be issued and provided to the parties within 45-calendar days after the expiration of the 30-day resolution period. While extensions of the 45-calendar day timeline may be granted at the request of either party, the extension must be limited to a specific period of time.

In response to a directive issued by the United States Department of Education on October 20, 2023, the New Jersey Department of Education (NJDOE), has removed all references to federal days from the Due Process Policies and Procedures Manual and have also removed all references to federal days from all documents provided to the OAL when a due process case is transmitted for a due process hearing. The NJDOE has revised its due process hearing timeline procedures to be consistent with Part B regulations 34 C.F.R. § 300.515(a) and (c) regarding the meaning of "days" in the 45-day timeline. The policies and procedures have been revised to reference the IDEA's due process hearing timeline as 45 calendar days, as described in 34 C.F.R. § 300.515(a) and § 300.11(a).

The purpose of resolving a due process hearing within the 45-calendar day timeline is to ensure the timely resolution of disputes relating to the identification, evaluation, placement, or program of a student with a disability. As such, ALJs are strongly encouraged to limit granting of requests to extend the 45-calendar day timeline.

For more information regarding these procedures, please contact the Office of Special Education at (609) 376-9060 or osepdisputeresolution@doe.nj.gov.

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