



STATE OF NEW JERSEY

# DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: February 19, 2025

To: Local Educational Agency Leads, Directors of Approved Private Schools for Students with Disabilities, Administrative Law Judges

Route To: Directors of Special Education

From: Kathy Ehling, Assistant Commissioner  
Division of Educational Services

## Notice of Changes to the Procedures for Mediation and Due Process Hearing Requests

This memorandum outlines important updates to the procedures the Office of Special Education (OSE) will follow when mediation and due process hearing requests are filed with the New Jersey Department of Education. The federal District Court of New Jersey appointed a compliance monitor on April 11, 2024 for the purpose of implementing a [Consent Order and Settlement Agreement](#). These changes are being implemented in response to [recommendations](#) from the court appointed monitor regarding these settlement activities. Effective March 1, 2025, the OSE will adopt the following updates to the current mediation and due process procedures.

The Office of Administrative Law (OAL) will add Administrative Law Judges (ALJs) to OSE's existing roster of mediators. ALJs will serve as mediators for due process cases when the parties request mediation. The current mediators will conduct mediation conferences solely for mediation requests filed with the OSE as a means of dispute resolution, excluding those associated with a due process case. In accordance with N.J.A.C. 6A:14-2.6, the role of all mediators, including ALJs, is to:

1. Facilitate communication between the parties in an impartial manner.
2. Chair the meeting.
3. Assist the parties in reaching an agreement and, if an agreement is reached, the mediator shall prepare the document setting forth the agreement of the parties at the mediation conference.
4. Assure that the agreement prepared by the mediator complies with Federal and State law and regulation.
5. When appropriate, adjourn the mediation to a date certain that is not more than 45 days from the date of the request for a mediation conference, at the request of the parties to obtain additional information or explore options.
6. Terminate mediation if, in the mediator's judgment, the parties are not making progress toward resolving the issue(s) in dispute.

Upon completion of mediation, the OAL will notify the OSE as to the status of the matter and, if necessary, the OSE will transmit the matter back to the OAL for a due process hearing. The assignment of ALJs to conduct mediations for due process cases shall take effect for cases filed beginning on March 1, 2025.

Please direct questions to the Office of Special Education at (609) 376-9060 or [OSEinfo@doe.nj.gov](mailto:OSEinfo@doe.nj.gov).

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