



STATE OF NEW JERSEY DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: August 6, 2019
To: Chief School Administrators, Charter School and Renaissance School Project Leads, Administrators of Approved Private Schools for Students with Disabilities, Nonpublic School Administrators, Administrative Law Judges
Route To: Directors of Special Education
From: Carolyn J. Marano, Assistant Commissioner
Division of Student Services

Revised Procedures for Conducting Special Education Resolution Meetings

Under the Individuals with Disabilities Education Act (IDEA) and its implementing regulations, within 15 days of receiving notice of a parent/guardian's request for a due process hearing, the local educational agency (LEA) must convene a resolution meeting with the parent/guardian and the relevant members of the Individualized Education Program (IEP) team who have specific knowledge of the facts identified in the due process filing.

The purpose of a resolution meeting is to provide the LEA an opportunity to resolve the dispute prior to the due process hearing. This allows the parent/guardian of a child with a disability to discuss the facts with the LEA that form the basis of the due process filing.

In response to a corrective action plan issued by the United States Department of Education, beginning September 1, 2019, LEAs will be required to submit the following documentation to the Department of Education:

- The date the LEA convened a resolution meeting (which must be within 15 days of receiving notice of the parent/guardian's due process filing);
- Proof, in writing, that the parent/guardian and the LEA agreed to waive the resolution meeting; and
- Proof, in writing, the parent/guardian and the LEA agreed to participate in a mediation conference instead of the resolution meeting.

If an LEA fails to convene a resolution meeting as required, the Department will issue a finding of noncompliance. The Department must ensure the LEA's noncompliance is corrected as soon as possible. Therefore, the Department expects the LEA to correct noncompliance no later than one year of the Department's finding. As a response to LEA noncompliance, the Department will require a corrective action plan.

For more information regarding the revised procedures, please contact the Office of Special Education Policy and Dispute Resolution at (609) 376-9060.

c: Members, State Board of Education
Lamont O. Repollet, Ed.D., Commissioner
The Honorable Lisa James-Beavers, Acting Director, Office of Administrative Law
Dwight Thomas, U.S. Department of Education
NJDOE Staff
Statewide Parent Advocacy Network
Garden State Coalition of Schools
NJ LEE Group