



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 Expedited Special Education Due Process Hearings

Under the Individuals with Disabilities Education Act (IDEA) and its implementing regulations, expedited due process hearings are available for disputes regarding the placement of a student with a disability resulting from a disciplinary action or when a local educational agency (LEA) believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others.

Expedited due process hearings, which are presided over by Administrative Law Judges (ALJs) within the Office of Administrative Law (OAL), must occur within 20 school days of the date the hearing is requested. The ALJ must issue a final decision within 10 school days after the hearing.

In response to a corrective action plan issued by the United States Department of Education, this broadcast will serve as a reminder that sufficiency challenges to requests for expedited due process hearings are not permitted. Additionally, this broadcast also reminds parties to a due process hearing that requests to adjourn an expedited due process hearing are not permitted. All decisions resulting from expedited due process hearings must be issued within the shortened timeframe described above.

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
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