

C.P. v. New Jersey Department of Education

Civil Action No. 19-cv-12807-NLH-MJS

**FINAL
COMPLIANCE REPORT #4**

November 7, 2025

Submitted by

Lenore Knudtson
Compliance Monitor

I. Overview

This reporting period covers the months of May through August 2025. A 10 day extension of the report due date was granted by counsel in order to permit the Compliance Monitor to have another meeting with NJDOE. The extension was necessary because staff critical to the process was out of the office on a scheduled time off.

The parties meet regularly with the Compliance Monitor to share information, concerns, and updates. NJDOE and OAL continue to report an improved working relationship between the agencies with regular meetings and collaboration. Several metrics indicate that improvement in the New Jersey Due Process Hearing system continues, but not at the rate to be considered compliant pursuant to the Consent Decree.

II. Summary of Initiatives, Interventions, and Corrective Actions

To date, the parties have implemented the following initiatives:

- Contemporaneous notice from NJDOE to OAL when a due process hearing request is filed at NJDOE. Improving communication was a first step in the journey to rebuilding a compliant due process hearing system. Likewise, inclusion of NJDOE on the distribution list for copies of all adjournments, orders, and decisions provides valuable information for NJDOE to track the status of cases within its due process hearing system.
- Immediate transmittal upon a public agency filing of a due process hearing request. During this reporting period, there were no occurrences of late transmittals when a public agency filed the due process hearing request. In the past, a delayed transmittal on a district filed due process hearing request resulted in OAL often receiving the case after the decision deadline had already passed. The delayed transmittals in public agency filed cases is, at this point, at zero, demonstrating 100% compliance on this data point.
- Improved tracking of resolution timelines to ensure transmittal consistent with N.J.A.C. 6A:14-2.7(h). Collaborative data tracking between agencies has

improved consistently, eliminating delays due to late transmittal after the resolution period.

- Use of the Adjournment Form pursuant to the Consent Decree. Use of the Adjournment Form has improved but falls short of compliance at the level specified in the Consent Decree. It is anticipated that the Adjournment Form will continue to be used to help document the life cycle of every due process matter extended beyond the 45 day timeline for the foreseeable future.

The OAL reports that ALJs were initially trained on use of the adjournment form through instruction from the Acting Chief Judge. Training continued as described below.

- April 4, 2025: Adjournment form training on all three campuses.
- June 2, 2025: Memo disseminated to all ALJs on counting the 45 days along with a written recap of the April 4th training.
- June, July, and August 2025: Lunch and learn with ALJs on all three campuses to review and reinforce appropriate use of the adjournment form.
- October 6, 2025: Reissuance of the April 4th recap and the June 2nd memo to all ALJs.

In an effort to provide specific information on cases involving nonconforming use of the adjournment form, the Compliance Monitor has commenced sending OAL copies of some forms considered noncompliant, permitting OAL to specifically address the appropriate use of the form with the ALJ in that matter.

- Utilizing ALJs to conduct due process related mediation was a significant change to the system. For due process related mediation, the OAL assigns an ALJ to conduct the mediation. OAL reports that ALJs conducting the mediations have received training in mediation techniques and will continue to receive follow up training in a regular basis. Specifically, OAL confirmed that each ALJ assigned to conduct mediation pursuant to the IDEA receives training in both special education and mediation techniques. The initial training must be completed within the first three months and includes:
 - Onboarding of all ALJs prior to assignment of a special education case -

- Special education training modules developed by Perry Zirkel, a well-known professor and author in special education law. The training is comprised of nine modules lasting at least 2 hours each. It is designed to be completed in four months.
- Two hour orientation on special education cases from the Acting Chief Judge.
- Annual and ongoing special education law training for all ALJs through case law updates provided by Perry Zirkel.
- Full day trainings on special education topics for all ALJs on subjects like dyslexia, autism, etc.
- Mediation training according to OAL -
 - Technical and clinical instruction twice monthly for 6 months. After six months, ALJs continue to receive reinforcement training on a regular basis, also twice monthly. ALJs are not assigned to conduct IDEA mediation until the ALJ has been in the training program for at least one year and has obtained a mastery level.
 - Training is provided by Dave Fischer of Chartwell Seventeen Advisory Group, a certified Sandler Training Center. Sandler provides a diverse array of training. Information provided to the Compliance Monitor on Mr. Fischer's training included: "He helps professionals sharpen their communication style, negotiate more effectively, mediate disputes, and improve collaboration with confidence."
 - Training is also provided by Susan Villamena. According to information provided by OAL, "Her expertise includes communication training and development, leadership coaching, and equipping professionals at all levels with the confidence to handle difficult discussions, ask insightful questions, negotiate more effectively, mediate disputes, and set clear expectations."

See the recommendation section of this report for additional information on mediation training.

- PEGA, OAL's online case management system entered the live testing phase with OAL staff. Although significantly delayed, the commencement of live testing is a positive step forward to collecting reliable and accurate real time data regarding New Jersey's due process hearing system. OAL reports that 10 of 10 scheduled staff trainings have been completed with OAL staff. The Compliance Monitor is scheduled to receive live training on the system during the last week of October. After that training, the Compliance Monitor will have full access to all data and documentation housed within the online case management system. See the recommendation section of this report for additional information on PEGA and its implementation.

UPDATE: The Compliance Monitor received three hours of live training on the new online case management system while it was still in the beta stage during data migration from the old system to PEGA. Once fully operational (mid November), PEGA will provide the Compliance Monitor with access to real time data and reporting features to track cases from beginning to end. The Compliance Monitor will be able to calculate the age of any case using the case number. The system represents a substantial improvement in New Jersey's ability to account for due process hearing timelines, issue aggregate reports on timeliness, and provide transparent data to the parties.

III. Mandatory Data Collection

Reporting Period from May 2025 to August 2025

The Compliance Monitor received the following due process data from NJDOE:

- Filing dates,
- Case numbers and names,
- Resolution period and extensions,
- Mediation dates,
- OSE disposition, and
- Transmittal dates.

The Compliance Monitor received the following due process data from OAL:

- Copies of all adjournment forms,
- Copies of all decisions issued in due process matters,
- Copies of all transmittal forms received from NJDOE,
- Reset case status and pending events,
- Pending cases,
- Newly opened cases, and
- Closed cases.

The data is provided in spreadsheet format. To date, there is no searchable database with real time data collection. Although the spreadsheets are helpful, all data verification and cross referencing is completed manually, and as a result, more prone to error. NJDOE and OAL have been available to answer the Compliance Monitor's questions, provide clarification as needed, and provide additional documentation as needed.

A. NJDOE Monthly Data

Each month, data from May 2025 to August 2025 is compiled and summarized below, including the number of new cases for the month, cases withdrawn or resolved prior to transmittal, the number of transmittals for new cases as well as all prior month's cases transmitted in that month, analyzed for timeliness. The purpose of closely analyzing transmittal data is to understand the root causes of late due process decisions issued beyond the 45 day timeline, or properly extended timeline. Delayed transmittals have previously contributed to the potential for late due process decisions. Considerable growth was made, with the vast majority of cases transmitted from NJDOE to OAL in a timely manner.

UPDATE: The Compliance Monitor met with NJDOE staff on October 21, 2025 to review noncompliant transmittals. NJDOE was able to provide documentation to support amending the reason for late transmittals in four matters to more accurately reflect the events as they occurred. The amendments, in red below, do not change the total number of noncompliant transmittals. The reason for the late transmittal was the only change. NJDOE informed the Compliance Monitor that the process used to track when

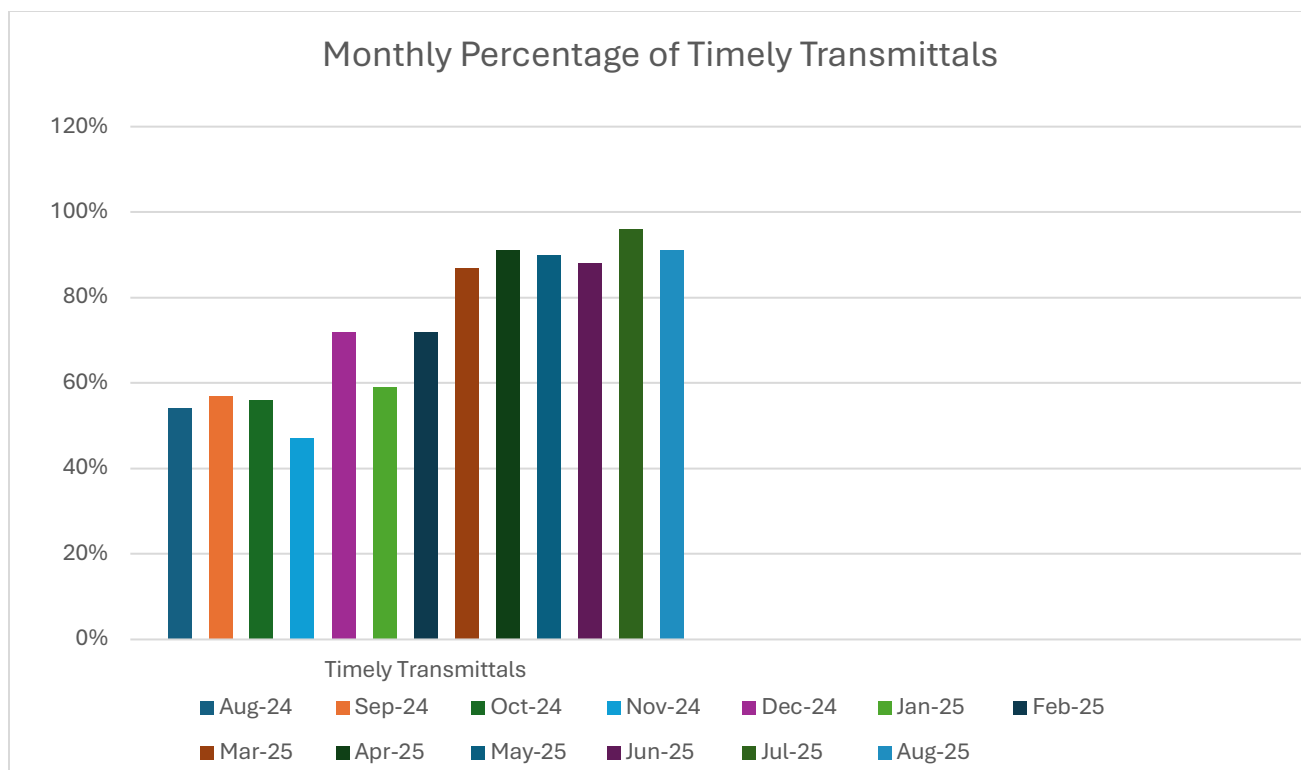
a party withdraws from mediation has been improved and assured that late transmittals due to late notification from OAL is no longer occurring.

MAY 2025 DATA						
Number of New Cases		Cases Resolved/Withdrawn Prior to Transmittal		Number of Transmittals for New Cases		
80		18 (7 settled in mediation, 3 in resolution.)		11		
NJDOE Transmittals						
Original Filing Month	Number of Cases Transmitted May 2025	Transmitted Timely with NO Extension	Transmitted after Resolution Extended for Mediation	Percent Timely	Resolution Improperly Extended*	Percent Late
December 2024	1	0	1 (4 mediation sessions)	100%	0 0 – late OAL notice 0 – district filing 0 – late unknown	0%
February 2025	5	0	5	100%	0 0 – late OAL notice 0 – district filing 0 – late unknown	0%
March 2025	6	1	5	100%	0 0 – late OAL notice 0 – district filing 0 – late unknown	0%
April 2025	37	27	4	84%	6 3 – late OAL notice 0 – district filing 3 – late unknown	16%
May 2025	11	11	0	100%	0 0 – late OAL notice 0 – district filing 0 – late unknown	0%
TOTAL	60	39	15	90%	6	10%
* NJDOE notes indicated the reason for some of the late transmittals was lack of notice of the end of resolution or mediation. Per OAL and NJDOE, this error has been corrected.						
COMPARISON	OAL Receipt of Transmittals in May 2025 60 NJDOE transmittals vs. 70 reported received by OAL 7 of the cases were expedited/emergent, which are not included in the above table. The remaining difference could be attributed to duplication of cases at OAL due, in part, to partial transmittals for sufficiency challenges or cases filed under Section 504.					

JUNE 2025 DATA						
Number of New Cases		Cases Resolved/Withdrawn Prior to Transmittal		Number of Transmittals for New Cases		
103		18 (7 settled in mediation, 3 in resolution.)		18		
NJDOE Transmittals						
Original Filing Month	Cases Transmitted June 2025	Transmitted Timely with NO Extension	Transmitted after Resolution Extended for Mediation	Percent Timely	Resolution Improperly Extended	Percent Late
December 2024	1	0	1 (7 mediation sessions)	100%	0 0 – late OAL notice 0 – district filing 0 – late unknown	0%
February 2025	1	0	1 (3 mediation sessions)	100%	0 0 – late OAL notice 0 – district filing 0 – late unknown	0%
March 2025	2	0	0	0%	2 2 – late OAL notice 0 – district filing 0 – late unknown	100%
April 2025	5	0	2	40%	3 2 – late OAL notice 0 – district filing 1 – late unknown	60%
May 2025	33	28	3	94%	2 1 – late OAL notice 0 – district filing 1 – late unknown	6%
June 2025	18	18	0	100%	0 0 – late OAL notice 0 – district filing 0 – late unknown	0%
TOTAL	57	43	7	88%	7	12%
* NJDOE notes indicated the reason for some of the late transmittals was lack of notice of the end of resolution or mediation. Per OAL and NJDOE, this error has been corrected.						
COMPARISON	OAL Receipt of Transmittals in June 2025 57 NJDOE transmittals vs. 67 reported received by OAL 8 of the cases were expedited/emergent, which are not included in the above table. The remaining difference could be attributed to duplication of cases at OAL due, in part, to partial transmittals for sufficiency challenges or cases filed under Section 504.					

JULY 2025 DATA						
Number of New Cases		Cases Resolved/Withdrawn Prior to Transmittal		Number of Transmittals for New Cases		
93		18 (7 settled in mediation, 1 in resolution.)		13		
NJDOE Transmittals						
Original Filing Month	Cases Transmitted July 2025	Transmitted Timely with NO Extension	Transmitted after Resolution Extended for Mediation	Percent Timely	Resolution Improperly Extended	Percent Late
March 2025	1	0	1 (5 mediation sessions)	100%	0 0 – late OAL notice 0 – district filing 0 – late unknown	0%
April 2025	1	0	1 (3 mediation sessions)	100%	0 0 – late OAL notice 0 – district filing 0 – late unknown	0%
May 2025	4	0	3	75%	1 1 – late OAL notice 0 – district filing 0 – late unknown	25%
June 2025	36	29	6	97%	1 1 – late OAL notice 0 – district filing 0 – late unknown	3%
July 2025	13	13	0	100%	0 0 – late OAL notice 0 – district filing 0 – late unknown	0%
TOTAL	55	42	11	96%	2	4%
* NJDOE notes indicated the reason for some of the late transmittals was lack of notice of the end of resolution or mediation. Per OAL and NJDOE, this error has been corrected.						
COMPARISON	OAL Receipt of Transmittals in July 2025 55 NJDOE transmittals vs. 64 reported received by OAL 5 of the cases were expedited/emergent, which are not included in the above table. The remaining difference could be attributed to duplication of cases at OAL due, in part, to partial transmittals for sufficiency challenges or cases filed under Section 504.					

AUGUST 2025 DATA						
Number of New Cases		Cases Resolved/Withdrawn Prior to Transmittal		Number of Transmittals for New Cases		
88		3		14		
DOE Transmittals						
Original Filing Month	Cases Transmitted August 2025	Transmitted Timely with NO Extension	Transmitted after Resolution Extended for Mediation	Percent Timely	Resolution Improperly Extended	Percent Late
March 2025	2	0	1 (5 mediation sessions)	50%	1 1 – late OAL notice 0 – district filing 0 – late unknown	50%
April 2025	1	0	1 (2 mediation sessions)	100%	0 0 – late OAL notice 0 – district filing 0 – late unknown	0%
May 2025	4	0	2 (3 & 2 mediation sessions)	50%	2 1 – late OAL notice 0 – district filing 1 – late unknown	50%
June 2025	16	0	12 (1 to 3 mediation sessions)	75%	4 0 – late OAL notice 0 – district filing 4 – late unknown	25%
July 2025	40	38	2	100%	0 0 – late OAL notice 0 – district filing 0 – late unknown	0%
August 2025	14	14	0	100%	0 0 – late OAL notice 0 – district filing 0 – late unknown	0%
TOTAL	77	52	18	91%	7	9%
COMPARISON	OAL Receipt of Transmittals in August 2025 77 NJDOE transmittals vs. 73 reported received by OAL 7 of the cases were expedited/emergent, which are not included in the above table. The remaining difference could be attributed to duplication of cases at OAL due, in part, to partial transmittals for sufficiency challenges or cases filed under Section 504.					



From the August 2024 to August 2025, NJDOE has demonstrated improvement in timely transmittals to OAL with nearly all monthly compliance rates over 90% since March 2025. Late transmittals for scheduling settlement conferences are no longer a contributing factor to late due process decisions. Similarly, district filed due process hearing requests are immediately transmitted, as the resolution period does not exist in these matters. There was no documented noncompliance with immediate transmittals on district filed cases. The only documented delays in transmittals continue to be random without any clear indication of a root cause. Although the NJDOE data is greatly improved and represents substantial compliance with N.J.A.C. 6A:14-2.7(h), it is recommended that the agency continue to devote resources and put safeguards in place to ensure timely transmittals moving forward.

B. OAL Data Summary

OAL continues to collect and report all data requested without the benefit of an automated data collection system. The target dates for live implementation of PEGA, the online case management system have been further delayed. The most recent

estimate provided by OAL anticipates a live date in October. When that system is online, the Compliance Monitor will be able to readily ascertain the age of a case from filing to conclusion.

ADJOURNMENT DATA

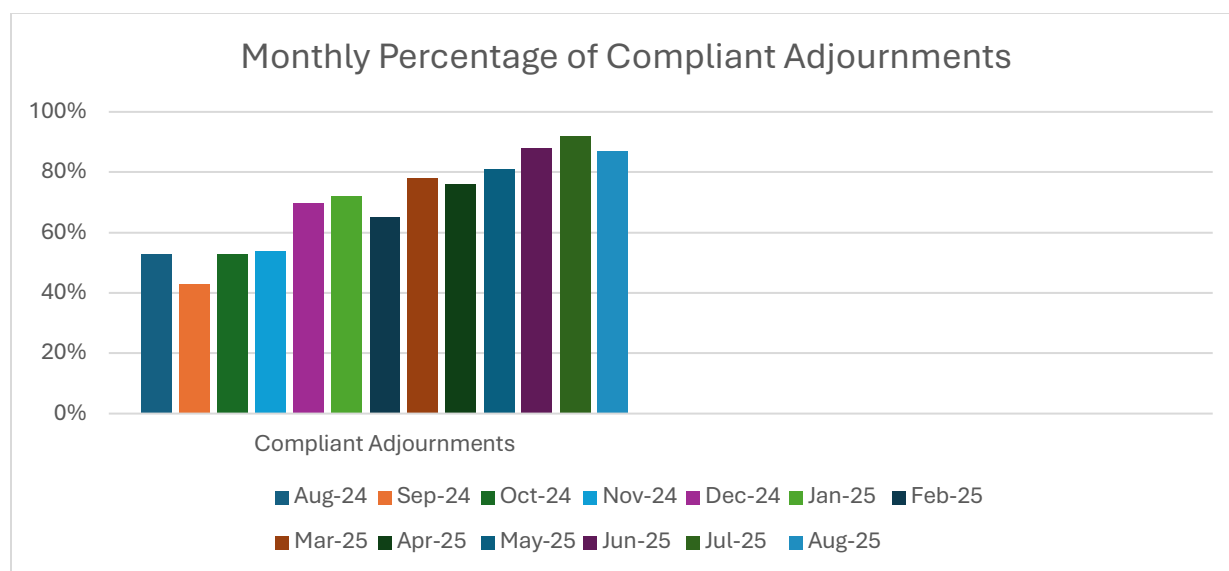
Without some type of automated system, data is manually pulled from respective case files, and compiled on spreadsheets, making it impossible to track the “age” of a case on any given date. As required by the Consent Decree, the completed adjournment forms are a major source of information for determining compliance with appropriately extended due process timelines. For this report, all adjournment forms were reviewed to provide critical information regarding the timeliness of every due process matter. Also, the veracity of the data contained in each adjournment form is dependent on accurate and thorough documentation by the ALJ. Therefore, forms without the critical required information to determine the length of an extension and a new decision deadline were considered noncompliant. The following table represents a detailed analysis of adjournments from May to August 2025.

OAL ADJOURNMENT DATA					
Month	Number of Adjournments	Range of Days Hearing Deadline Was Extended	Number of Noncompliant Adjournments^	Number of Compliant Adjournments*	Percentage of Forms Documenting Compliant Adjournments
May 2025	70	1 – 490	13 0 – ALJ initiated 0 – No ext. length 0 – No new due date 13 – Incorrect date calculation	57	81%
June 2025	50	7 – 246	6 0 – ALJ initiated 1 – No ext. length 1 – No new due date 4 – Incorrect date calculation	44	88%
July 2025	36	7 – 180	3 0 – ALJ initiated 1 – No ext. length 1 – No new due date 3 – Incorrect date calculation	33	92%

August 2025	30	18 – 181	4 0 – ALJ initiated 0 – No ext. length 0 – No new due date 4 – Incorrect date calculation	26	87%
Total	186	N/A	26	160	86%
SUMMARY	Each adjournment form was reviewed to verify appropriate extensions to the decision deadline. Incorrect date calculations account for most errors.				

^ Adjournment forms may be noncompliant for more than one reason.

* Substantial compliance with Adjournment Form determined by confirming the extension resulted from the request of a party, was granted by the ALJ, documented the length of the extension, and provided a new decision due date.



Although compliant use of the adjournment form continues to increase signaling appropriate extensions of the 45 day due process hearing timeline, the 86% compliance rate for this reporting period falls short of the 95% compliance goal in the Consent Decree.

RESET CASES

Pursuant to paragraph 11 of the Consent Decree, all 198 pending cases that existed on the date the Decree was approved by the Court were “reset” and the timeline for each case began anew on the calendar day immediately following approval of the Decree. The following Reset cases remain open during this reporting period:

- May 2025 – 19 cases remain open
- June 2025 – 19 cases remain open
- July 2025 – 14 cases remain open

- August 2025 – 12 cases remain open

FINAL DECISION DATA

As required by the Consent Decree, the Compliance Monitor reports on specific data points. The following tables represents the mandatory compliance data as specified in the Consent Decree.

Final Decisions – Post Full Hearing (Emergent and expedited hearings excluded.)			
Month	Number of Cases	Case Summary	Compliance
May 2025	3	EDS 13866-19. Petition: 8/30/2019, becoming a Reset case on 4/11/2024. The District completed its case in chief on December 15, 2020. The parents' hearing dates were originally schedule for April 20, 23, and 30, 2021. At the request of the parents, hearing dates were rescheduled for July 6, 9, and 13, 2021. The parents requested an adjournment until September 20, October 1 and 4, 2021. Those dates were adjourned at the parties' joint request for settlement discussions. The hearing was rescheduled for December 2, 2021 and later adjourned by joint request of the parties due to ongoing settlement discussions and the unavailability of the parents' expert. 2022 hearing dates were adjourned at the request of the parties. Hearing dates were scheduled and adjourned in 2023 for various reasons of the parties. The mother and student withdrew all claims in 2024, but the father did not withdraw. 2024 hearing dates were adjourned based on request of the parties for various reasons. The matter was heard on May 15, 2025. Decision: 05/28/2025. Filing date and case early case history through July 2024 predates use of adjournment form. Unable to verify compliance. The excessive amount of time transpiring between filing and hearing does not comport with the intent of the IDEA.	Noncompliant
		EDS 11047-23. Petition: 8/28/2023, becoming a reset case on 4/11/2024. Motion practice and adjournments based on parties' requests continued through 2023 and 2024. Decision: 5/2/2025. Filing date and case early case history through July 2024 predates use of adjournment form. Unable to verify compliance. The excessive amount of time transpiring between filing and hearing does not comport with the intent of the IDEA.	Noncompliant
		EDS 03574-24. Petition: 01/23/2024, becoming a reset case on 4/44/2024. Transmittal: 3/18/2024. Due to scheduling conflicts with the parties, hearings were conducted on September 3, 2024, October 7, 2024, and January 13, 2025. The record closed after briefing on April 3, 2025. Decision: 5/27/2025. Filing predates use of Adjournment Form. Unable to verify compliance.	Noncompliant
June 2025	5	EDS 09271-23. Petition: 7/24/2023, becoming a reset case on 4/11/2025. Transmittal: 9/18/2023. Motion practice through 2024. The hearing was conducted on September 9, 16, and 19, 2024. Decision: 6/30/2025. Filing date and case early case history through July 2024 predates use of adjournment form. Unable to verify compliance. The excessive amount of time transpiring between filing and hearing does not comport with the intent of the IDEA.	Noncompliant
		EDS 05388-22. Petition: 6/1/2022, becoming a reset case on 4/11/2025. Transmittal: 6/20/2022. Motion practice through 2023. Hearing dates: December 4, 17, and 19, 2024, January 28 and February 27, 2025. Decision: 6/23/2025. Filing date and case early case history through July 2024 predates use of adjournment form. Unable to verify compliance. The	Noncompliant

		excessive amount of time transpiring between filing and hearing does not comport with the intent of the IDEA.	
		EDS 15116-24. Petition: 9/18/2024. Hearings on March 24, 25, and 26, 2025. Decision: 6/9/2025. No adjournment forms on file. Unable to verify compliance.	Noncompliant
		EDS 15690-24. Petition: 10/30/2024, converted from a mediation request. Transmittal: 11/7/2024. Ex parte hearing on May 13, 2025 based on petitioner's nonappearance. Decision: 6/23/2025. Adjournment: 4/27/2025. Unable to verify compliance before that date.	Noncompliant
		EDS 03187-25. Petition: 2/11/2025. Transmittal: 3/18/2025. Hearing: 4/30/2025. Adjourned by ALJ for failure of petitioner to provide witness list. Hearing: 5/12/2025. No adjournment forms on file. Unable to verify compliance.	Noncompliant
July 2025	4	EDS 00419-25. Petition: Converted request for mediation 11/11/2024. Transmittal: 1/8/2025. Adjourned at petitioner's request. Hearing: March 11 and April 3, 2025. Decision: 7/10/2025. Properly adjourned 2/21/2025, 4/14/2025, and 5/27/2025.	COMPLIANT
		EDS 08102-25. Petition: 4/30/25. Transmittal: 5/1/2025. Hearing: 6/3/2025. Adjournment: 6/18/2025 for 21 days but scheduled out 34 days, deemed noncompliant. Decision: 7/18/2025.	Noncompliant
		EDS 04792-25. Petition: 9/27/2024. Transmitted: 3/12/2025. Hearing: 6/11/2024. Decision: 7/29/2025. No adjournment forms on file. Unable to verify compliance.	Noncompliant
		EDS 02011-25. Petition: 12/9/2024. Transmittal: 1/27/2025. Hearing: 4/10 and 15/2025 and 5/2/2025. Petitioner objected to request for extension to file summations. Appropriate adjournment until 6/25/2025. Appropriate adjournment until 9/2/2025. Decision: 7/28/2025.	COMPLIANT
August 2025	1	EDS 00385-25. Petition: 2/14/2024. Hearing: May 19 and 29, 2025. Extension on record without adjournment form. Appropriate adjournment until 6/18/2025. No other adjournment form. Decision: 8/21/2025. Unable to verify compliance.	Noncompliant
* Use of adjournment form commenced in July, with sporadic use noted until August 2024. It is impossible to calculate timeliness prior to the use of Adjournment Forms. Compliance determinations based on data after use of the Adjournment Form commenced.			

Final Decisions – No Full Hearing (Emergent and expedited hearings excluded.)			
Month	Number of Cases	Number of Noncompliant Cases	Compliance Percentage
May 2025	42	*	*
June 2025	55	*	*

July 2025	30	*	*
August 2025	27	*	*
* Scant data exists on cases without hearing. The Compliance Monitor is unable to ascertain compliance at the case level after being unable to locate many of the records needed to demonstrate compliance or lack thereof. A subsequent data request has been made and the report will be supplemented.			

SPECIFIC COMPLIANCE DATA		
Month	Number	Pending Cases (Aggregate) % Compliant Within 45 day Timeline*
May 2025	195	At the current time, there is no practical way for the Compliance Monitor to track the timeliness of all pending cases. Until the database becomes available, much of this data does not exist in a mineable, extractable form.
June 2025	183	
July 2025	173	
August 2025	179	

IV. Hypothesis of Noncompliance Causes and Barriers

Several different hypotheses and barriers are offered by the Compliance Monitor when examining the due process hearing data in New Jersey for timeliness with the 45-Day Rule.

1. No online data collection or record keeping system exists to track due process hearing requests from filing through to conclusion. This continues to be a barrier today. Collecting data manually on spreadsheets is an important component in

the current system, but it falls far short of the power within a data-based system to provide timeline alerts, verify data entries, elevate cases to an administrator when noncompliant events occur, and most importantly, extract real-time data from within the system.

2. Limited data on the outcome of mediation and settlement conferences. Increase the accuracy and detail of recording mediation and settlement outcomes to determine the effectiveness of the current model.
3. Limited trust in the ALJs conducting mediation using a mediation model as opposed to conducting mediations like settlement conferences.
4. Non-uniform use and incomplete adjournment documentation have diminished its potential value, resulting in lower compliance rates. Continued training on the mandatory use of the form is critical to improving thoroughness and accuracy. Addressing noncompliant practices is critical to systemic improvement.
5. There is a culture of distrust in the due process hearing system between ALJs and some participants. This likely stems from many sources, including years of noncompliance with the 45 day due process timelines and perceptions regarding the fairness of New Jersey's due process system, particularly with respect to unrepresented parties.

V. Summary of NJDOE Actions to Address Noncompliance to Date

NJDOE and OAL have fully implemented all Compliance Monitor recommendations to date to increase the veracity and reliability of data collection to give a true picture of timeliness of due process hearings. The following additional actions have been undertaken to improve the New Jersey due process hearing system:

1. **NJDOE and OAL weekly collaboration meetings.** Both agencies regularly participate in weekly meetings to increase communication and problem solve potential issues. The meetings have been described as "true collaboration" by NJDOE participants. The meetings are ongoing, productive, and are emblematic of true change within New Jersey's due process hearing system.

2. **Inclusion of ALJs on the NJDOE mediation roster.** In order to facilitate the use of ALJs as IDEA mediators, NJDOE has included the selected and trained ALJs on its IDEA mediation roster. NJDOE reported timeliness of scheduling, with no negative feedback from participants.
3. **NJDOE tracks and monitors the resolution period with increased accuracy.** NJDOE added data fields to its regular data collection to provide insight on transmittals at the conclusion of the resolution period.
4. **Modification of forms.** NJDOE refined its forms used to provide notice to OAL of all cases at the time of filing and distinguish that process from actual transmittal.
5. **Dedication of staff and resources.** NJDOE dedicates staff and resources within its own office and within OAL to address the necessary improvements.

VI. Summary of NJDOE Future Actions to Rectify Noncompliance

NJDOE continues to take the initiative to improve its due process hearing system. NJDOE has committed to dedicating time, collaborative efforts, resources, and staff to making the necessary changes to bring the due process hearing system into compliance with the 45-Day Rule.

VII. Recommendations for Improvement/Compliance

The Compliance Monitor recommends the following actions for NJDOE and OAL:

- Reinforce the necessity of ALJs consistently and thoroughly completing an adjournment form with each extension of the 45 day timeline. Specifically address ALJs who are unable/unwilling to comply with the use of the adjournment form.
- In order to improve transparency and trust in the due process system, it is recommended that NJDOE/OAL use audio recording to create a verbatim record of all prehearing and status conferences, excluding any type of settlement conference. The audio recording should be saved in the record and made available to parties on request.

UPDATE: NJDOE and OAL have committed to implementing this recommendation consistent with the following: Audio recording of prehearing

conferences (excluding any type of settlement conference) shall be automatic for pro per parties. When parties are represented, OAL will create an audio recording of prehearing conferences upon request of counsel. A copy of the recording shall be available to the parties upon request.

- In order to improve trust in the mediation system, supplement the training of ALJs with specific mediation training, and ideally special education mediation training. Although the 40 hour training requirement from an approved course exists for court annexed mediators and is not required by the IDEA, additional targeted training specific to mediation would be a helpful compliment to the training already taking place.

UPDATE: NJDOE and OAL agreed to implement this recommendation.

- Collect detailed data on the success of mediation conducted by ALJs.

UPDATE:

- Once PEGA is live and operational, it is recommended that NJDOE and OAL host a demonstration for practitioners in special education in coordination with the appropriate section of the bar association. Post demonstration, OAL should receive and consider the written feedback of the participants.

UPDATE: NJDOE and OAL agreed to implement this recommendation.

- It is recommended that NJDOE and OAL develop specific instructions on the use of PEGA for anyone who may need assistance accessing the system, including unrepresented parties.

UPDATE: NJDOE and OAL agreed to implement this recommendation.

- Based on the late implementation of PEGA and the inaccuracy associated with hand calculation of data across multiple sources with no reporting capabilities, it is recommended that the Compliance Monitor continue to report on the same cycle using the same metrics for two more reporting periods. This will give the parties, especially class counsel, the best opportunity to review comprehensive data during the life of this case.

UPDATE: NJDOE and OAL concur with this recommendation.

VIII. Class Counsel Concerns

Although Class Counsel expressed concurrence with many of the Court Monitor's recommendations in this draft Compliance Report #4, Class Counsel expressed ongoing concerns in several areas. Keeping in mind that paragraph 19, section VII of the Consent Decree states that the Monitor shall operate independently of the parties, the concerns will be addressed below to the extent appropriate.

1. Insufficient number of ALJs. In meetings with the Compliance Monitor, the OAL Chief Judge concurs that more ALJs would benefit the special education due process hearing system. In New Jersey an ALJ is appointed by the Governor and confirmed by the New Jersey Senate, initially for a one-year term. After the one-year term, the Governor may reappoint the individual to a four-year term. Subsequently, reappointment is to terms of five-years and requires both the Governor's nomination and Senate confirmation. The hiring and retention process is beyond the immediate control of NJDOE or the Chief Judge. The Compliance Monitor fully endorses and encourages all efforts to hire, retain, and train more ALJs.
2. Feedback received through the monitor email address. Paragraph 18 of the consent decree confirms that the Monitor may conduct individual, confidential interviews in her role as Compliance Monitor. Therefore, the Monitor does not report out on conversations with concerned individuals. To the extent that concerns have been expressed, those concerns served as the impetus in identifying barriers in paragraph 5 in the Hypothesis to Noncompliance Causes and Barriers section of the draft Report. Specifically, paragraph 5 states that there is a culture of distrust in the due process hearing system between ALJs and some participants. This likely stems from many sources, including years of noncompliance with the 45 day due process timelines and perceptions regarding the fairness of New Jersey's due process system, particularly with respect to unrepresented parties. As a result of this identified barrier, the Court Monitor recommended audio recording of prehearing conferences as address in the Recommendation section of the report.

3. Future adjournments requests through the case management system. The Compliance Monitor confirms her understanding that litigants shall have the capacity to make adjournment requests through the case management system.
4. NJDOE's actions. NJDOE has cooperated with each recommendation of the Compliance Monitor. Consistent with paragraph 32(f) in section IX, NJODE is trending toward achieving 95% compliance by meeting with and accepting the recommendations of the Compliance Monitor.
5. Random transmittal delays. Please see the update on page 5.
6. Reset cases. All resent cases are deemed noncompliant with the 45 day timeline.
7. Column heading. The column title has been changed to: Percentage of Forms Documenting Compliant Adjournments.
8. Adjournments at the request of a party. The Compliance Monitor reviews each adjournment form, confirming whether the form indicates it has been requested by a party, the name of the party, and in most cases, the electronic signature of the party.
9. Mediator training. The Compliance Monitor addressed recommendations for additional mediator training in the Recommendations section of this report.

Respectfully submitted this 9th day of November 2025.



Lenore Knudtson
Compliance Monitor