

C.P., et al. v. New Jersey Department of Education, et al.

Case No. 1:19-cv-12807-ESK-MJS

United States District Court for the District of New Jersey

NOTICE OF AMENDMENT TO CONSENT ORDER

Important Information for Members of the Rule 23(b)(2) Class

**IMPORTANT DATE: Responses to Amended Consent Order must be filed by
JULY 6, 2026**

What Is This Notice About?

On April 11, 2024, in *C.P., et al. v. New Jersey Department of Education*, the Court approved a Consent Order affecting the rights of the Rule 23(b)(2) Class – people who have filed, or will file, a special education due process petition with the New Jersey Department of Education (NJDOE) and whose petition is pending within the New Jersey Office of Administrative Law (NJOAL) while the Court's oversight of this case is ongoing.

Class Counsel and NJDOE have agreed to an Amended Consent Order in *C.P. et al. v. NJDOE*. The Court approved the amendment on May 5, 2026. This notice explains what the amendment changes and how you can respond if you choose to.

The rights of the Rule 23(b)(3) Issues Class are not affected by this amendment.

You may review the [Amended Consent Order](#) and Motion to Amend and supporting documents [here](#) or through the Court's docket.

Why Was the Original Consent Order Entered?

In April 2024, the Court approved a Consent Order and Settlement Agreement requiring NJDOE to ensure that special education due process petitions are decided within 45 calendar days (excluding party-requested extensions approved by an Administrative Law Judge). The Court also appointed a Compliance Monitor to track NJDOE's progress and issue public reports every four months.

The original Consent Order required NJDOE to achieve a 95% compliance rate within 18 months. If that rate was not achieved, Class Counsel could seek additional relief from the Court — including appointment of a Special Master.

What Does the Amendment Change?

The Compliance Monitor's Fourth Report, issued in November 2025, found that NJDOE has not achieved the required 95% compliance rate. Rather than pursue contempt proceedings, Class Counsel and NJDOE have agreed to the following changes:

Appointment of a Special Master

The most significant change is the appointment of a Special Master — a neutral, independent Court-appointed official with the power to seek Orders from the Court — to oversee NJDOE's compliance going forward. The Parties agreed to request that the Court appoint the Honorable Jaynee LaVecchia (Ret.), a former Justice of the New Jersey Supreme Court, as Special Master, and the Court has approved that request.

The Special Master's role will include:

- Working with the Parties to develop a Compliance Plan designed to achieve 95% compliance with the 45-day hearing timeline;
- Submitting that Compliance Plan to the Court for adoption as an enforceable Order of the Court;
- Reporting to the Court at least every four months on NJDOE's progress;
- Recommending additional remedial, and if necessary, coercive orders if NJDOE is not making required progress; and
- Responding to inquiries from Rule 23(b)(2) Class members about timeline compliance through a dedicated email address: 45days@doe.nj.gov.

Other Changes

The amendment also includes the following additional protections for Class members:

- *Pro se* (unrepresented) parents and guardians will receive a new litigation guide to help them navigate the due process system. The guide will be provided at the time of filing and posted on NJDOE's website.
- Prehearing conferences will be automatically audio-recorded in cases where parents are unrepresented. Recordings will be available at no cost upon request. This is currently in place as a policy, but inclusion in the Amended Consent Order makes the policy enforceable.
- NJDOE will fund a full-time NJOAL employee to maintain and report data on pending cases to NJDOE, Class Counsel, and the Special Master.
- The Special Master will conduct random reviews of cases — particularly those involving unrepresented parents — that have not been scheduled for a hearing within 45 days.
- The Special Master will respond to inquiries from Rule 23(b)(2) Class members when contacted regarding violations of the 45-day timeline.

What Is NOT Changing?

The core obligation from the original Consent Order remains the same: NJDOE must ensure that due process petitions are decided within 45 calendar days (excluding party-requested and ALJ-approved extensions). The 95% compliance standard is preserved.

The rights of the Rule 23(b)(3) Issues Class — which allowed past claimants to file individual claims through April 11, 2026 — are fully preserved and unchanged.

How Does This Affect You?

Members of the Rule 23(b)(2) Class will benefit from strengthened oversight of NJDOE's compliance. The Compliance Monitor had an advisory role. The Special Master will have authority to gather data, investigate noncompliance, and seek court orders if NJDOE is not meeting its obligations.

Your right to file individual claims — separate from this class action — is not released or affected by the amendment.

How Can You Respond?

Any member of the Rule 23(b)(2) Class may file a response objecting to or in support of the Amended Consent Order with the Court by email to **info@NJ45DayClassAction.com**. Responses must be received by **July 6, 2026**.

Who Are Class Counsel?

The Court has appointed the following law firms as Class Counsel:

- Reisman Gran Zuba LLP
- Law Office of David Giles
- Education Law Center
- Law Office of Denise Lanchantin Dwyer LLC
- Wasserman Little LLC

For more information, contact Class Counsel at info@NJ45DayClassAction.com or visit www.NJ45DayClassAction.com

PLEASE DO NOT CONTACT THE COURT WITH QUESTIONS