



STATE OF NEW JERSEY DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: January 17, 2020

To: Chief School Administrators, Charter School and Renaissance School Project Leads, Administrators of Approved Private Schools for Students with Disabilities, Nonpublic School Administrators, Approved Clinics and Agencies, Administrative Law Judges

Route To: Directors of Special Education

From: Peggy McDonald, Ed.D., Assistant Commissioner
Division of Student Services

Enhancements to the Special Education Dispute Resolution System

Under the federal *Individuals with Disabilities Education Act (IDEA)*, states are required to operate a special education dispute resolution system that provides procedural protections for students with disabilities. New Jersey's system is a collaborative effort between the New Jersey Department of Education (NJDOE) and the Office of Administrative Law (OAL). When there is a dispute between a parent and a school district regarding the identification, evaluation, program and/or placement of a student with a disability, the parent or school district may request mediation or a due process hearing through the NJDOE's Office of Special Education Policy and Dispute Resolution (SPDR). The scheduling of mediation conferences, which are conducted by special education mediators employed by the OAL, is the responsibility of SPDR staff. Due process hearings are conducted by Administrative Law Judges (ALJs) to determine whether a school district provided a free and appropriate public education to a student with disability, as required by law.

In order to increase opportunities for school districts and families to resolve disputes in a more effective and timely manner, the NJDOE and the OAL have taken the following steps:

- 1) The NJDOE and OAL have entered into an agreement that provides the OAL with additional funding to:
 - Establish the position of Special Education Assignment Judge to ensure greater efficiency and effectiveness of special education due process hearings;
 - Designate additional ALJs to preside over special education due process hearings;
 - Enhance case management, scheduling and tracking; and
 - Increase and enhance training and professional development programs for ALJs.
- 2) The NJDOE and the OAL developed draft Due Process Hearing Guidelines to increase the efficiency and effectiveness of due process hearings. The proposed guidelines are available for review on the NJDOE [Special Education webpage](#) as well as the [OAL website](#).
- 3) The NJDOE is promoting the use of facilitated IEP meetings for districts, parents, and students to provide an additional opportunity for settling disputes prior to mediation. Facilitated IEP meetings are led by trained meeting facilitators and are conducted at no cost to the district or the family.

The NJDOE and OAL invite stakeholder input on the proposed guidelines by emailing dueprocessfeedback@doe.nj.gov. Following the review of stakeholder input and any needed revision, the guidelines will go into effect on March 2, 2020.

For more information regarding facilitated IEP meetings and the DOE's special education dispute resolution efforts, please contact the Office of Special Education Policy and Dispute Resolution at (609) 376-9060 or go to the main NJDOE [Special Education webpage](#).

c: Members, State Board of Education
Lamont O. Repollet, Ed.D., Commissioner
NJDOE Staff
The Honorable Ellen S. Bass

Statewide Parent Advocacy Network
Garden State Coalition of Schools
NJ LEE Group
The Honorable Barry E. Moscovitz