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## Summary of Extension of Statute of Limitations Bills S905 & A1281

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We are thrilled to report that Governor Murphy signed S905/A1281 on March 3, 2022. ([https://www.njleg.state.nj.us/Bills/2022/S1000/905\\_I1.PDF](https://www.njleg.state.nj.us/Bills/2022/S1000/905_I1.PDF)) This legislation extends the statute of limitations for filing a due process petition regarding the identification, evaluation, or educational placement of a child with a disability, or the provision of a free appropriate public education to such a child, during a COVID-19 school closure or a period of virtual, remote, hybrid, or in-person instruction that accrued between March 18, 2020 and September 1, 2021. The latest date you can now file due process for these claims is September 1, 2023.

As an example, if you believe that your child did not receive a free appropriate public education between March 18, 2020 and the end of the 2019-2020 school year and you want to request compensatory education or other services for this time period, you have until September 1, 2023 to file a due process petition.

No later than December 31, 2022 (or earlier if requested by a parent or guardian), school districts must hold an Individualized Education Program (IEP) team meeting to discuss the need for compensatory education and services for every student with a disability who had an IEP at any time between March 18, 2020 and September 1, 2021. Following the IEP meeting, you should receive written notice indicating all decisions made by the IEP team as to compensatory education and services, including their frequency, duration, location, and agreed upon time period for delivery, and this information should be documented in the IEP.

If you disagree with any decisions made by your child's IEP team, you have a right to file due process at any time, up to and including September 1, 2023.

If your school district already held an IEP meeting with you before March 3, 2022, discussed the need for compensatory education and other services at the meeting, and gave you written notice of the IEP team's determination, the school district is not required to hold another IEP meeting, unless agreed to between you and the district. You still have until September 1, 2023, though, to file a petition challenging the decision of the IEP team.

**Please note** that this extension does NOT apply to those who are entitled to an additional year of eligibility after they turn 21 years of age pursuant to S3434 (N.J.S.A. 18A:46-3).

Dated: March 4, 2022