

NEW JERSEY EXTENDS DEADLINE FOR PANDEMIC-RELATED DUE PROCESS AND COMPENSATORY EDUCATION CLAIMS

March 21, 2022

This document is provided by P. Taylor Legal, PLLC for informational purposes only and is not intended and should not be construed as legal advice.

If you have any questions regarding the matters discussed in this document, please feel free to contact P. Taylor Legal, PLLC.

P. Taylor Legal, PLLC
11 Broadway, Suite 615
New York, NY 10004
(646) 693-8273

111 Northfield Ave., Suite 208A
West Orange, NJ 07052
(973) 261-8024
info@ptaylorlegal.com

In New Jersey, special education due process hearing requests under the Individuals with Disabilities Education Act (“IDEA”) need to be filed within two years of when the requestor knew or should have known about the underlying claims. Deadlines such as these are typically referred to as statutes of limitations, beyond which claims filed after-the-fact risk being dismissed as untimely. As many schools began limiting services for the pandemic in March 2020, the deadline for obtaining full and complete relief for certain IDEA claims would arguably have been in March 2022. The New Jersey legislature, however, recently stepped in to extend that deadline for filing special education due process hearing requests for claims accruing between March 18, 2020 through September 1, 2021 (the “Pandemic Shutdown Period”). The deadline to request a due process hearing for IDEA claims arising during the Pandemic Shutdown Period has been reset for September 1, 2023.

The legislation additionally requires school districts to convene an Individualized Education Program (“IEP”) meeting no later than December 31, 2022 to discuss the need for make-up services (i.e., compensatory education) for IEP services which were not provided during the Pandemic Shutdown Period. Parents or guardians may request that the district hold such a meeting at an earlier date, but no such meeting is required if the district has already held an IEP meeting to discuss compensatory education related to the Pandemic Shutdown Period. If a disagreement arises as to appropriate compensatory education, Parent or guardian may file for a related due process hearing by September 1, 2023. Governor Phil Murphy signed the legislation into law on March 3, 2022, effective immediately.