



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES  
OFFICE OF SPECIAL EDUCATION PROGRAMS

DIRECTOR

**December 15, 2023**

By Email

Honorable Kathleen Ehling  
Assistant Commissioner  
New Jersey Department of Education  
100 River View Plaza  
Trenton, NJ 08625

Email: [Kathleen.ehling@doe.nj.gov](mailto:Kathleen.ehling@doe.nj.gov)

Dear Assistant Commissioner Ehling:

On October 20, 2023, the U.S. Department of Education, Office of Special Education Programs (OSEP), issued a status letter to the New Jersey Department of Education (NJDOE) regarding monitoring OSEP conducted on May 6, 2019. Within that letter, OSEP indicated that it intended to follow up with the NJDOE on several additional concerns related to the NJDOE's dispute resolution system, specifically its due process complaint and hearing procedures, as described below. This letter is to notify you that OSEP intends to conduct an onsite, targeted monitoring visit in March 2024 regarding the NJDOE's due process complaint and hearing procedures.

As indicated in OSEP's October 20, 2023, status letter to NJDOE, OSEP's targeted monitoring will address the following concerns:

- Evidence of implementation of the Memorandum of Agreement (MOA) for Professional Services between the NJDOE and the Office of Administrative Law (OAL);
- Policies and procedures, including evidence of implementation, of 34 C.F.R. § 300.515(a) which addresses timelines for due process hearings;
- Policies and procedures, including evidence of implementation, of the State's oversight in addressing extensions under 34 C.F.R. § 300.515(c) with the OAL, and the publishing of extensions to the 45-day timeline on the State's website as documented in the State's procedures;
- Policies and procedures, including evidence of implementation, of the State's data collection process to ensure that it provides accurate data on all IDEA Part B Section 618 data collection requirements related to dispute resolution, as outlined in OSEP's data documentation requirements;
- Policies and procedures, including evidence of implementation, of 34 C.F.R. § 300.518 which addresses a child's status during proceedings; and
- Policies and procedures, including evidence of implementation, of 34 C.F.R. § 300.532, which addresses appeals made as part of IDEA's discipline procedures.

The NJDOE requested, and was granted an extension, to address Required Action 1.1 and 1.3 in the October 20, 2023 status letter until February 2, 2024. Therefore, OSEP may use this onsite monitoring visit to address any outstanding questions related to the NJDOE's response to Required Actions 1.1 and 1.3.

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-2800

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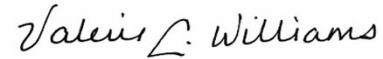
*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

In preparation, OSEP is requesting that the NJDOE submit the following information within 60 days of the date of this letter:

- Evidence of implementation of the MOA between the NJDOE and the OAL signed in 2021, including evidence of:
  - Financial expenditures to fulfill obligations outlined in the MOA;
  - Purchase and implementation of software to support compliance of timelines, processes and procedures;
  - Training and/or professional development for relevant staff (including administrative law judges, special education mediators, or other OAL staff);
  - Hiring/employment of special education law clerks or other personnel conducted as a result of the MOA;
  - Guidelines of special education due process hearings;
  - Policies, procedures, practices and evidence of implementation of data shared between OAL and the NJDOE related to the due process hearings conducted, resolved, and pending; and
  - Information related to the frequency of meetings between the NJDOE and the OAL.
- Documentation of any subsequent MOA between the NJDOE and the OAL that has been established since 2021, and evidence of its implementation;
- Documentation describing the relationship between the NJDOE and the OAL, and evidence of implementation of such relationship;
- Policies and procedures, including evidence of implementation, of 34 C.F.R. § 300.515(a) which addresses timelines for due process hearings;
- Policies and procedures, including evidence of implementation, of the State's oversight in addressing extensions under 34 C.F.R. § 300.515(c) with the OAL, and the publishing of extensions to the 45-day timeline on the State's website;
- Policies and procedures, including evidence of implementation, of the State's data collection process to ensure that it provides accurate data on all IDEA Part B Section 618 data collection requirements related to dispute resolution, as outlined in OSEP's data documentation requirements;
- Policies and procedures, including evidence of implementation, of 34 C.F.R. § 300.518 which addresses a child's status during proceedings; and
- Policies and procedures, including evidence of implementation, of 34 C.F.R. § 300.532, which addresses appeals made as part of IDEA's discipline procedures.

We appreciate your prompt attention to these important issues and look forward to receiving the NJDOE's written response. Please contact your OSEP State Lead Kim Hymes, at 202-245-6538 or [kimberly.hymes@ed.gov](mailto:kimberly.hymes@ed.gov), if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Valerie C. Williams".

Valerie C. Williams  
Director  
Office of Special Education Programs

cc: Kimberly Murray, Director  
Office of Special Education  
New Jersey Department of Education