



STATE OF NEW JERSEY

# DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: December 3, 2025

To: Local Educational Agency Leads, Directors of Approved Private Schools for Students with Disabilities, Administrative Law Judges

Route To: Directors of Special Education

From: Kathy Ehling, Assistant Commissioner  
Division of Educational Services

## Notice of Changes to the Procedures for Due Process Hearing Requests

In New Jersey, special education due process hearings are conducted by Administrative Law Judges (ALJs) within the Office of Administrative Law (OAL). Under the Individuals with Disabilities Education Act (IDEA) and its implementing regulations, a final decision in a special education due process hearing must be issued after the hearing in accordance with 34 C.F.R. § 300.514, 34 C.F.R. §§ 300.507 through 300.513, and 300.530 through 300.534.

As a result of the [Differentiated Monitoring and Support \(DMS\)](#) activities conducted by the U.S. Department of Education (USED), Office of Special Education Programs (OSEP) in March 2024, New Jersey's designation of a settlement agreement reached through a settlement conference as final decision made in a hearing under 34 C.F.R. § 300.514 was found to be inconsistent with the requirements under 34 C.F.R. § 300.514, 34 C.F.R. §§ 300.507 through 300.513, and 300.530 through 300.534. Accordingly, the OSE will discontinue the practice of ALJs signing settlement agreements as a "Final Decision Approving Settlement" through the OAL for all due process cases filed after January 1, 2026. To ensure full compliance with the IDEA, all future settlement agreements must be executed privately, outside of the OAL process. While ALJs may continue to facilitate discussions leading to resolution, once an agreement is reached, the parties must finalize the terms independently.

If a settlement agreement resolves a due process complaint, the ALJ will issue a formal dismissal order, confirming the case is closed due to a legally binding private agreement. Therefore, the OAL shall no longer issue a final decision approving settlement under any circumstances. As part of a due process hearing, ALJs may approve settlement agreements for placement in accredited nonpublic schools that are not specifically approved for the education of students with disabilities under N.J.A.C. 6A:14-6.5. Such settlement agreements shall address only the student's placement in the nonpublic school and will not be designated as final decisions issued by the OAL.

Additionally, the federal District Court of New Jersey appointed a compliance monitor on April 11, 2024 to oversee implementation of a [Consent Order and Settlement Agreement](#). Following the monitor's November 7, 2025 recommendation, and to improve transparency and trust in the due process system, prehearing conferences will now be audio-recorded automatically for all pro se parents and guardians. For represented parties, the OAL will record prehearing conferences upon

counsel's request, and copies of recordings will be provided upon request. This update to the due process system will also take effect on January 1, 2026.

These policy changes are necessary to align State practice with federal requirements and to uphold the Office of Special Education's (OSE) obligation to guarantee FAPE for all students with disabilities. For more information regarding the revised procedures, please contact the OSE at (609) 376-9060 or email [OSEinfo@doe.nj.gov](mailto:OSEinfo@doe.nj.gov).

c: Members, State Board of Education  
NJDOE Staff  
Statewide Parent Advocacy Network  
Garden State Coalition of Schools  
NJ LEE Group