

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

C.P., individually and on behalf of F.P.,
a minor child; D.O., individually and on
behalf of M.O., a minor child; S.B.C.,
individually and on behalf of C.C., a
minor child; A.S., individually and on
behalf of A.A.S., a minor child; M.S.,
individually and on behalf of her minor
child, H.S.; Y.H.S., individually and on
behalf of his minor child, C.H.S.; E.M.
on behalf of her minor child, C.M.;
M.M., individually and on behalf of
K.M.; L.G., individually and on behalf
of her minor child, T.M.; E.P.,
individually and on behalf of her minor
child, Ea.P.; and on behalf of ALL
OTHERS SIMILARLY SITUATED,
Plaintiffs,

v.

NEW JERSEY DEPARTMENT OF
EDUCATION; DR. LILY LAUX,
Commissioner of Education, in her
official capacity,

Defendants.

Civil Action No. 19-cv-12807-ESK-MJS

Edward S. Kiel, U.S.D.J.

Matthew J. Skahill, U.S.M.J.

Jayne LaVecchia, Special Master

**SUPPLEMENTAL ORDER OF
SPECIAL MASTER**

LaVECCHIA, Special Master,

The Special Master acknowledges and thanks the parties for their joint submission (ECF No. 662) in response to the Special Master's Order, dated June 22, 2026 (ECF No. 661). The Special Master is well aware of the direction contained in the Original Consent Order and the Amended Consent Order concerning use of

the adjournment form. The Special Master is equally cognizant of the instructions contained in the adjournment form regarding the calculation of adjustments to the final decision due date. The Special Master's primary inquiry, however, concerns settling what should properly be regarded as a request for adjournment made by a party.¹

Before issuing this anticipated clarifying ruling, the Special Master wants to hear on the record from the parties regarding what constitutes a qualifying party-generated request for adjournment for purposes of extending the final decision due date. Although the Special Master has conducted and will continue to conduct less formal conferences with counsel, this issue requires the formality of an on-the-record statement of the parties' positions upon which the Special Master's determination may be based. Accordingly, counsel for the parties are ordered to appear for an on-the-record conference on **Wednesday, July 1, 2026, at 1:00 p.m. Eastern Time**. Counsel shall be prepared to address, among other questions, the following:

1. If, at the initial prehearing conference, the Administrative Law Judge first offers an initial hearing date that one or more parties cannot accommodate, and the Administrative Law Judge then offers an alternative hearing date that the parties accept, does the inability of one or more parties to accept the first proposed date

¹ As the parties are aware, only a legitimate *party-generated* request for adjournment may extend the final decision due date. *See* 34 C.F.R. 300.515(c).

constitute a party-generated request for adjournment that affects the final decision due date? If so, explain exactly how that calculation should be performed.

2. If the Administrative Law Judge offers a second hearing date that is not consecutive in business days to the initial hearing date, does the parties' agreement to the selection of that second hearing date affect the calculation of the final decision due date? If so, explain exactly how that calculation should be done. Counsel should expect that this question is pertinent and should address the setting of all subsequent hearing dates.

3. If a party requests additional time to obtain or secure a hearing transcript following the last day of the evidentiary hearing, does that request affect the final decision due date? If so, how should any extension of the final decision date be calculated? Please be prepared to address whether any extension of the final decision due date may be based upon an estimated transcript completion date.

4. If a party requests permission to submit post-hearing briefs, does that request affect the calculation of the final decision due date? If so, explain exactly how that calculation should be done.

5. For each of the foregoing circumstances, must there be a specific, documented request for adjournment by a party before the final decision due date may be adjusted, or does the anticipated occurrence of each event itself suffice to warrant a cumulative extension of the final decision due date?

The foregoing questions are illustrative of the types of questions the Special Master intends to pose to counsel and are not intended to be exhaustive. These questions are fundamental to the Special Master's development of a finely tuned compliance plan that will track and verify proper use of the adjournment form, in furtherance of the form's intended purpose of documenting an accurate accounting of the 45-day period in due process hearings. Counsel should be prepared to address any additional issues relevant to determining what constitutes a party-generated request for adjournment, and how such requests should properly be reflected in calculating the final decision due date.

SO ORDERED.



Jaynee LaVecchia, Special Master