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.

BRIEF IN RESPONSE TO SPECIAL MASTER'S ORDER (ECF No. 661)

The parties jointly submit this brief in response to the Special Master's Order dated June 22, 2026.

Point One

The Original Consent Order and Amended Consent Order Govern the Calculation of the 45-Day Deadline

As set forth below, the parties agree that the Consent Order and the Adjournment Form determine the method for calculating the 45-Day Deadline and that they do so in accordance with federal law.[1]

A. Calculation of the Original Final Decision Due Date

Paragraph 22 of the Original Consent Order states, "An Adjournment Form (attached here as Exhibit A) *will be used* to track specific extensions of time requested by the parties and granted by the ALJ." Consent Order ¶ 22, ECF No. 564-3 at 40[2] (emphasis supplied). The Amended Consent Order similarly provides that the Adjournment Form *will be used* to track adjournment requests. Amended Consent Order ¶ 22, ECF No. 645-2 at 19.

Importantly, the 45-Day Timeline is based on ***calendar days***, not some other metric. Thus, as set out in the Amended Consent Order, the Original 45-Day Deadline is "45 calendar days from **Day 1**, as defined at Paragraph 8, and shall be

[1] Class Counsel have received numerous complaints that the Office of Administrative Law does not always use the Adjournment Form as required. Class Counsel looks forward to discussing the implications of this particular issue with the Special Master in greater detail, especially how it impacts *pro se* parents.

[2] The page numbers cited herein refer to the page numbers in the ECF-generated header.

calculated exclusively using calendar days in accordance with 34 C.F.R. § 300.515(a), (c), excluding specific extensions of time requested by a party and granted by an ALJ as provided in 34 C.F.R. 300.515(c).” Amended Consent Order ¶ 9, ECF 645-2 at 11 (emphasis in original).

Notably, the parties specifically designed both the Adjournment Form and the Amended Consent Order to be consistent with, and governed by, the 45-day rule set forth in 34 C.F.R. 300.515.

When New Jersey Department of Education (NJDOE) transmits a case to the Office of Administrative Law (NJOAL), it includes a “Case Information” form. (A redacted example of the Case Information form is attached as Exhibit 1.) In the “Notes to ALJ” section, the Case Information form sets forth the Original Final Decision Due Date. Since the entry of the Original Consent Order in April 2024, NJDOE has determined the Original Final Decision Due Date in the following manner that the parties agree is consistent with federal law.

Day 1 of the Original Final Decision Due Date is determined differently for cases filed by parents than it is for cases filed by school districts. The Individuals with Disabilities Education Act (IDEA) requires a 30-day mandatory resolution period (unless the parties agree to shorten or extend it) for cases filed by parents, but there is no similar requirement for cases filed by school districts. The 45-Day

timeline otherwise is calculated the same way for cases initiated by parents and by school districts.

Thus, *for a case filed by a parent*, the Original Final Decision Due Date is 45 calendar days after the resolution period expires. For petitions filed by parents, Day 1 is "the first day following the end of the 30-day resolution period, in accordance with 34 C.F.R. § 300.510(b) [or] the end of the parties' agreed-upon resolution period, in accordance with 34 C.F.R. § 300.510(c)." Amended Consent Order ¶ 8, ECF No. 645-2 at 10.

For a case filed by a school district, which does not have a mandatory resolution period, the Original Final Decision Due Date is 45 calendar days from the day after the school district filed its complaint. "Day 1 is the day after filing." *Id.*

B. The Original Final Decision Due Date May Be Extended Only Based On A Party's Adjournment Request

The Amended Consent Order provides that the Adjournment Form (attached to the Original Consent Order as Exhibit A) shall continue to be used to track specific extensions of time requested by a party and granted by the ALJ. Amended Consent Order ¶ 22, ECF No. 645-2 at 19; Original Consent Order ¶ 22, ECF No. 564-3 at 40. The Adjournment Form contains explicit instructions for calculating adjustments to the Final Decision Due Date.

Thus, where there has been no prior extension of the Original Final Decision Due Date, the Adjournment Form provides that the Original Final Decision Due

Date (as communicated by NJDOE upon transmittal to OAL) is set forth in Section (II)(B) of the Adjournment Form, ECF No. 564-3 at 55. The second page of the Adjournment Form provides explicit instructions as to how to calculate the new Final Decision Due Date in Section (IV)(C)(2)(A):

> **WHEN NO PRIOR EXTENSION HAS BEEN GRANTED**: To calculate the new Final Decision Due Date, take the Original Final Decision Due Date in (II)(B) and add the number of calendar days for which the party requested the specific extension in (III)(C).

Adjournment Form, ECF No. 564-3 at 56. The party seeking an adjournment records the length of the extension requested in Section (III)(C) of the Adjournment Form. *Id.*

Using the Case Information form attached as Exhibit 1 as an example, the Original Final Decision Due Date was September 19, 2024. Assuming a party requests a 10-Day adjournment that the ALJ grants, the Adjournment Form provides that the new Final Decision Due Date is calculated as follows:

Original Final Decision Due Date in (II)(B):	September 19, 2024
Number of calendar days of requested extension in (III)(C):	10 days
New Final Decision Due Date:	September 29, 2024

The instructions on the Adjournment Form are clear, and the calculation is straightforward. If granted, the ALJ must add only the number of calendar days requested by a party in (III)(C) to the Original Final Decision Due Date to determine

the new Final Decision Due Date. That was the parties' intent when they negotiated and created the Adjournment Form.

If a party seeks another adjournment, that party would include the new Final Decision Due Date (September 29, 2024, in the example above), which is referred to as the "Extended Final Decision Due Date" in Section (II)(C) of the Adjournment Form, ECF No. 564-3 at 55. The party records the length of the extension requested in Section (III)(C). *Id.* The second page of the Adjournment Form provides instructions as to how to calculate the new Final Decision Due Date in Section (IV)(C)(2)(B):

> **WHEN A PRIOR EXTENSION HAS BEEN GRANTED**: To calculate the new Final Decision Due Date, take the Extended Final Decision Due Date in (II)(C) and add the number of calendar days for which the party requested the specific extension in (III)(C).

Adjournment Form, ECF No. 564-3 at 56.

Applying this formula to the example discussed above, and assuming a party requests another 10-day adjournment that is granted and this calculation follow:

Extended Final Decision Due Date in (II)(C)	September 29, 2024
Number of calendar days of requested extension in (III)(C)	10 days
New Final Decision Due Date	October 9, 2024

This calculation also is simple and straightforward.

The Original Consent Order and the Amended Consent Order *require* the parties to use the Adjournment Form to track decision due dates. The parties

negotiated the language of the Adjournment Form specifically to govern how the Extended Final Decision Due Date must be calculated in every case, and they are bound by that agreement. For that reason, and because the methodology selected by the parties is entirely consistent with the governing federal law, the parties respectfully submit that the Special Master must apply the method of calculation set forth on the Adjournment Form.

Point Two

The Decision Due Date May Not Be Extended for Any Day or Days Beyond the Specific Adjournment Request

The Special Master requests that the parties address "whether the total permitted 45-day period for completion of the due process hearing and issuance of a decision . . . may be tolled for a specific number of days based on an adjournment in proceedings for any day or days beyond which a party specifically requests." ECF No. 661 at 4. The answer to that question is an unequivocal "no." Based on the language in the Adjournment Form, which is an integral part of both the Original Consent Order and Amended Consent Order, as well as the language of 34 C.F.R. 300.515, the 45-day period may not be tolled for ***any*** days beyond the number of days a party specifically requests for an adjournment.

As set forth in Point One, B, *supra*, if the ALJ grants a ten-day adjournment request by adjourning the hearing for ten days, the Final Decision Due Date would be 55 days from "Day 1." When a party requests a ten-day adjournment, but the ALJ

adjourns the hearing for more than ten days, the Final Decision Due Date would still be 55 days from "Day 1." In that scenario, the additional days beyond the duration of the requested adjournment must be counted against the 45-day timeline.

In other words, if an ALJ receives a request for a 10-day adjournment, but schedules the hearing for fourteen days later, the Final Decision Due Date would still be due 55 days from "Day 1" because the party only requested an adjournment of ten days. Thus, the four additional days – that is, the difference between the requested 10-day adjournment, and the actual 14-day adjournment – would have to be counted against the 45-Day Timeline.

As such, while the updated Final Decision Due Date would be the same in both scenarios because both concerned a party's request for an adjournment of ten days, if the ALJ adjourns to a date beyond the party's request, such additional time will be deducted from the time that the ALJ has to issue the final decision.

CONCLUSION

For the foregoing reasons, the parties respectfully submit that the Original Consent Order and the Amended Consent Order prescribe the method for calculating the 45-day deadline through the Adjournment Form, that this method is consistent with governing federal law, and that the Special Master must adopt that method in the Compliance Plan. Consistent with that method, the 45-day period may be tolled only for the specific number of days that a party requests and adjournment that the

ALJ grants; any additional days by which a hearing is adjourned must be counted against the 45-day timeline.

Dated: June 26, 2026

Respectfully submitted,

CLASS COUNSEL

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Exhibit A

New Jersey State Department of Education
Office of Special Education

Case Information

County: Mercer

Agency: 2024-[redacted]

Case Name: [redacted]

Date Received OSEP: April 29, 2024

OAL Scheduling Information:

Hearing Date: TBD
Hearing Time: TBD
Mediator Name: N/A
OAL Contact: Melissa Morgan
Location: Office of Administrative Law- Quakerbridge

Dispute Issues: Petitioners obo student seek out of district placement at [redacted] School

Student's Name: [redacted]
Eligibility:
Birthday: [redacted]

Interpreter Needed for: None

Notes to ALJ:

Acknowledgement sent via email. [redacted] Transmitted to OAL: 8/7/24. 45 calendar days from end of resolution period: 9/19/24

CERTIFICATE OF SERVICE

I, Catherine Merino Reisman, certify that, on June 26, 2026, I filed the foregoing brief on the ECF system, serving all counsel of record.

Dated: June 26, 2026

/s/ *Catherine Merino Reisman*
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