



February 25, 2022

Dear Governor Murphy, Senate President Scutari, and Assembly Speaker Coughlin,

Students with disabilities are entitled to compensatory education under the Individuals with Disabilities Education Act (IDEA) when they fail to receive a free and appropriate public education (FAPE).

School districts were still required to provide FAPE to students with disabilities when schools closed due to the COVID-19 pandemic in March 2020 and both the federal and state Departments of Education have recognized that compensatory education services must be provided to remedy FAPE violations that have occurred during the pandemic. However, as many as 230,000 New Jersey students did not receive essential special education and related services for some or all of the time from the closure of schools until schools reopened fully for in-person instruction in September 2021. Currently, parents and caregivers must resolve their pandemic-related compensatory education claims with the school district or file for a due process hearing by March 18, 2022, or risk losing at least some of their special education claim and remedy.

Two bills before the Legislature, S905/A1281, would require school districts to hold an Individualized Education Program (IEP) meeting to discuss the compensatory education needs of students and would extend the statute of limitations for the filing of compensatory education claims until September 1, 2023. We extend our gratitude to the Senate for its unanimous approval of S905 on February 14, 2022.

We urge the Assembly to join the Senate by passing A1281 and implore the Governor to sign the bill into law before the March 18 deadline. Doing so will allow families and schools to cooperatively resolve claims and ensure that the rights of students with disabilities to compensatory education are protected.

For more information, please contact Our Children/Our Schools at [info@ourchildrenourschools.org](mailto:info@ourchildrenourschools.org). Thank you for your consideration.

Respectfully,

Abbott Leadership Institute  
Advocates for Children of New Jersey  
ASAH  
Creative Scenarios  
Disability Rights New Jersey  
Education Law Center  
Garden State Coalition of Schools  
Family Voices NJ

Irvington NAACP  
New Destiny Family Success Centers, Inc.  
New Jersey PTA  
Newark Redefining Access Collaborative  
NJ Advocates In Action  
NJ Community Schools Coalition  
NJCDD  
Oasis A Haven for Women and Children  
Oranges & Maplewood NAACP  
Our Children/Our Schools  
Paterson Alliance  
Paterson Education Fund  
Reisman Carolla Gran & Zuba LLP  
Save Our Schools NJ Community Organizing  
SPAN Parent Advocacy Network  
St. Paul's Community Development Corporation  
Susan Clark Law Group  
The Amazing Help  
Volunteer Lawyers for Justice  
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