

New Jersey Commissioner of Education
Final Decision

M.S. and W.Q., on behalf of G.S.,

Petitioners,

v.

Plumsted Board of Education, Ocean County,
and Heather DeGrandis¹,

Respondents.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed and considered. The parties did not file exceptions.

Upon review, the Commissioner concurs with the Administrative Law Judge (ALJ) that summary decision is appropriate because none of the material facts are disputed. Additionally, the Commissioner concurs with the ALJ that respondent Plumsted Board of Education (Board), a choice district participating in the Interdistrict Public School Choice Program, satisfied the requirements of *N.J.S.A. 18A:36B-20(d)* by providing petitioners with written notice of its decision to reject G.S.'s choice application and the reason for the rejection.

¹ While petitioners named Heather DeGrandis, the Board's Director of Planning, Research, and Evaluation, as an individual respondent, their sole request for relief—G.S.'s enrollment as a choice student for the 2026-2027 school year—was directed at the Board.

Accordingly, the Initial Decision is adopted as the final decision in this matter, the Board's motion for summary decision is granted, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.²



COMMISSIONER OF EDUCATION

Date of Decision: October 15, 2026

Date of Mailing: October 15, 2026

² This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A.* 18A:6-9.1. Under *N.J.Ct.R.* 2:4-1(b), a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SUMMARY DECISION

OAL DKT. NOS. EDU 05863-26

AGENCY REF. NO. 077-03-26

M.S. AND W.Q. ON BEHALF OF G.S.,

Petitioners,

v.

**PLUMSTED SCHOOL DISTRICT BOARD
OF EDUCATION,**

Respondent.

M.S. and W.Q., petitioners, pro se

Danielle Panizzi, Esq., for respondent (Machado Law Group, attorneys)

Record closed: July 27, 2026

Decided: September 2, 2026

BEFORE **MICHAEL R. STANZIONE**, ALJ:

STATEMENT OF THE CASE

Respondent, Plumsted School District Board of Education ("District"), requests an order for summary decision in its favor; the student in question was denied admission to the District as a choice student. Did the District fulfill its notice requirement for the denial?

Yes, there are no genuine issues of material fact concerning the notice provided, and the District satisfied the requirements of N.J.S.A. 18A:36B-20(d).

PROCEDURAL HISTORY

On April 14, 2026, this case was transmitted to the Office of Administrative Law. The first prehearing conference took place on May 26, 2026. Respondent indicated to the tribunal that they believed the matter was ripe for summary decision, and a briefing schedule was made. A motion for summary decision was submitted by the respondent on June 19, 2026. Petitioners' response was submitted on July 7, 2026. A final response to petitioners' brief was submitted on July 27, 2026.

MOTION

Respondent has filed a motion for summary decision, arguing that there are no facts in dispute and that the District's denial satisfied the statutory requirement to provide a reason for rejection of the application.

Petitioners argue that the District's denial was a blanket statement that was insufficient and unlawful for a choice school rejection.

FINDINGS OF UNDISPUTED FACT

The following **FACTS** of the case are not in dispute:

1. Plumsted School District participates in the State of New Jersey's Interdistrict Public School Choice Program.
2. Petitioners applied for their son, G.S., to be enrolled in Plumsted School District as a "choice student" for ninth grade.
3. The District considered petitioners' application in accordance with District Policy and Regulation 5117 – Interdistrict Public School Choice. R-F.

4. After consideration of petitioners' application pursuant to the above-referenced policy and regulation, the District issued correspondence to petitioners on December 4, 2025. The correspondence, which ultimately denied G.S. as an applicant to the Plumsted School District, provided, in pertinent part:

After receiving a copy of G.S.'s Individualized Education Program (IEP), the child study team and I carefully reviewed their current program in light of your request to attend Plumsted Township School District as a choice student in 9th grade.

Based on the program needs documented in the IEP, we are unable to accept their application. Under New Jersey administrative code, choice districts can reject an application if that student's IEP could not be implemented in the district, or if the enrollment of the student would require the district to fundamentally alter the nature of its educational program or would create an undue financial or administrative burden on the district.

[R-A.]

5. Thereafter, on December 27, 2025, while the District was on holiday break, petitioners issued correspondence to the undersigned, expressing disagreement with the District's decision and seeking "what exactly" in G.S.'s IEP met the criteria for denial. R-B.
6. On January 13, 2026, petitioners again issued correspondence requesting that the District "explain in writing exactly what is in his IEP that would justify rejecting his application." R-C.
7. On February 5, 2026, petitioners issued e-mail correspondence to Board president, Ashley Raywood, seeking that the District provide in writing "a detailed statement providing a legitimate basis for rejecting his application." Petitioners also stated that a failure to respond with the requested reasoning would result in an appeal to the Commissioner of Education. On that date,

Superintendent of Schools David M. Ytreboe responded via e-mail to petitioners that the District would be replying via certified mail on that date. R-D.

8. On that date, the District issued written correspondence to petitioners (dated January 23, 2026), in response to petitioners, which stated the following, in pertinent part:

You are correct that pursuant to N.J.S.A. 18A:36B-20(d) and District Policy 5117, the District must provide a reason for its rejection of a choice application. Indeed, the December 4, 2025, correspondence from the District referenced above does provide a reason that G.S. was rejected as a choice applicant. Specifically, this reasoning meets the standard providing a reason for rejection pursuant to N.J.S.A. 18A:36B-20(d).

[R-E.]

CONCLUSIONS OF LAW

A party may move for summary decision upon any or all substantive issues in a contested case. N.J.A.C. 1:1-12.5(a). The motion for summary decision shall be served with briefs and may be served with supporting affidavits. N.J.A.C. 1:1-12.5(b). “The decision sought may be rendered if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law.” Ibid.

The Interdistrict Public School Choice Program Act, N.J.S.A. 18A:36B-14 to -24, applies to students who seek to participate in a choice-district program. Regarding application by a student to a choice district, N.J.S.A. 18A:36B-20(c) provides:

A choice district may reject the application for enrollment of a student who has been classified as eligible for special education services pursuant to chapter 46 of Title 18A of the New Jersey Statutes if that student’s individualized education program could not be implemented in the district, or if the

enrollment of that student would require the district to fundamentally alter the nature of its educational program or would create an undue financial or administrative burden on the district.

The act further provides that a student whose application is rejected by a choice district shall be provided with a reason for that rejection in the letter of notice. The appeal of the rejection notice may be made to the Commissioner. N.J.S.A. 18A:36B-20(d).

The District gave petitioners a reason for the determination to reject G.S.'s application to be enrolled in the choice program. The rejection notice dated December 4, 2025, reads, "The District Administration reviewed G.S.'s IEP in conjunction with the Child Study Team, and determined that the District was unable to accept the application due to programming needs documented in the IEP." Petitioners were again informed of this reasoning for the rejection, in compliance with N.J.S.A. 18A:36B-20(c), in the District's January 23, 2026, correspondence.

Neither the Interdistrict Public School Choice Act nor its implementing regulations require a choice district to provide a detailed substantive analysis of every component of a student's IEP or to engage in an extended justification process upon request of a parent. Rather, the law authorizes a district to deny admission where the student's educational needs require programs, services, or placements that the district does not offer or cannot reasonably provide within its existing educational structure.

Here, the District's determination was based upon its review of the student's IEP and the programming requirements contained therein. The notice provided to the petitioners identified the basis for the rejection, namely, the student's IEP-driven programming needs. Having supplied the reason for the denial, the District fulfilled its obligation. Petitioners do not cite to any authority that imposes additional requirements on the District.

Given these circumstances, I **CONCLUDE** that the District complied with the notice requirement of N.J.S.A. 18A:36B-20(d). As there is no genuine issue of material fact concerning the notice provided, respondent is entitled to summary decision.

ORDER

I **ORDER** that the District's motion for summary decision is **GRANTED** and that petitioners' appeal is **DISMISSED**.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified, or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify, or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**. Exceptions may be filed by email to **ControversiesDisputesFilings@doe.nj.gov** or by mail to **Office of Controversies and Disputes, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**. A copy of any exceptions must be sent to the judge and to the other parties.

September 2, 2026

DATE


MICHAEL R. STANZIONE, ALJ

Date Received at Agency:

Date Mailed to Parties:

APPENDIX

Exhibits

For petitioners:

- P-A December 4, 2025, denial letter
- P-B December 27, 2025, letter from M.S. and W.Q. requesting explanation
- P-C January 13, 2026, letter from M.S. and W.Q., second request for explanation
- P-D February 6, 2026, email requesting further explanation
- P-E January 23, 2026, letter from the District about denial
- P-F District Policy 5117 – Interdistrict Public School Choice
- P-G Email dated January 6, 2026, from petitioners attaching December 27, 2025, letter from M.S. and W.Q. requesting explanation
- P-H Email from assistant principal at New Hanover Township School confirming Plumsted did not contact him about G.S.
- P-I December 13, 2019, letter from Plumsted Township superintendent of schools explaining the denial

For respondent:

- R-A December 4, 2025, denial letter
- R-B December 27, 2025, letter from M.S. and W.Q. requesting explanation
- R-C January 13, 2026, letter from M.S. and W.Q., second request for explanation
- R-D February 6, 2026, email requesting further explanation
- R-E January 23, 2026, letter from the District about denial
- R-F District Policy 5117 – Interdistrict Public School Choice