



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 07702-19
AGENCY DKT. NO. 2019-30041

L.S. AND C.S. ON BEHALF OF B.S.,

Petitioners,

v.

OCEAN CITY BOARD OF EDUCATION,

Respondent,

Patrick C. Joyce, Esq., for petitioners (Jacobs & Barbone, P.C.A., attorneys)

Michael P. Stanton, Esq., for respondent, Ocean City Board of Education
(McCrosson and Stanton, P.C., attorneys)

Record Closed: July 29, 2019

Decided: July 30, 2019

BEFORE **JEFFREY R. WILSON**, ALJ:

STATEMENT OF THE CASE

This matter comes before this tribunal on the oral application of Patrick C. Joyce, Esq., pursuant to N.J.A.C. 1:1-12.1(1), seeking reimbursement for a unilateral out-of-district placement to provide B.S. with a Free Appropriate Public Education (FAPE) at her present location at the Westover School in Middlebury, Connecticut. With this application, the petitioner seeks reimbursement of \$63,800 for tuition, room and board for 2019-2020 school year from the Ocean City Board of Education.

Michael P. Stanton, Esq., counsel for the Ocean City Board of Education, did not oppose the application and will present this to the Ocean City Board of Education for authorization at its August 7, 2019, meeting.

PROCEDURAL HISTORY

Petitioner filed a request for a due process hearing on May 30, 2019, at the State Office of Special Education Programs (OSEP). On June 7, 2019, OSEP transmitted the matter to the Office of Administrative Law (OAL) as a contested case. The petitioner made the within oral application and the parties presented oral argument on the application on July 29, 2019, at the OAL offices in Atlantic City.

FACTUAL DISCUSSION

B.S. is a fourteen-year-old student with disabilities. She is eligible for special education and related services. L.S. and C.S. are the legal guardians of B.S. and unilaterally placed B.S. at the Westover School in Middlebury, Connecticut. The 2019-2020 school year commences on August 20, 2019.

Given that the application is unopposed, it must be **GRANTED**.

ORDER

I hereby **ORDER** that the application of Patrick C. Joyce, Esq. seeking reimbursement for a unilateral out-of-district placement to provide B.S. with a FAPE at her present location at the Westover School in Middlebury, Connecticut and the reimbursement of \$63,800 for tuition, room and board for 2019-2020 school year from the Ocean City Board of Education is **GRANTED**.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2019) and is appealable by filing a complaint and bringing a civil action either in the Law Division of the Superior Court of New Jersey or in a district court of the United States. 20 U.S.C. § 1415(i)(2); 34 C.F.R. § 300.516 (2019). If the parent or adult student feels that this decision is not being fully implemented with respect to program or services, this concern should be communicated in writing to the Director, Office of Special Education Programs.



July 30, 2019
DATE

JEFFREY R. WILSON, ALJ

Date Received at Agency _____

Date Mailed to Parties: _____

JRW/tat/mph