



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

DECISION ON
EMERGENT RELIEF

OAL DKT. NO. EDS 02168-19

AGY REF NO. 2019/29396

P.R. AND A.R. ON BEHALF OF P.R.,

Petitioner,

v.

WAYNE TOWNSHIP BOARD OF EDUCATION,

Respondent

P.R. and A.R., Petitioner, pro se

Caitlin Lundquist, Esq., for Respondent (Busch Law Group, attorneys)

Record Closed: February 22, 2019

Decided: February 25, 2019

BEFORE THOMAS R. BETANCOURT, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

This case arises under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. §§1400 to 1482.

Petitioner filed a motion for Emergent Relief with the Office of Special Education Policy and Procedure (OSEP) in the New Jersey Department of Education (DOE). The contested matter was transferred to the Office of Administrative Law (OAL), pursuant to N.J.A.C. 1:6A-12.1, where it was filed on February 13, 2019, to be heard on an emergent basis.

Petitioners seek an out of district therapeutic placement, implementation of the IEP, compensatory education and re-evaluation pending the outcome of the due process proceedings.

The request for emergent relief was scheduled on February 22, 2019.

The parties have voluntarily agreed to resolve the emergent application wherein Petitioners agreed, on the record, to withdraw their emergent application, and the school agreed to provide the services it had originally agreed to provide. The record shall govern the terms of the withdrawal. In summary the district shall place P.R. in the Celebrate the Children School in Denville, New Jersey; the district will continue to seek alternate placements for P.R.

The due process petition filed by the petitioners shall proceed in the normal course.

I **FIND** that the parties have voluntarily agreed to resolve their differences as related to the application for emergent relief by way of petitioners withdrawing said application on the record, and the district proceeding with its original plan to place P.R. at the Celebrate the Children School.

The above fully disposes of all issues relating to the emergent relief application and is consistent with the law.

ORDER

It is hereby **ORDERED** that petitioner's request for emergent relief is voluntarily **WITHDRAWN**.

This decision on application for emergency relief shall remain in effect until the issuance of the decision on the merits in this matter. The hearing having been requested by the parents, this matter is hereby returned to the Department of Education for a local resolution session, pursuant to 20 U.S.C.A. § 1415 (f)(1)(B)(i). 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.



February 25, 2019 _____

DATE

THOMAS R. BETANCOURT, ALJ

Date Received at Agency _____

Date Mailed to Parties: _____

db

APPENDIX

List of Moving Papers

For Petitioner:

Application for Emergent Relief

Memorandum of Law in Support of Petitioner's Petition for Emergent Relief

Certification of E.C. in support of application for Emergent Relief with Exhibits A – G

Due Process Petition

For Respondent:

Brief in opposition to request for Emergent Relief

Certification of Patricia Hovey, Director of Special Education

Tribunal:

CD recording of withdrawal