



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION - EMERGENT RELIEF

OAL DKT. NO. EDS 06243-23

AGENCY DKT. NO. 2023-36224

K.A. AND D.A. ON BEHALF OF Z.A.,

Petitioners,

v.

**MILLBURN TOWNSHIP BOARD OF
EDUCATION,**

Respondent.

Michael I. Inzelbuch, Esq., for petitioners K.A. and D.A. (Law Offices of Michael I. Inzelbuch, attorneys)

Athina Cornell, Esq., for Millburn Township Board of Education (Cornell, Merlino, McKeever & Osborne, attorneys)

Record Closed: July 19, 2023

Decided: July 19, 2023

BEFORE **GAIL M. COOKSON**, ALJ:

STATEMENT OF PROCEDURAL HISTORY AND BACKGROUND FACTS

Petitioners filed this petition on or about July 13, 2023, on behalf of their son Z.A., who is twelve (12) years old, requesting an emergency hearing and a due process hearing, specifically seeking that respondent Millburn Township Board of Education (District) immediately place Z.A. in a residential placement. It is not disputed that J.C. is entitled to special educational services under the Individuals with Disabilities Education Act (IDEA),

20 U.S.C.A. §1400 et seq., as a child classified with Autism and entitled to an Individualized Education Plan (IEP).

The Office of Special Education Programs (OSEP) transmitted only the emergency petition to the Office of Administrative Law (OAL) on July 14, 2023. Oral argument was scheduled for July 19, 2023. On that date, the parties announced that they had been able to reach an accord which resolved all the issues set forth in the Petition for Emergent Relief and the underlying Due Process petition. The terms of the settlement were placed on the record, which shall be in lieu of a formally executed agreement, time being of the essence.

I have reviewed the terms of settlement and am satisfied, and I **FIND**:

1. The parties have voluntarily agreed to the settlement as evidenced by their signatures or their representatives' signatures on the attached document.
2. The settlement fully disposes of all emergent issues in controversy between them at this time and is consistent with the law.

Therefore, I **ORDER** that the parties comply with the confidential settlement terms and that these proceedings be concluded, without prejudice to either party as set forth on the record.

This decision on application for emergency relief shall remain in effect until the issuance of the decision on the merits in this matter. A due process 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.



July 19, 2023

DATE

GAIL M. COOKSON, ALJ

Date Received at Agency

7/19/23

Date Mailed to Parties:

7/19/23

id