State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION
SUMMARY DECISION
OAL DKT. NO. EDS 03871-24
AGENCY DKT. NO. 2024-37017

C.D. ON BEHALF OF C.R.,
Petitioners,
v.
CLIFTON CITY BOARD OF EDUCATION,
Respondent.

Susan Boscia, Parent Advocate, for petitioners, pursuant to N.J.A.C. 1:1-5.4(b)

Jessica Kleen, Esq. and **Danielle Panizzi, Esq.**, for respondent (Machado Law Group, attorneys)

Record Closed: June 11, 2024 Decided: June 13, 2024

BEFORE **MATTHEW G. MILLER**, ALJ:

STATEMENT OF THE CASE

Petitioner C.D. on behalf of C.R. filed a pro se petition for due process in this matter on or about January 31, 2024, seeking a "stay-put" placement at Clifton High School, despite the fact that C.R. had completed the Clifton Public School District's (District) graduation requirements. The specifics of the petition are detailed below.

PROCEDURAL HISTORY

The petition was received by the Office of Special Education (OSE) on or about January 30, 2024 and it was transmitted to the Office of Administrative Law (OAL), where it was filed on March 21, 2024 as a contested matter. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1.

A settlement conference was originally scheduled for March 25, 2024. That conference was adjourned at the request of the petitioners and was ultimately held on April 17, 2024, with the Hon. Evelyn J. Marose, ALJ. The conference was unsuccessful, and the case was subsequently assigned to the undersigned for a due-process hearing. The matter was then scheduled for April 22, 2024. The petitioner called in late on April 22nd and the matter was then rescheduled for April 26, 2024. During that proceeding, respondent advised that it was planning on filing a motion to dismiss/motion for summary decision, and a briefing schedule was set.

Respondent's Motion for Summary Decision was filed on May 13, 2024; opposition was received on May 24, 2024 and a reply brief was filed on May 31, 2024. Oral argument on the Motion was scheduled for June 6, 2024, but the Spanish interpreter ordered by the OAL was scheduled by OSE. Oral argument was finally held on June 11, 2024.

THE DUE PROCESS PETITION

The petition filed by C.D. was in the form of a letter to the OSE and reads (in pertinent part) as follows:

> **The nature of our disagreement is as follows:**
>
> A complete plan is not in place for [C.R.] to begin classes at Passaic County Community College (PCCC) on February 6, 2024.

> We have not secured financial aid to pay for college tuition. We are trying to secure assistance in filing FASFA forms and securing other financial support options.
>
> We have not met with PCCC personnel to secure necessary accommodations and modifications.
>
> **An acceptable resolution of the problem would include:**
>
> [C.R.] be allowed to "stay put" while a full plan is put in place.
>
> Securing financial aid, which we understand would not take effect, if granted until September 2024.
>
> Allowing [C.R.] to attend CHS until such time as employment is secured enabling him to have a plan in place while waiting for classes to start in September. Until such time as we have a date for financial aid to start, [C.R.] cannot attend PCCC. Mr. Colligan stated he may be able to help [C.R.] secure employment on the PCCC campus. If that can be secured, we would be agreeable to leaving CHS before June 2024. Otherwise we request [C.R.] "stay put".

INITIAL FINDINGS OF UNDISPUTED FACT

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

1. C.D. is the mother of C.R.
2. C.R. was born on December 19, 2003 and is currently twenty years old.
3. C.R. was first determined to be eligible for Special Education Services on November 29, 2006 and has received those services at all times relevant to this action. He is classified under the category "autism".
4. C.R. submitted an email to the OSE on January 31, 2024, giving his mother authorization to pursue this due-process petition. (C-1.)
5. On May 31, 2023, an individualized education program (IEP) meeting took place. Both C.D. and C.R. were in attendance (C.D. via videoconference and C.R. in person). Per the IEP report:

> For the 2023−2024 school year, [C.R.] will attend school for a five-period day due to already having fulfilled all graduation requirements. Due to his placement at Spectrum Works, he will attend their program in Secaucus, NJ either 2 or 3 days a week from 10−2 for either 21 or 14 weeks instead of coming to the building.
>
> [R-A.]

6. An exit review was performed on January 30, 2024, with C.R. having completed the twenty-one-week program at Spectrum Works and per the May 31, 2023 IEP, the District determined that he was to leave Clifton High School (CHS), although he was still eligible for the Passaic County Workforce summer program at the high school in July 2024. (R-D.)

7. Since the filing of the due-process petition, C.R. has continued to attend CHS, effectively completing the 2023-24 school year.

RESPONDENT'S MOTION

The respondent argued that the Motion to Dismiss/Motion for Summary Decision is appropriate here since, per N.J.A.C. 6A:3-1.10, even if petitioner's factual allegations are all found to be true, there is no legal basis for her appeal.

The District makes a two-pronged argument. First, it is argued that the petitioner's claims are not cognizable in a due-process petition. Citing to R.S. v. Hillsborough Bd. of Educ., 2000 N.J. AGEN. LEXIS 1279 (April 18, 2000), 20 U.S.C.A. § 1415(b)(1) and N.J.A.C. 6A:14-2.7(a), respondent argues that this claim falls under the ambit of a dispute that is "governed by general education rules". Since the petition only alleges three things: a. that a complete plan is not in place for C.R. to begin classes at Passaic County Community College (PCCC) on February 6, 2024; b. that C.D. has not secured financial aid to pay for college for C.R. and needs assistance in doing so; and c. that C.D. and C.R. have not met with PCCC personnel to secure the necessary accommodations for C.R.'s attendance, it is not cognizable as a Special Education case.

None of these issues, it is argued, concern "identification, evaluation, classification, disciplinary action, C.R.'s current educational placement or the District's provision of a free, appropriate public education to C.R." Therefore, this petition is not cognizable in this forum.

It is also argued that once a student graduates in accordance with his IEP, a school district is not required to provide post-graduate education. K.M. & T.M. ex rel. R.M. v. Keyport Bd. of Educ., 2015 N.J. AGEN. LEXIS 717 (Dec. 9, 2015).

In its reply brief, the District emphasized that the petitioner's opposition was "completely bereft of any analysis with respect to the…Motion" and further attempts to raise new claims in a manner that is wholly improper.

PETITIONERS' OPPOSITION

In her opposition, C.R. attempts to restate both the nature of the disagreements and an acceptable resolution to them. However, she makes no factual or legal argument. She now states:

> **The nature of our disagreement is as follows:**
>
> After visiting Passaic County Community College (PCCC), it was determined that [C.R.] would not be able to navigate the campus without assistance.
>
> [C.R.] has had an aide in public school most of his years in attendance.
>
> [C.R.] has gone on interviews to secure employment, where he was not hired due to his emotional disabilities. There are transitional programs he can attend until the age of 21, but this is not covered by FASFA.
>
> **An acceptable resolution of the problem would include:**
>
> [C.R.] remains at Clifton High School until the end of the school year.
>
> [C.R.] needs a program to help him better navigate the interview process for employment.

> Securing financial aid from the public school until age 21 to secure a place in transitional program.
>
> [C.R.] would benefit from a Child Study Evaluation, since his [is] out of date.
>
> [Petitioner's opp.]

AFFIDAVIT

Respondent supplied an affidavit from Bahiah Abdrabboh, the District's supervisor of Special Services, in which she detailed C.R.'s recent academic history. (R-E.) She confirmed his age and classification and noted the following:

> a. That C.R. fulfilled all graduation requirements at the completion of twelfth grade at the conclusion of the 2022−2023 school year.
>
> b. Based upon C.D.'s concerns, following the May 31, 2023 IEP meeting, the Child Study Team (CST) agreed to place C.R. at Spectrum Works "to assist with transition and employment training before transitioning to college".
>
> c. That it was agreed that C.R. would attend Spectrum Works for either fourteen or twenty-one weeks and on days when he was not at Spectrum Works, he would attend elective classes on a half-day schedule at CHS.
>
> d. That it was agreed that after completing the Spectrum Works program, C.R. would "access his diploma" and enroll at (PCCC) in the spring semester of the 2023−24 school year.
>
> e. C.R. completed the twenty-one-week program at Spectrum Works as planned.
>
> f. After the completion of the program, the CST held an exit meeting with C.R. on January 31, 2024,[1] where it was noted that he had registered at PCCC and obtained both a student identification number and a student email address.
>
> g. During the exit meeting, despite "expressly agreeing that C.R. would attend PCCC for the spring semester, C.D. filed this due process petition".

[1] The meeting actually took place on January 30, 2024.

> h. That respondent "considers C.R.'s time in the District and completion of transition services a success" and had received an award for his "successful transition activities and moving into the adult world."

MAY 31, 2023 IEP

This IEP meeting took place on May 31, 2023 between C.R., case manager, Susan Schemly, transition coordinator, William Colligan and at least one of C.R.'s teachers. The report is extensive, but there are some key portions, including the following:

> [C.D.] requested [C.R.'s] IEP via video conference with the support of the family's in-home counselor, Mr. Gonzalez. They are trying to help him gain employment at home. [C.D.] has gotten him a part time job at her place of employment on the weekends. Mr. Gonzalez has been assisting [C.R.] in applying to local jobs for more part time work.
>
> [C.D.] requested that [C.R.] remain in the high school everyday for the first half of the year and begin Spectrum Works in the second half of the year, ultimately pushing his start date for PCCC to Sept 2024, however, the rest of the IEP team felt that keeping him at school for this extra time would be detrimental to the progress towards his goal of becoming more independent. [C.R.] has expressed numerous times that he feels ready to leave and has shown marked maturity over the last few years. As he gets older, he is becoming more frustrated with the other younger students around him. The team feels that he needs to move on to navigating social interactions with his same aged peers. Through individual counseling, social skills groups, the ARC employment program, Planning for Adult Life Forum, and many other services provided through both school and Performcare, [C.R.] has been diligently working toward his goal and remaining in high school for a full extra year would be seemingly begin to cause regression in his independent skills.
>
> [R-A.]

The IEP continued, noting that upon conclusion of his secondary educational program, he would be capable of enrolling in post-secondary education and be able to

enter the workforce. It was noted that "[C.R.] is looking forward to attending PCCC in the media studies program once he exits high school in Jan 2024." (R-A.)

Finally, under the heading "Special Education Determinations", there was the following:

> For the 2023−2024 school year, [C.R.] will attend school for a 5 period day due to already having fulfilled all graduation requirements. Due to his placement at Spectrum Works, he will attend their program in Secaucus, NJ either 2 or 3 days a week from 10−2 for either 21 or 14 weeks instead of coming to the building.
>
> [R-A.]

JANUARY 30, 2024 EXIT MEETING

The exit interview/meeting took place on January 30, 2024 between C.R. and his case manager, Ms. Schemly. The report reflected the "tremendous progress" that C.R. had made during his tenure at CHS. He had started the process of enrolling at PCCC and had toured the school with the Transition Team in 2022 and had also visited other post-graduate educational facilities.

C.R. was also working part time and had participated in "Community-Based Work Experience Programming", where he "performed well at each site" doing "employment-based tasks". He had also completed the twenty-one-week program at Spectrum Works.

The report concluded with a list of services that he was eligible to receive (NJDVRS[2], New Jersey Transit Access Link and Social Security) and a list of recommendations on how to meet post-secondary goals, receive related services, participate in the community and live independently as an adult. He was also provided contact information for those "recommended resources". Both Ms. Schemly and C.R. signed off on the report. (R-D.)

[2] New Jersey Division of Vocational Rehabilitation Services.

LEGAL ANALYSIS

Summary decision may be granted "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." N.J.A.C. 1:1-12.5(b). The OAL summary decision rule is essentially the same as the summary judgment rule under the New Jersey Court Rules, which states:

> The judgment or order sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories and admissions on file, 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 a judgment or order as a matter of law. An issue of fact is genuine only if, considering the burden of persuasion at trial, the evidence submitted by the parties on the motion, together with all legitimate inferences therefrom favoring the non-moving party, would require submission of the issue to the trier of fact.
>
> [R. 4:46-2(c).]

The New Jersey Supreme Court has modified and clarified the analysis required when considering a motion for summary decision/judgment. In Brill v. Guardian Life Insurance Co. of America, 142 N.J. 520, 540 (1995), the Court adopted the summary judgment standard utilized by Federal courts:

> Under this new standard, a determination whether there exists a "genuine issue" of material fact that precludes summary judgment requires the motion judge to consider whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party, are sufficient to permit a rational factfinder to resolve the alleged disputed issue in favor of the non-moving party. The "judge's function is not himself [or herself] to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial." [Anderson v. Liberty Lobby, 477 U.S. 242, 249, 106 S. Ct. 2505, 2511, 91 L. Ed. 2d 202, 212 (1986).] . . . If there exists a single, unavoidable resolution of the alleged disputed issue of fact, that issue should be considered insufficient to constitute a "genuine" issue of

> material fact for purposes of R. 4:46-2. Liberty Lobby, supra, 477 U.S. at 250, 106 S. Ct. at 2511, 91 L. Ed. 2d at 213. The import of our holding is that when the evidence "is so one-sided that one party must prevail as a matter of law," Liberty Lobby, supra, 477 U.S. at 252, 106 S. Ct. at 2512, 91 L. Ed. 2d at 214, the trial court should not hesitate to grant summary judgment.
>
> [Id. at 540.]

The burden is on the moving party to exclude all reasonable doubt as to the existence of any genuine issue of material fact, and all inferences of doubt are drawn against the moving party and in favor of the non-moving party. Saldana v. DiMedio, 275 N.J. Super. 488, 494 (App. Div. 1994). The critical question therefore is "whether the evidence presents a sufficient disagreement to require [a hearing] or whether it is so one-sided that one party must prevail as a matter of law." Brill, 142 N.J. at 533 (citation omitted). If the non-moving party's evidence is merely colorable, or is not significantly probative, summary judgment should not be denied. See Bowles v. City of Camden, 993 F. Supp. 255, 261 (D.N.J. 1998).

As to the basics of Special Education law, petitioners claim that this case arises under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 to 1482. One purpose of the IDEA, among others, is to ensure that all children with disabilities have available to them a "free appropriate public education that emphasizes Special Education and Related Services designed to meet their unique needs and prepare them for further education, employment, and independent living." 20 U.S.C. § 1400(d)(1)(A). In short, the IDEA defines "Free Appropriate Public Education" (FAPE) as special education and related services provided in conformity with the IEP. See 20 U.S.C. § 1401(9). The IEP must be reasonably calculated to confer some educational benefit. Hendrick Hudson Dist. Bd. of Educ. v. Rowley, 458 U.S. 176 (1982). FAPE and related services must be provided to all students with disabilities from age three through twenty-one. N.J.A.C. 6A:14-1.1(d).

The Third Circuit Court of Appeals has clarified the meaning of this "educational benefit." It must be "more than trivial," significant, and "meaningful." Polk v. Cent.

Susquehanna Intermediate Unit 16, 853 F.2d 171, 180 (3d Cir. 1988), cert. denied, 488 U.S. 1030 (1989); Ridgewood Bd. of Educ. v. N.E. for M.E., 172 F.3d 238, 247−48 (3d Cir. 1999). In evaluating whether FAPE was provided, an individual inquiry into the student's potential and educational needs must be made. Ridgewood, 172 F.3d at 247. In providing a student with FAPE, a school district must provide such related services and support as are necessary to enable the disabled child to benefit from the education. Rowley, 458 U.S. at 188−89.

"Appropriate," in terms of an appropriate public education, had not been specifically defined by Congress. In the oft-cited case of Endrew F. v. Douglas County School District, 580 U.S. 386, 403 (2017), the Court interpreted an appropriate public education as one that was "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances."

It is important to note here that under the IDEA, "the obligation to make FAPE available . . . does not apply with respect to . . . [c]hildren with disabilities who have graduated from high school with a regular high school diploma." 34 C.F.R. § 300.102(a)(3)(i) (2024). Moynihan v. West Chester Area Sch. Dist., 2020 U.S. Dist. LEXIS 59731 (E.D. Pa. 2020).

As to the "meaningful benefit" standard, an IEP was deemed appropriate when it was designed to provide significant learning and confer a meaningful benefit upon the student, in light of the student's circumstances and potential, and was provided in the least restrictive environment ("LRE"). Ridgewood, 172 F.3d at 248; Forest Grove Sch. Dist. v. T.A., 557 U.S. 230 (2009). "Meaningful" would therefore require one to examine the benefits compared with the child's potential and specific challenges. The Rowley Court looked at a disabled child's achievement to a "reasonable degree of self-sufficiency" in determining whether an IEP offered an appropriate education. Rowley, 458 U.S. at 201.

Respondent's focus in the filing of this Motion is on the four corners of the due-process petition. The petition raises three issues:

> [1.] A complete plan is not in place for [C.R.] to begin classes at Passaic County Community College (PCCC) on February 6, 2024.
>
> [2.] We have not secured financial aid to pay for college tuition. We are trying to secure assistance in filing FASFA forms and securing other financial support options.
>
> [3.] We have not met with PCCC personnel to secure necessary accommodations and modifications.

Respondent cites to N.J.A.C. 6A:14-2.7(a) in arguing that none of these three issues are properly raised in a Special Education due-process petition. Per this Code provision:

> a due process hearing may be requested when there is a disagreement regarding identification, evaluation, reevaluation, classification, educational placement, the provision of a free, appropriate public education, or disciplinary action.

The District argues that none of these demands meets these specifically enumerated criteria and that an administrative law judge does not have the authority to award relief "in a special education due process forum". R.S. v. Hillsborough Bd. of Educ., 2000 N.J. AGEN. LEXIS 1279 (Apr. 18, 2000). In R.S., a case involving issues with a special education student's records, the ALJ dismissed the matter, arguing that the appeal should have been "addressed by the Commissioner of Education," since there were specific provisions in the Administrative Code covering that issue.[3]

In analyzing the verbiage of the petition, I initially found that I agreed with respondent on two of the three areas of relief requested. However, as to the other, the "complete plan" for C.R. to attend PCCC, I **FIND** that this needs additional analysis, since it could be argued that this demand touches upon the "transition plan" aspect of FAPE. This issue, with a somewhat similar fact pattern, was addressed in detail in P.I. and S.I. ex rel. E.I. v. Hunterdon Central Reg. Bd. of Educ., 2023 N.J. AGEN. LEXIS 796 (Oct. 18,

[3] Then N.J.A.C. 6:3-6.7, now N.J.A.C. 6A:32-7.7.

2023) as well as K.M. and T.M. ex rel. R.M. v. Keyport Bd. of Educ., 2015 N.J. AGEN. LEXIS 717 (Dec. 9, 2015).

K.M. provides an excellent primer on the issue of transition services:

> Under the IDEA, "transition services" are:
>
> > a coordinated set of activities for a child with a disability that—
> >
> > > (A) is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to postschool activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
> >
> > > (B) is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and
> >
> > > (C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.
> >
> > > [20 U.S.C.A. § 1401(34); see also N.J.A.C. 6A:14-3.7(e)(12)(i) (repeating the federal standard).]
>
> In New Jersey, IEPs prepared during and after a student's fourteenth birthday must contain updated "course[s] of study and related strategies and/or activities that . . . [a]re intended to assist the student in developing or attaining postsecondary goals related to training, education, employment and, if appropriate, independent living." N.J.A.C. 6A:14-3.7(e)(11)(ii). Those IEPs must also contain, as appropriate "a description of the need for consultation from other agencies that provide services for individuals with disabilities including, but not limited to, the Division of Vocational Rehabilitation Services in the Department of Labor and Workforce Development," and "a statement of any needed interagency linkages and responsibilities." N.J.A.C.

> 6A:14-3.7(e)(11)(iii), (iv). Corresponding to a student's sixteenth birthday, IEPs must also contain "appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, if appropriate, independent living and the transition services including a course of study needed to assist the child in reaching those goals." N.J.A.C. 6A:14-3.7(e)(12).
>
> [K.M., 2015 N.J. AGEN. LEXIS 717 at **57−59.]

The ALJ in K.M. went on to note that transition services do not need to be all-encompassing, nor do they ultimately need to guarantee success. Rather, they merely need to provide some benefit to the student:

> The Third Circuit has not defined what amount of transition planning is required in an IEP to ensure a FAPE, but has suggested that an inadequate description of transition services would be a procedural IDEA violation, not a substantive one. See Rodrigues v. Fort Lee Bd. of Educ., 458 F. App'x 124, 128 (3d Cir. 2011) (per curium) (citing Bd. of Educ. v. Ross, 486 F.3d 267, 276 (7th Cir. 2007)). Courts have further held that "[t]he floor set by the IDEA for adequate transition services appears to be low, focusing on whether opportunities are created for a disabled student to pursue independent living and a career, not just a promise of a particular result." Coleman v. Pottstown School Dist., 983 F. Supp. 2d 543, 566 (E.D. Pa. Nov. 22, 2013). In other words, a school district "need not ensure that the student is successful in fulfilling transition goals," rather, "transition services must provide some, or more than a de minimis, benefit." Dudley v. Lower Merion Sch. Dist., 2011 U.S. Dist. LEXIS 136931 (E.D. Pa. Nov. 29, 2011). It is well-settled law that a parent may not dictate specific services, provided the IEP is reasonably calculated to confer meaningful benefit. Lachman v. Ill. State Bd. of Educ., 852 F.2d 290, 297 (7th Cir. 1988).
>
> [Id. at **59−60.]

As a capstone to the above argument, as argued by respondent, 34 C.F.R. § 300.102(a)(3)(i) (2024) dictates that a district is under no obligation to provide FAPE to children "who have graduated from high school with a regular high school diploma." Id.

at *45; see T.S. v. Indep. Sch. Dist. No. 54, 265 F.3d 1090, 1092 (10th Cir. 2001); see also Wexler v. Westfield Bd. of Educ., 784 F.2d 176 (3d Cir. 1986).

In this case, C.D.'s complaints are very specific and clearly outcome related. Neither she nor C.R. challenged the May 31, 2023 IEP, which had C.D. graduating on time in June 2023, nor did they challenge the plan to provide him with post-graduation services through the first semester of the 2023−2024 school year, which included not only a half-day curriculum at CHS as well as counseling, but also support for the (ultimately) twenty-one-week program at Spectrum Works.

Petitioners cannot take isolated services or tasks and demand their provision/performance if the District is otherwise supplying FAPE; "it is well-settled law that a parent may not dictate specific services, provided the IEP is reasonably calculated to confer meaningful benefit." K.M., 2015 N.J. AGEN. LEXIS 717 at *60 (citing Lachman v. Ill. State Bd. of Educ., 852 F.2d 290, 297 (7th Cir. 1988)).

As noted, the case law is clear that "transition services must provide some, or more than a de minimis, benefit." D.C. v. Mount Olive Twp. Bd. of Educ., 2014 U.S. Dist. LEXIS 45788 (D.N.J. March 31, 2014) at *96 (citing Dudley v. Lower Merion Sch. Dist., 2011 U.S. Dist. LEXIS 136931 (E.D. Pa. Nov. 29, 2011)). Here, the uncontested evidence is overwhelming that respondent went above and beyond the IDEA's requirements in its provision of transition services. Both the May 31, 2023 IEP and the January 30, 2024 exit report demonstrate that the District not only provided transition services to C.R. leading up to his graduation, but also agreed to provide an extra semester of educational and counseling services when it was clearly not obligated to do so.

Petitioners have provided no evidence to counter respondent's legal or factual arguments/evidence and have failed to competently raise an issue of material fact that would support a denial of this Motion. Even accepting every argument as true, there is no possibility that a reasonable factfinder could rule in their favor.

As for the respondent's "opposition" to the Motion received on May 24, 2024, if anything, that further weakened petitioner's already extremely tenuous position. Even if

this was presented/accepted as an amendment to the petition (which it was not and will not be), it fails to even claim that CHS failed to provide FAPE concerning transition services (as could be inferred from the original petition). Instead, the "amended" petition states three purported facts that are unrelated to CHS, its obligations or services rendered by it. Nothing about the opposition impacts the above analysis in any way. It is simply requesting services that respondent is clearly not obligated to provide.

Oral argument was similarly unhelpful. While there was a claim that C.D. did not understand the significance of the May 31, 2023 IEP meeting and C.R.'s eligibility for graduation, they did not challenge the IEP. Further, C.R. testified that he and his mother, while unhappy with PCCC, had explored a program at William Paterson University that appeared to fit C.R.'s needs, but had not pursued it, since it was C.D.'s belief that "the law" entitled C.R. to stay in Clifton until he is twenty-one years old.

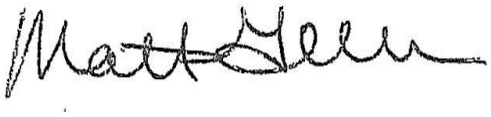
No legal argument was posited and no challenge to the legal standard for the adequacy of transition planning was raised. The mere fact the C.R. is struggling to find a job seemingly due to autism-related behaviors and has not commenced a college program is not evidence that respondent's transition planning was legally inadequate.

Based upon the facts and argument detailed above, I **CONCLUDE** that respondent provided an appropriate public education, including appropriate transition services, that provided C.R. with meaningful educational benefit. Accordingly, I **CONCLUDE** that respondent provided FAPE to C.R. and that it has no further obligation to him now that he has graduated.

ORDER

I hereby **ORDER** that respondent's determination that its obligations to C.R. have been fulfilled be and is hereby **AFFIRMED** and that its Motion for Summary Decision be and is hereby **GRANTED**. I **ORDER** that petitioner's due-process petition be and is hereby **DISMISSED**.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2024) 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 (2024). 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.



June 13, 2024
DATE

MATTHEW G. MILLER, ALJ

Date Received at Agency: June 13, 2024

Date Mailed to Parties: June 13, 2024

/sej

APPENDIX

EXHIBITS

For Court

C-A Email from C.R. to OSE (January 31, 2024)

For Petitioner

None

For Respondent

R-A Individualized Education Program (IEP) for C.R. (May 31, 2023)
R-B Due Process Petition (January 30, 2024)
R-C Letter from case manager to C.D. (May 31, 2023)
R-D Summary of Performance—Exit (January 30, 2024)
R-E Affidavit of Bahiah Abdrabboh (May 13, 2024)