



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 01028-24

AGENCY DKT. NO. 2024-36702

H.H. AND D.H. ON BEHALF OF M.H.,

Petitioner,

v.

**IRVINGTON TOWNSHIP BOARD OF
EDUCATION,**

Respondents.

D.H., petitioner, pro se on behalf of M.H.

Ronald Hunt, Esq. for respondent, (Hunt, Hamlin & Ridley, attorneys)

Record Closed: September 9, 2025

Decided: December 19, 2025

BEFORE ANDREW M. BARON, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

On January 25, 2024, the Office of Special Education Policy and Procedure of the New Jersey Department of Education transmitted this matter to the Office of Administrative Law for a hearing. D.H., on behalf of her son M.H., filed a petition for due

process against the Irvington Board of Education seeking a change in M.H.'s educational placement.

From February 14, 2024, through September 9, 2025, at least ten (10) status conferences were scheduled, the last two on June 12, 2025 and September 9, 2025, petitioner failed to appear.

Although this number of conferences seems excessive, it was necessitated by virtue of the fact that throughout the time, petitioner's son M.H. was a resident of a combined mental health and educational facility. Periodically, it was hoped M.H. would be discharged, but his behavioral issues warranted more intervention, and he was ultimately moved to another facility.

Counsel for Irvington and D.H. communicated regularly and until the last two conferences, D.H. participated.

Prior thereto, she was asked to withdraw the petition, since it did not appear M.H. would be returning to the district any time soon.

There have been no communications from D.H. since September 2025.

LEGAL ANALYSIS AND CONCLUSIONS

The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400–1482, ensures 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, and ensures that the rights of children with disabilities and parents of such children are protected. 20 U.S.C. § 1400(d)(1)(A), (B); N.J.A.C. 6A:14-1.1. A "child with a disability" means a child with intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury,

other health impairments, or specific learning disabilities, and who, by reason thereof, needs special education and related services. 20 U.S.C. § 1401(3)(A).

Based on the forgoing facts and the applicable law, I **CONCLUDE** that the petitioner has failed to appear and has abandoned the matter and it should be returned to the transmitting agency.

N.J.A.C. 1:1-14.4 (a) provides that if after appropriate notice, a party does not appear in any proceeding scheduled by a judge, the judge shall hold the matter for one day before taking action. If the judge does not receive an explanation for the nonappearance within one day, the judge may direct the Clerk to return the matter to the transmitting agency for appropriate disposition. D.H. failed to appear at the last two scheduled conferences and did not provide a documented explanation for her nonappearance. Accordingly, the Clerk should return this matter to the Office of Special Education Policy and Procedure pursuant to the above cited rule.

ORDER

Based on the foregoing, it is hereby **ORDERED** that the Clerk should return this matter to the Office of Special Education Policy and Procedure of the New Jersey Department of Education.

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).

December 19, 2025

DATE

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ANDREW M. BARON, ALJ