State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION
SUMMARY DECISION
OAL DKT. NO. EDS 16713-24
AGENCY DKT. NO. 2025-38275

A.P. ON BEHALF OF L.P.,
Petitioner,
v.
MOUNT LAUREL TOWNSHIP BOARD OF EDUCATION,
Respondent.

A.P., petitioner, pro se

Emily E. Strawbridge, Esq., for respondent (Parker McCay, P.A., attorneys)

Record closed: January 16, 2025 Decided: March 25, 2025

BEFORE **CARL V. BUCK III**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner A.P. (A.P. or petitioner) on behalf of minor child L.P. (L.P. or student) is a resident of Mount Laurel Township. L.P. has attended school in the Mt. Mount Laurel Township District (District) as a disabled child and was classified and received special education services. The District is arranged so that students in different areas of the Township are sent to one of six K–4 schools in the District based solely on the geographic

location of the student. During the 2023–2024 academic year L.P. resided in an area that sent K–4 grade students to the Hillside School (Hillside). After the end of that year the student moved to another area of the District that sent its students to a different K–4 school, the Larchmont School. The student had been receiving services at Hillside, and notwithstanding that petitioner moved to a different sending area, petitioner requested that L.P. continue to be enrolled at Hillside. During the pendency of this litigation, L.P. continued to attend Hillside.

Petitioner filed a due process petition seeking to have L.P. assigned to Hillside. The matter was transmitted to the Office of Administrative Law (OAL), where on November 26, 2024, it was filed for hearing as a contested case. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -23.

After several telephone conferences respondent stated it would file a motion for summary decision, which filing was made on January 10, 2025. Oral argument on the motion was held on January 14, 2025, and final submissions were received on January 16, 2025.

FINDINGS OF FACT

These salient points are not in dispute. I therefore **FIND** the following **FACTS** and incorporate the above procedural history herein by reference.

1. L.P. is enrolled as a student in the District.

2. L.P. is eligible for special education and related services under an individualized education program (IEP).

3. A.P. initially enrolled her older children in the District while residing at a prior address which was in the attendance boundary for the Hillside School.

4. In the spring of 2024, prior to the start of the 2024–2025 school year, petitioner notified the District that the family had secured a lease and acquired housing at 2---- L---- Place, Mount Laurel, NJ (address).

5. The address falls within the attendance area for a K–4 school that is not Hillside.

6. Based on the family's new permanent residence and the District's established attendance boundaries, the family was assigned to the new school. (R-E.)

7. During the 2023–2024 school year, L.P. was found eligible for special education and related services under the classification of emotional regulation impairment and received an IEP placing him in in-class supplementary instruction for kindergarten readiness skills and a social-skills group for thirty minutes, one time per week. (R-F.)

8. For the 2024–2025 school year, L.P. was elevated to first grade and was placed in in-class supplementary instruction in the areas of reading, writing, and math, and continued the social-skills group instruction for thirty minutes, one time per week. (R-G.)

9. Petitioner admits that L.P.'s IEP can be implemented at the new school.

10. Petitioner states that she wishes to keep L.P. at Hillside due to a comfort level with Hillside.

11. L.P.'s special education programs were not impacted by an assignment to a different school.

LEGAL DISCUSSION AND CONCLUSIONS OF LAW

I.

A summary decision "may be rendered 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). That rule is substantially similar to the summary judgment rule embodied in the New Jersey Court Rules. See R. 4:46-2; Judson v. Peoples Bank & Trust Co. of Westfield, 17 N.J. 67, 74 (1954).

In Brill v. Guardian Life Insurance Co., 142 N.J. 520 (1995), the New Jersey Supreme Court addressed the appropriate test to be employed in determining the motion:

> [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 fact finder to resolve the alleged disputed issue in favor of the non-moving party. The "judge's function is not . . . to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial."
>
> [Id. at 540 (quoting Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249 (1986)).]

In evaluating the merits of the motion, "[a]ll inferences of doubt are drawn against the movant in favor of the opponent of the motion." Judson, 17 N.J. at 75. However, "[w]hen a motion for summary decision is made and supported, an adverse party in order to prevail must by responding affidavit set forth specific facts showing that there is a genuine issue which can only be determined in an evidentiary proceeding." N.J.A.C. 1:1-12.5(b) (emphasis added).

Having reviewed the parties' submissions, I **CONCLUDE** that no genuine issues of material fact exist which require a plenary hearing to determine whether the District's

motion for summary decision should be granted. This matter is therefore ripe for summary decision.

II.

As a recipient of federal funds under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., the State of New Jersey must have a policy that assures all children with disabilities the right to a free appropriate public education (FAPE). See 20 U.S.C. §1412. FAPE includes special education and related services. See 20 U.S.C. § 1401(9); N.J.A.C. 6A:14-1.1 et seq. The responsibility to deliver these services rests with the local public school district. N.J.A.C. 6A:14-1.1(d).

The board will satisfy the requirement that a child with disabilities receive FAPE by providing personalized instruction with sufficient support services to permit that child to benefit educationally from instruction. Hendrick Hudson Cent. Sch. Dist. Bd. of Educ. v. Rowley, 458 U.S. 176, 203 (1982).

In determining where to provide educational programming, it is clear that a school district must be guided by the strong statutory preference for educating children in the "least restrictive environment." 20 U.S.C. § 1412(a)(5). In defining "least restrictive environment," the law describes a continuum of placement options, ranging from mainstreaming in a regular public school setting as least restrictive to enrollment in a residential private school as most restrictive. 34 C.F.R. § 300.115 (2025); N.J.A.C. 6A:14-4.3. Federal regulations further require that placement must be "as close as possible to the child's home." 34 C.F.R. § 300.116(b)(3) (2025); N.J.A.C. 6A:14-4.2.

It has been previously held that a District's "decision to change [a student's] school location . . . is consistent with its obligation to educate [the student] in the least restrictive environment." N.L. and Q.G. ex rel. J.G. v. Summit City Bd. of Educ., 2015 N.J. AGEN. LEXIS 416, at *13 (October 23, 2015). In so finding, the administrative law judge (ALJ) considered that "[t]he uncontroverted testimony reflects that all components of [the] IEP can be delivered in [the] neighborhood school." Ibid. Additionally, citing Oberti v. Clementon Board of Education, 789 F. Supp. 1322 (D.N.J. 1992), the ALJ held, "[t]he

point of the IDEA is to bring children with disabilities back into the community to which they belong." Ibid.

Similar to the present dispute, it was noted in J.G. that the student's parents "do not genuinely challenge the appropriateness of [J.G.'s] program. Rather, they are simply reluctant to change a school location they view as comfortable for their son." Ibid. In so noting, the ALJ found that "they have presented an insufficient legal basis upon which to direct the school district to maintain J.G.'s program." Ibid. In another similar matter, it was held that "a change of schools does not constitute a change in placement under [the] IDEA." M.C. ex rel. J.C. v. Old Bridge Bd. of Educ., 1999 N.J. Agen Lexis 585, at *10 (September 1, 1999). In so finding, the ALJ determined that the board made an educational decision regarding a student's school assignment, and, again, the parent did not dispute that the program at the school location would meet the educational goals and objectives in the IEP. Ibid.

Further, case law has recognized that "[w]hat the IDEA guarantees is an 'appropriate placement,' not one that provides everything that might be thought desirable by loving parents." Walczak v. Florida Union Free Sch. Dist., 142 F.3d 119, 132 (2d Cir. 1998 (citation omitted)). Additionally, the District Court of New Jersey has held that "meaningful participation does not require deferral to parent choice." S.K. ex rel. N.K. v. Parsippany-Troy Hills Bd. of Educ., 2008 U.S. Dist. LEXIS 80616, at *34–35 (D.N.J. October 9, 2008) (citation omitted).

In the present matter, petitioner has not alleged, nor is there any evidence to support a finding that, the change from Hillside to L.P.'s designated school would constitute a change in placement under the IDEA nor deprive the student in any way of FAPE. Petitioner cites the basis for the relief sought as considering L.P.'s "comfortability," and does not assert that the program set forth in the IEP will not be delivered in their neighborhood school. It is natural that there should be a concern with a change in schools, but change is inevitable. The District's stricture provides for six K–4 schools, then one 5–6 school, then one 7–8 school, then a regional high school. The District is obligated to provide education on the K–4 basis on a rational allocation of

students from regional sending areas. No school lacks in its ability to provide services available in other schools. No school is unable to comply with the student's IEP.

Based on the information provided by both parties, and the undisputed material facts, there is no basis to retain L.P. in the Hillside schools.

For the reasons set forth above, I **ORDER** that respondent's motion for summary decision is **GRANTED**. I **FURTHER ORDER** that to facilitate the transfer between schools, L.P. shall comply with assignment to his correctly designated school at the completion of the spring 2025 academic semester.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2025) 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 (2025). 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.

March 25, 2025 _____

DATE

CARL V. BUCK III, ALJ

Date Received at Agency: _____

Date emailed to Parties: _____

CVB/SB/tat

APPENDIX

Exhibits

For petitioner

Packet submission

For respondent

Motion for Summary Decision

Supporting documentation