



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 03187-25

AGENCY DKT NO. 2025-38637

L.C. ON BEHALF OF C.A.,

Petitioners,

v.

**WASHINGTON BORO BOARD
OF EDUCATION,**

Respondent.

L.C., petitioner, pro se

Alison L. Kenny, Esq., for respondent (Schenck, Price, Smith & King, LLP,
attorneys)

Record Closed: May 12, 2025

Decided: June 11, 2025

BEFORE **PATRICE E. HOBBS**, ALJ:

STATEMENT OF THE CASE

Petitioner L.C. seeks out-of-district placement, transportation and a paraprofessional for C.A., a student who qualifies for special education and related services, asserting that he is not making any academic progress and has behavioral issues at home. Did respondent, Washington Boro Board of Education, provide C.A. with a free appropriate public education (FAPE) during the 2024–2025 school year? Yes. A

district provides FAPE when it confers a significant learning and meaningful educational benefit considering a student's individual needs and potential. Endrew F. v. Douglas Cnty. Sch. Dist., 580 U.S. 386 (2017).

PROCEDURAL HISTORY

On February 11, 2025, petitioner filed a petition for due process with the Department of Education, Office of Special Education (OSE). On March 18, 2025, OSE transmitted the case to the Office of Administrative Law (OAL) under N.J.S.A. 52:14B-1 to -15 and the act establishing the OAL, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, and the Special Education Program, N.J.A.C. 1:6A-1.1 to -18.5. On March 20, 2025, a settlement conference was held and was unsuccessful. On March 26, 2025, I held the initial prehearing conference and scheduled the case for a hearing.

On April 25, 2025, the petitioner failed to provide respondent with her list of witnesses and copies of exhibits within the time frame outlined in the prehearing order. After a telephone conference, I adjourned the hearing for April 30, 2025, to allow petitioner sufficient time to provide the respondent with her list of witnesses and copies of the exhibits. On May 6, 2025, respondent requested a second telephone conference because it had still not received the list of witnesses or the copies of exhibits from the petitioner for the May 12, 2025, hearing date. Petitioner agreed to provide her witness list and exhibits to respondent by the end of the day, May 6, 2025, and the parties agreed to proceed with the hearing as scheduled.

On May 12, 2025, petitioner failed to appear for the hearing. Petitioner's listed telephone number was disconnected. There was no other telephone number listed for petitioner. An email was sent to petitioner requesting that she dial into my conference line. Petitioner stated that she did not know that the hearing was in person and that she thought it was by Zoom or by telephone. Petitioner requested that the hearing proceed by telephone, and respondent did not object. During the hearing, petitioner advised that she had additional documents that she wanted to submit and would provide them by the end of the day. On May 12, 2025, the documents were received, and I closed the record.

DISCUSSION AND FINDINGS OF FACT

Based upon the testimony the parties provided and my assessment of its credibility, together with the documents the parties submitted and my assessment of their sufficiency, I **FIND** the following **FACTS**:

C.A. is a ten-year-old child who lives with his mother, L.C.; his stepfather, M.J.; and his three siblings. One of C.A.'s siblings is in the same class because that class is a mixed-grade classroom, and his sibling is a student who qualifies for special education and related services. C.A. transferred to Memorial School in the Washington Boro School District in September 2024 as a student with autism who qualified for special education and related services. C.A. was diagnosed with autism at age six by the Social Security Administration. C.A. received early intervention services in occupational therapy and speech at age two.

Toni Castiglia is supervisor for special education services at Memorial School. Prior to Memorial School, C.A. attended at least five other school districts. When C.A. moved to the district in September 2024, he had an IEP from Morris Plains. He was placed in the In-Class Resource (ICR) classroom in the fourth grade. There were approximately twenty students in that classroom. The ICR is taught by a special education teacher together with a general education teacher. The ICR teachers were concerned that this was not the most comparable class for C.A. As a result, the child study team (CST) convened a meeting to find the most appropriate placement for C.A.

After that meeting, the CST determined that C.A. should do trial periods in the autism classroom, a Learning or Language Disabilities (LLD) classroom for grades three through five and an LLD classroom for sixth graders to determine which class would best suit C.A. The autism classroom and the sixth-grade LLD classroom were inappropriate for C.A. both academically and socially because the work was either too easy or too hard, and C.A. could not develop socially within either classroom. The CST determined that the third grade through fifth grade LLD classroom was the most appropriate setting for C.A. academically and socially.

Before the IEP could be implemented, in December 2024, L.C. filed a petition for due process. As a result of that filing, the parties agreed that the October 21, 2024, IEP would be amended. (R-3.) The amended IEP dated January 22, 2025 (R-4), required that C.A. would be removed from ICR classes and placed in the mixed-grade LLD programming all day except for specials, recess and lunch. During the 2024–2025 school year, after the implementation of the January 22, 2025, IEP, C.A. was absent from school for fifty-two days and tardy for seventeen days. (R-10.) On April 17, 2025, a progress report was sent to L.C. (R-8), which notes that C.A. was progressing gradually in reading and math. In addition, a report card (R-9) was issued for C.A., which notes that C.A. was meeting the grade-level standards.

Castiglia confirmed that despite C.A.'s absences and based on his participation during the days he attended school, C.A. was on grade level in the LLD classes. C.A. sleeps for about one to two hours during class, and because of his prolonged sleeping, his teacher created a sleep log. (R-7.) Even though C.A. sleeps in class, he has not regressed academically or socially. To the contrary, C.A. has been making meaningful educational progress. He has grown both academically and socially in the LLD classroom; he has developed relationships with his peers during recess and lunch. C.A. has not had any disciplinary problems at school, and there have been no reports of any problems between C.A. and his sister. Based on his progress in the mixed-grade LLD classroom, and his lack of disciplinary issues, C.A. does not need to be placed in a different classroom or in an out-of-district school. C.A. does not need transportation to the school; the school is in walking distance of his residence, and C.A. has no medical concerns that warrant transportation. C.A. is in a class with a three-to-one paraprofessional ratio and, based on his progress, does not require an individual paraprofessional.

Stephanie Conway is a school psychologist for Memorial School. She participated in and helped to create the Multi-Disciplinary Report (R-5) for C.A. She reviewed all the records and testing results provided, and she was a part of the CST that evaluated C.A. on November 26, 2024.

IEP October 21, 2024

The October 21, 2024, IEP, implemented on November 5, 2024, states that C.A. is eligible for special education and related services under an autism classification. C.A. is in a special class with mild/moderate learning or language difficulties (LLD) for math and language arts, ICR for science and social studies, and speech-language therapy. The LLD classroom is for children in grades three through five. The ICR classes consist of twenty students, and seven students have disabilities.

Observation and Teacher Input

Conway observed C.A. various times throughout the school day and across various settings in November 2024. During these observations, she noted that C.A. took time to warm up to the staff and peers. He sometimes refused or avoided work completion, and he would put his head down and sleep or leave the classroom. She noted that C.A. worked well with other students and engaged well with others. Despite his sleeping during class, C.A. did do some work and showed progress academically and socially. He transitioned well between classes and did not hesitate to attend any class. She did not notice any issues between C.A. and his sister. Her major concerns were that he slept in class, was absent a lot and frequently late. C.A. is in the appropriate program for a student with his disabilities. The schoolwork is appropriate for C.A.; he can and does complete the work and has shown social and academic progress.

Testing

On November 26, 2024, C.A. completed the Woodcock-Johnson IV (WJ-IV) battery of assessments. This test is a nationally administered normed assessment to measure the achievement of students in pre-kindergarten through grade 12. The WJ-IV assesses reading, mathematics and written language. The reading cluster consists of letter-word identification and passage comprehension. C.A. scored in the 26th percentile in letter-word identification and a standard score of 95, which is in the average range. He scored in the 13th percentile in the passage comprehension, which is below the average range, and a standard score of 83, which is in the low average range. Thus, overall, in

reading, C.A. scored in the 23rd percentile, which is within the average range, and a standard score of 89, which is in the low average range.

The written language score is a combination of spelling and writing sample scores. In spelling, C.A. scored in the 28th percentile with a standard score of 91, which is in the average range. In writing samples, C.A. scored in the 23rd percentile with a standard score of 89, which is average. Thus, overall, in writing, C.A. scored in the 23rd percentile with a standard score of 89, which is average.

The mathematics cluster combines applied problems and calculation. In applied problems, C.A. scored in the 12th percentile and a standard score of 82, which is below average. In calculation, C.A. scored in the 16th percentile with a standard score of 85, which is below average. Thus, overall, in mathematics, C.A. scored in the 13th percentile with a standard score of 83, which is below average.

C.A. also completed the Wechsler Intelligence Scale for Children, 5th Edition (WISC-V). This test measures ability across five areas of cognitive functioning, and the scores indicate his performance in those areas as well as providing an overall intellectual ability score, full-scale IQ (FSIQ). FSIQ is the most representative indicator of global intellectual functioning and is a useful predictor of academic achievement. C.A. has a FSIQ of 97, with a percentile rank of 42 and a 95% confidence interval. This is within the average range for children his age.

The WISC-V includes a verbal comprehension index, which measures comprehension, verbal skills, ability to process verbal information, retrieval of information from memory, reasoning ability, and language development. C.A. scored 113, which is in the high average range. The test also measures the visual spatial index, which measures ability to think in visual images, manipulate them with fluency and speed, interpret or organize visual material quickly, non-verbal reasoning, perceptual discrimination and spatial reasoning ability. C.A. scored 102, which was in the average range. The WISC-V includes a fluid reasoning index, which measures fluid reasoning ability, visual perceptual reasoning and ability to interpret and organize visually perceived material. C.A. scored 103, which is in the average range. WISC-V also includes the

working memory index, which measures the short-term memory, visual processing, working memory span, visual spatial memory, immediate visual memory, immediate auditory memory, and attention and concentration. C.A. scored 85, which is in the low average range. Finally, the WISC-V also includes a processing speed index, which measures processing speed, perceptual speed, visual motor coordination, dexterity, mental operation speed, scanning ability, psychomotor speed, short-term visual memory, visual perceptual discrimination, and attention and concentration. C.A. scored 66, which is in the extremely low range.

C.A. was also assessed on his speech and language. C.A. knew his name, address, birthdate, who lived in his home, and his activities at home. He spoke with a low vocal volume. He did not raise his hand in class or interact with his peers, and he put his head down or remained in his seat. He was able to follow basic directions in the classroom.

C.A. was also administered the Expressive One-Word Picture Vocabulary Test, 4th Edition (EOWPVT-4), which measures a student's ability to name a given picture. The standard score is 87, and C.A. performed as well or better than 19% of peers his same age, which was within the average range. He was also tested on the Receptive One-Word Picture Vocabulary Test, 4th Edition (ROWPVT-4), which tests a student's ability to identify a picture image when verbally presented with a single stimulus word. The standard score is 104, and C.A. performed as well or better than 61% of peers his same age, which was in the average range.

C.A. was administered the Clinical Evaluation of Language Fundamentals, 5th Edition (CELF-5), which identifies and diagnoses language and communication disorders in individuals between five and twenty-one years old. C.A. performed in the above-average range in Word Classes and the average range in Following Directions, Formulating Sentences, Recalling Sentences, Word Definitions, Sentence Assembly, and Semantic Relationships. He performed in the below-average range in Understanding Spoken Paragraphs, Pragmatic Profile. For the composites, C.A. scored in the average range for core language, receptive language, expressive language, language content index and language memory index. For the pragmatics, C.A. was administered the Test

of Pragmatic Language-2nd Edition (TOPL-2), which utilized narratives and story contests that revolve around natural everyday communicative and social interactions. C.A. scored in the average range.

C.A. was also seen for an occupational therapy evaluation as part of the comprehensive child study team evaluation. (R-6.) The evaluation consisted of observation and interaction with structured and semi-structured activities along with administering standardized tests. At times C.A. appeared to have a low state of arousal and was quiet. C.A. had functional neuromuscular status, normal gross motor skills, and mature fine motor skills that are age appropriate. C.A. wrote clearly and could read back what he wrote. However, his handwriting speed was slow, did not follow the lines of the paper and was small. He also copied slowly from both near and far. His typewritten words were below average but were very accurate and scored in the average range for Visual Motor Integration.

Executive functions of thinking skills are self-management skills that are crucial to classroom success. C.A. demonstrated good skills in this area; however, he had issues with perseverance, and when the task was not fun or easy, he would shutdown. Sensory processing is the ability to organize and process sensory input. C.A. presented with a low state of arousal and had his head down on the desk most of the time.

The Sensory Profile School Companion is a standardized assessment for measuring a student's sensory processing abilities and their effect on the student's functional performance in the classroom and school environment. C.A. performed in the average range in the auditory, visual and touch quadrants. He performed with a definite difference in the movement quadrant and a probable difference in the behavior quadrant. C.A. performed within the average range for the seeking and sensitivity quadrants, a definite difference in the avoiding quadrant, and a probable difference in the registration quadrant.

L.C. testified that C.A. cannot cross the street on his own; however, she is willing to continue driving him to school and no longer requests transportation. L.C. stated that

she did not agree to have C.A. tested for a long period of time because he would struggle to complete the testing, and respondent should not have tested him for an extended period. L.C. testified that C.A. has problems sleeping and sometimes falls asleep in class. She also stated that C.A. may not have any behavioral problems at school or exhibit bad behavior with his sibling while in class, but when he is at home, he is combative with his sister. L.C. stated that C.A. bites his clothes and inflicts harm on himself, and because of this, he requires a one-to-one paraprofessional.

M.J. is C.A.'s stepfather, and he also testified that C.A. and his sister do not get along at home, and their behavior has been worse since they are in the same classes all day together. M.J. stated that they are completely intolerant of each other at home.

CONCLUSIONS OF LAW

The Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 et seq., requires New Jersey to effectuate procedures that ensure that all children with disabilities residing in the State have available to them a free appropriate public education ("FAPE") consisting of special education and related services. The IDEA "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).

States are obligated to identify, classify, and provide a FAPE to all children with disabilities between the ages of three and twenty-one. 20 U.S.C. § 1412; N.J.S.A. 18A:46-8; N.J.A.C. 6A:14-1.1. This responsibility rests with the local public school district. N.J.A.C. 6A:14-1.1(d). School districts have an affirmative and continuing obligation to identify and evaluate students reasonably suspected of having a disability under the IDEA and Section 504 of the Rehabilitation Act. This responsibility is known as a district's "child find" obligation. See D.K. v. Abington Sch. Dist., 696 F.3d 233, 249 (3d Cir. 2012); 20 U.S.C. § 1412(a)(3). Each district must develop written procedures to identify students within the location of the district who may have a disability due to "physical, sensory, emotional, communication, cognitive, or social difficulties." N.J.A.C. 6A:14-3.3(a). These procedures must include evaluation measures to determine a student's eligibility for special education and related services. N.J.A.C. 6A:14-3.3(a)(3)(iii.).

The IDEA defines a child with a disability as those individuals 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. 20 U.S.C. § 1401(3)(A).

An individual with a disability is provided with an IEP by the local public school district, and this IEP provides each eligible student with an IDEA-mandated FAPE. 20 U.S.C. § 1414(d)). The IEP spells out how a school will meet an individual disabled student's educational needs. Y.B. v. Howell Twp. Bd. of Educ., 4 F.4th 196, 198 (3d Cir. 2021). The IEP includes a statement of the child's present levels of academic achievement and functional performance, assesses the progress in the general education curriculum, and offers measurable annual goals that enable the child to make educational progress. 20 U.S.C. § 1414(d)(1)(A)(i)(I), (II)(aa), (IV). The educational benefit conferred to the student through an IEP must be "meaningful." Polk v. Cent. Susquehanna Intermediate Unit 16, 853 F.2d 171, 180 (3d Cir. 1988).

The IDEA further requires that disabled children be provided a FAPE in the least restrictive environment (LRE). 20 U.S.C. § 1412(a)(5). While an IEP cannot be judged by whether it provides an eligible student with the "optimal level of services," Carlisle Area Sch. v. Scott P., 62 F.3d 520, 533–34 (3d Cir. 1995), it must provide more than a minimal benefit and must be reasonably calculated to confer significant learning considering the student's abilities. Ridgewood Bd. of Educ. v. N.E., 172 F.3d. 238, 247 (3d Cir. 1999).

The District bears the burden of proving that it offered a FAPE. N.J.S.A. 18A:46-1.1. It must be able to offer "a cogent and responsive explanation for [its] decisions that demonstrates that the IEP meets the requisite standard. Endrew F., 580 U.S. at 404. Further, the District must collaborate with parents (and vice versa) to design an appropriate IEP. 20 U.S.C. § 1414 (d)(1)(B); see also N.J.A.C. 6A:14-2.3; N.J.A.C. 6A:14-3.7(b). This process ensures that the IEP is not only fact-sensitive but that it is developed collaboratively with the expertise of school officials and the input from the child's parents. Endrew F., 580 U.S. at 399–400.

A parent who believes that a school district has not provided their child with a FAPE as required under IDEA may request a due process hearing. See Lascari v. Bd. Of Ed. Ramapo Indian Hills Reg'l High Sch., 116 N.J. 30, 36 (1989). The parent need only place the appropriateness of the IEP at issue, shifting the burden to the school district to prove that the IEP was indeed appropriate.

C.A. is an almost ten-year-old child with autism who has attended at least five different school districts, qualifies for and has been receiving special education and related services since age two. When he was transferred to Memorial School, his IEP was reviewed, and he was placed in an ICR. After observation, the CST determined that ICR might not have been the most appropriate placement for C.A. After discussion with the parents, the CST recommended that C.A. have trial periods in three different classrooms: an autism classroom, and two LLD classrooms (one for grades three through five and one for grade six). After the trial periods in these three types of special education classrooms, the IEP team (the CST and the parents) determined that the most appropriate classroom for C.A. was the LLD for third to fifth graders. They determined that the autism classroom and the LLD for sixth graders were not appropriate both academically and socially. An amended IEP to reflect this change was put in place in January 2025.

Although C.A.'s attendance, tardiness, early dismissals and sleeping at school continued, C.A. progressed academically and socially. Progress reports show that he was progressing gradually, and his report card demonstrates that he met the standards for his grade in almost all areas. C.A. has not had any disciplinary problems at school or any reports or observations of any problems between C.A. and his sister. C.A. has grown socially in the LLD classroom and has developed relationships with his peers during recess and lunch. The school is in walking distance from his home, and C.A. has no medical concerns that warrant transportation. Further, L.C. testified she will drive her son to school. The request for transportation is therefore moot. C.A. is in an LLD classroom with a three-to-one paraprofessional ratio, and based on his progress, C.A. does not present with any educational or social reason to warrant an individual paraprofessional. C.A. behaves well in class, gets along with other students, does his work, and is engaging. He transitions well between classes and does not hesitate to attend any class. C.A. has

no documented problems behaviorally. L.C. and M.J. believe that the problems that they experience with C.A. at home are directly attributable to the fact that he is in the same classroom with his sister all day long. Therefore, he is unable to tolerate his sister when he is home. No documentary or expert evidence was presented to support this claim. Respondent's obligations are to provide FAPE to C.A. while he is in school not at home. Respondent has shown unequivocally that C.A. is being provided with FAPE because he is progressing academically and socially under his current IEP and has no behavioral issues at school.

I **CONCLUDE** that the respondent provided C.A. with FAPE for the 2024–2025 school year under the IDEA 20 U.S.C. § 1414(d)(1)(A)(i)(I), (II)(aa), (IV), that petitioner's request for transportation is moot, and that the petitioner's due process petition should be dismissed.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that petitioners' due process petition is **DISMISSED**.

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 (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 11, 2025

DATE

PATRICE E. HOBBS, ALJ

Date Received at Agency:

June 11, 2025

Date Mailed to Parties:

June 11, 2025

Isr

APPENDIX

Witnesses

For Petitioner:

L.C.

M.J.

For Respondent:

Toni Castiglia, Supervisor of Special Education Services

Stephanie Conway, School Psychologist

EXHIBITS

For Petitioners:

P-1 Emails between respondent from L.C., including a photograph of a t-shirt.

For Respondent:

R-1 IEP, dated 10/21/2024

R-2 Prior Petition for Due Process, dated 12/27/2024

R-3 Resolution of Prior Due Process, dated 1/28/2025

R-4 Amended IEP, dated January 2025

R-5 Multi-Disciplinary Report, dated November 2024

R-6 Occupational Therapy Evaluation, dated November 2024

R-7 Behavioral Data, dated March and April 2025

R-8 Progress Report, dated March 2025

R-9 4th Grade Report Card

R-10 Attendance for 2024–2025 School Year

R-11 Email Correspondence between District and Parents of C.A.

R-12 Class DoJo correspondence between C.A.'s Teacher and Parents