



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**FINAL DECISION**

OAL DKT. NO. EDS 09922-25  
AGENCY DKT. NO. 2025-39219

**V.O. and S.S. ON BEHALF OF C.S.,**

Petitioners,

v.

**RIVERBANK CHARTER SCHOOL OF  
EXCELLENCE BOARD OF EDUCATION  
AND FLORENCE TOWNSHIP BOARD OF  
EDUCATION,**

Respondents.

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**Robert A. Robinson**, Esq., for petitioners (Disability Rights New Jersey, attorneys)

**Margaret A. Miller**, Esq. for respondent Riverbank Charter School of Excellence Board of Education (Weiner Law Group, LLC, attorneys)

**Sanmathi Dev**, Esq., for respondent Florence Twp. Board of Education (Capehart Scatchard, attorneys)

Record Closed: December 3, 2025

Decided: December 5, 2025

**BEFORE GAURI SHIRALI SHAH, ALJ**

## **STATEMENT OF THE CASE**

Petitioners filed a due process petition claiming that the proposed placement of their child in an in-district autism program by Riverbank Charter School of Excellence (Riverbank) fails to follow a December 2024 individualized educational plan (IEP) that referenced an out-of-district (OOD) placement in an autism program, resulting in a loss of a free and appropriate public education (FAPE) for their child. Does a proposed placement by the Riverbank in Florence Township's (Florence) autism program deny FAPE under the IEP? No. Providing a FAPE requires that a school offer an IEP that is reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. Endrew F. v. Douglas County School District, 580 U.S. 386, 399 (2017).

## **PROCEDURAL HISTORY**

On June 3, 2025, petitioners V.O. and S.S. (the parents) filed a due process petition with the New Jersey Department of Education, Office of Special Education, on behalf of their daughter C.S., seeking a determination that respondents Riverbank and Florence denied FAPE to their child, when they proposed placement in the autism program at Florence, the residential district, where the December 2024 IEP referenced OOD placement. Petitioners also seek compensatory education for C.S. from Riverbank.

On July 3, 2025, the Office of Special Education transmitted the case to the Office of Administrative Law (OAL) under the Administrative Procedure Act, 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 -18.4.

On July 7, 2025, petitioners filed a motion for summary decision under N.J.A.C. 1:1-12.5, to compel Riverbank to find an appropriate OOD autism program for C.S., to provide compensatory education, and an order compelling Florence to fund the autism program once it was identified.

On July 11, 2025, I held a conference with the parties via Zoom to discuss the issues and established a briefing schedule for the motion. On July 28, 2025, in accordance with the briefing schedule, respondents Riverbank and Florence filed their opposition briefs. On August 7, 2025, petitioners filed their response.

On August 15, 2025, I denied the motion for summary decision finding that issues of material fact existed.

On September 4, 2025, I held another conference with the parties via Zoom to schedule hearing dates and identify the issues for hearing, which resulted in my issuing a September 11, 2025 final prehearing order.

On September 26, 2025 and October 3, 2025, I held the hearing. At the parties' request, the record was kept open to obtain the transcripts and provide for post-hearing submissions. Post-hearing submissions were due on November 12, 2025.

On November 12, 2025, I received a post-hearing submission from respondent Florence. On that same date, I received correspondence from petitioners' counsel advising that Florence's post-hearing submission was unnecessary as petitioners had advised the respondents of their intent to withdraw their petition as to Florence and to proceed with compensatory education relief only as against respondent Riverbank. Petitioners also requested additional time to submit their post-hearing submission. I granted the extension of time and requested information about the basis and nature of the withdrawal of the petition. In response, I received several correspondences from the parties. Respondents urged me to not accept the withdrawal of the due process petition unless it was withdrawn with prejudice, citing concerns that, post-hearing, petitioners would file another petition with the same issues that had already been litigated in this case before me.

On November 12 and 13, 2025, respectively, I received the post-hearing submissions of respondent Riverbank and petitioners.

On November 14, 2025, I held a telephone conference to seek clarification about the request to withdraw the petition. Petitioners' counsel advised that the basis for the withdrawal was because petitioners were no longer contesting that Florence would be the correct placement for C.S. Indeed, I was advised that petitioners were actively seeking placement of C.S. and their other child at Florence and had consented to an October 31, 2025 IEP confirming the Florence placement. Despite this fact, petitioners' counsel advised that they were unable to withdraw the petition with prejudice and could not confirm that if the withdrawal was accepted by me that another petition would not be filed with the same issues raised herein. In response, respondents' advised that another petition with similar issues was already pending in the OAL.

On November 14, 2025, I denied the withdrawal request considering that the petitioners could not confirm that another petition with the same issues would not be filed, resulting in re-litigation of the same issues. Additionally, at this juncture, great judicial resources had been expended in both the hearing and the significant motion practice that preceded it. However, based on the parties' representations to me, I kept the record open to allow the parties to assess if they were able to resolve the matter, both as to the withdrawal issue and the compensatory education issue. The parties were to advise me if they wished to extend the forty-five-day deadline for a final decision to December 19, 2025, if a settlement seemed imminent.

On November 21, 2025, I received correspondence from both respondents advising that the case had not settled. Both respondents have requested that I consider as an undisputed fact that petitioners did not dispute that Florence was the appropriate placement for C.S. based on the representation of counsel to the same at the November 21, 2025 conference, and in a November 11, 2025 email to respondents. On December 3, 2025, I received correspondence from Florence confirming that C.S. had started attending school in Florence, effective December 1, 2025.

On December 3, 2025, I closed the record in this matter.

## **DISCUSSION AND FINDINGS OF FACT**

This case arises from a dispute between the parties over what an OOD placement means for C.S. under a December 2024 IEP that was created by Riverbank with parent participation and consented to by the parents. The parents contend that their understanding meant that C.S. would be placed at a school other than their district of residence, Florence, and further that placement at Florence does not follow the IEP, resulting in a denial of a FAPE for C.S. Respondents Riverbank and Florence contend otherwise. Riverbank presented the testimony of Beth Kelley (Kelley), Principal and Chief School Administrator and also that of Patricia Gallagher (Gallagher) from the Burlington County Special Services Education Services Unit (ESU). Gallagher served as the case manager for Riverbank and C.S. during the special education evaluation, eligibility and IEP process. Florence produced the witness testimony of Rachel Frum (Frum), school psychologist, and a member of their Child Study Team (CST). Parent V.O. testified on behalf of petitioners.

### **Background and the Riverbank Application Process**

Kelley was an original co-founder of Riverbank, a charter school that provides educational services for grades K-3. Kelley testified that Riverbank is an independent public school. Currently, Kelley serves as the school's principal and administrator. Riverbank is a small school located in Florence, New Jersey, that has eighteen teachers and accepts about forty students each year. It has a maximum enrollment of 160 students. Although located in Florence, Riverbank has no formal relationship with the Florence Board of Education, nor do any Florence Board members serve in any capacity on Riverbank's Board of Trustees.

At Riverbank, registration for the next school year runs from January to March of that year through an application process. Under Riverbank's charter with the State of New Jersey, Florence residents receive priority in registration. For any spots that remain, the selection is lottery based on date of application to the school. Once the school allocates the available spots, letters of acceptance and enrollment packets are sent to the parents of the students. In addition, Riverbank requests verification of residency from the

district of residency identified in the application. Kelley testified that during the application process, Riverbank does not obtain any information about the student, such as their abilities or any disabilities, but just basic information such as age and other demographic information.

V.O. testified that she had heard good things about Riverbank from friends whose children had attended and thus decided to explore it as an educational possibility for C.S. and her sister. V.O. visited Riverbank in mid-January 2024 to find out more about the school. She met with Kelley and walked through the school. V.O. told Kelley that C.S. had an autism diagnosis and inquired if Riverbank had any children with autism attending the school. Kelley answered in the affirmative. Kelley agreed that V.O. advised her that both daughters had been receiving applied behavior analysis (ABA) services and had a diagnosis of autism but noted that V.O. did not inform them of the extent of the child's needs at the meeting. Upon questioning, Kelley was emphatic that the diagnosis did not impact enrollment as "it is a blind enrollment".

Thereafter, the parents submitted an application to Riverbank to enroll C.S. for the 2024–2025 school year, and C.S. was duly accepted. R-24, P-2. On April 17, 2024, Riverbank held an orientation for the newly accepted students and their parents. According to Kelley, the parents and both daughters arrived late and left early. Kelley spoke only to the parent attendees, while all of the children were placed in a classroom with several of the kindergarten teachers, where they engaged in activities, such as reading a book together or coloring. Kelley did not see C.S. at all that day or speak with the parents.

After the orientation, Kelley had a "debrief" with the teachers about the orientation. The teachers advised that C.S. did not engage in any of the activities and was running out of the room. C.S. needed a one-to-one teacher or aide. Riverbank does not provide one-to-one services.

Kelley testified that she reached out to the V.O. on several occasions after the April orientation to request that the parents return to Riverbank with C.S. and her sister, to meet them, and to do the same activities with them as were done with all of the children

at orientation. The Riverbank visit took place on July 17, 2024, and Kelley was present, along with three teachers, the parents, C.S. and her sister. Kelley testified that she observed a lack of engagement by C.S., that she did not listen or follow instructions, and that there was elopement during the meeting.

Kelley expressed her concerns to the parents that C.S. had needs greater than the resources Riverbank could provide. Specifically, C.S. would need a one-to-one aide, which was a service Riverbank could not provide. Kelly explained that Riverbank had only push-in and pull-out supplemental support which, in her opinion, would not meet the needs of C.S. Kelley explained that C.S. needed a higher level of services, and that a CST would be needed to evaluate the level of need. She further explained that a letter from the parents requesting a CST evaluation would be necessary.

V.O. testified that she felt that Riverbank was conducting an assessment of C.S. although it was couched as a meet and greet and that the school was not interested in educating her children, and that Kelley never told them anything about special education. V.O. claimed that she only learned about special education services from conducting her own research online.

On July 31, 2024, V.O. sent an email to Kelley requesting a CST evaluation to ascertain C.S.'s eligibility for special education services. R-5. The parties agreed that since C.S. was enrolled in Riverbank, it was Riverbank's obligation to assess her eligibility for special education services and an IEP.

Riverbank does not have its own CST but rather contracts for CST services with the Burlington County Office of Special Education (OSE). Kelley connected V.O. with Gallagher of OSE who served as a case manager for Riverbank. V.O. sent Gallagher a request for a referral for evaluation of C.S. R-5.

### **The Evaluation Meeting and Riverbank School Services**

On August 28, 2024, the planning and evaluation meeting for C.S. was held. P-5. Present at the meeting were the parents, Kelley, Gallagher, members of the CST, and

Christopher Butler (Butler), the Director of Special Services at Florence. P-6. Based on the history and information provided by the parents, Gallagher concluded educational, psychological, social and speech/language evaluations of C.S. were necessary. Ibid. Gallagher and Kelley both testified that Butler, at the meeting, explained the various services and programs that Florence had to offer to C.S. if the parents wished to directly enroll.

V.O. consented to the recommended evaluations on September 3, 2024. P-6. After consent was provided, Kelley tried to reach out to V.O. to discuss C.S.'s education while the evaluations were pending but was unable to connect with her. P-7. A September 5, 2024, letter from Riverbank to V.O. noted that the school year was starting and acknowledged Riverbank's obligation to provide educational services to C.S. while the evaluations were pending. P-7. Riverbank offered a reduced two-hour-per-day, five-day-per-week program in a separate class for C.S. and her sister, with three teachers. The teachers would teach the children basic kindergarten curriculum to prepare them for school. C.S. had not previously attended school. Ibid.

In a September 6, 2024, email, V.O. rejected the offer and expressed her hesitation to "send [their] children to a school where educators have made it clear that they cannot meet [their] children's needs and, worse, that they are not welcome." P-8. Since September 2024 to the time of hearing, C.S. has not attended the Riverbank part-time program offered or any other school.

The evaluations of C.S., including educational, psychological, social and for speech/language were all completed between September and November 2024. P-9, P-10, R-2, R-3, R-4. An eligibility meeting to discuss the evaluations conducted was scheduled with Gallagher for November 15, 2024.

### **The November 2024 Eligibility Meeting and IEP**

At the November 15, 2024 eligibility meeting, C.S. was found eligible for special education services under the IDEA classification of "autistic". The meeting was attended by V.O., Kelley, Gallagher and Butler and members of the Burlington County OSE CST

team that conducted the evaluations. The meeting participants then moved to develop an IEP for C.S. Kelley testified that she invited Butler since they would first start the placement process by ascertaining if Florence, the district of residence, had an appropriate program or placement available for C.S.

The proposed IEP included an expected start date of November 14, 2024, and an end date of November 13, 2025. It called for placement in an autism program as well as for two thirty-minute speech language therapy sessions per week, to be held in an “individualized pull-out setting” in the “Therapy Room.” P-1.

Notably, however, the IEP did not specify the school where it would be implemented. Instead, it listed the location was “TBD” and added a special note that “[t]his IEP is pending out-of-district placement.” P-1. Since Riverbank did not have an autism program, it could not implement the IEP itself. Both Kelley and Gallagher agreed that an “out-of-district placement” to mean placement outside of Riverbank—beginning with consideration of Florence, which is a separate entity outside of the Riverbank system, and thus is an “out-of-district placement.” Gallagher specifically told the parents that any placement search would need to start with Florence, their in-district school, to see if there was an appropriate program available for C.S., and additionally, whether there was a spot available in their program. Gallagher further explained that she wrote “TBD” because the parent, at that time, “was not happy to add Florence in the IEP”.

Additionally, when prompted on page twenty-four of the IEP to “document the placement decision according to the following categories (Check ONLY ONE box),” Riverbank checked off the following box: “Children attending a General Early Child Program or Kindergarten less than 40% of the school day.” Riverbank selected this option rather than either “Separate School” or “Residential Facility,” which would have implied a placement outside of C.S.’s district of residence. P-1.

On December 1, 2024, V.O. consented to the proposed IEP (the December 2024 IEP). On December 3, 2024, Kelley reached out via email to advise V.O. that the next step would be to secure an educational placement for C.S. consistent with the IEP. P-11, R-22. Kelley further explained that “as we have discussed- I have to begin that

process with Florence" and requested that V.O. consent to send a copy of the December 2024 IEP to Florence's CST. R-22. On December 6, 2024, V.O. signed a consent form to release C.S.'s records to Florence. P-11.

Once Kelley confirmed that Florence could implement the December 2024 IEP and had a spot in their program for C.S., Kelley and Gallagher worked to facilitate a meeting between the parents and the Florence CST. This meeting, after at least one last-minute cancellation by V.O., finally occurred on January 23, 2025. R-23, P-12, P-13.

### **The January 23, 2025 Florence Meeting**

From the testimony of all of the witnesses, the January 23, 2025 meeting was not a positive or successful meeting. The Florence CST members, Kelley and Gallagher were all in person in Florence, while the parents attended via Zoom, with their cameras turned off. Kelley, Gallagher and Frum all testified that the parents were combative and that they were not able to explain fully the details of the autism program before the parents exited the Zoom meeting. Frum testified that she had reviewed the December 2024 IEP prior to the meeting and that Florence had an autism program that met the needs of C.S. and the services identified in the IEP. In contrast, V.O., denied that anyone told her that Florence had an autism program or that any of the Florence CST knew anything about the December 2024 IEP. V.O., without articulating a basis for why, also testified that she would never send her children to Florence schools. Later, she amended her testimony to say that if there was an appropriate program, she might potentially consider sending C.S. to Florence.

### **The 2025–2026 School Year**

On February 13, 2025, Gallagher reached out to the parents to schedule another IEP meeting. (R-7, R-8). The IEP meeting was scheduled for February 20, 2025. On February 18, 2025, the parents filed their first due process petition against only Riverbank. (R-9). The first petition was duly withdrawn on April 11, 2025. (R-10). A second petition was filed on April 30, 2025 and was then withdrawn on May 30, 2025. (R-13, R-14). This petition followed.

There was testimony that other meetings were scheduled with the parents by Riverbank and Florence in July 2025 and August 2025, and about various attempts to communicate with the parents that were unsuccessful. R-17. Similar to the January 23, 2025 Florence meeting where the parents disengaged from the meeting, the parents also did not respond to Florence's August 2025 notification that it was prepared and able to implement the December 2024 IEP. At the hearing, V.O. declared that she did not "reject" the offer; the parents simply ignored it. At the same time, the parents did not ask Riverbank to send C.S.'s records to any other school.

On October 31, 2025, the parents consented to a revised IEP for C.S. that identified placement as Florence. Since December 1, 2025, C.S. has been attending school in Florence.

Given my discussion of the facts, the testimony the parties provided and my assessment of their credibility, together with the documents the parties submitted and my assessment of their sufficiency, I **FIND** the following as **FACT**:

C.S. resides with her parent, V.O. within the Florence school district. Riverbank is an independent public charter school operating a charter with the State of New Jersey. Riverbank is not affiliated with or part of the Florence School District.

In March 2024, V.O. enrolled C.S. in Riverbank. Observations of C.S. made by Riverbank school staff during the April 17, 2024, Riverbank orientation, and then later by Kelley at during a subsequent July 17, 2024, visit, found that C.S. could not follow directions, engage in any activities and was prone to elopement. Kelley advised the parents that C.S. needed a one-to-one teacher or aide and additional resources that Riverbank did not have and could not provide.

On July 31, 2024, V.O. sent an email request to Kelley for an evaluation of C.S. for special education services. Riverbank does not have its own CST and contracts with the Burlington County OSU for CST services. With the parents' consent, evaluations were conducted by Burlington County OSE's CST. On November 17, 2024, C.S. was

found eligible for special education services under the classification of autism and a proposed IEP was developed. On December 1, 2024, V.O. consented to the IEP, and on December 4, 2024, she consented to C.S. records being sent to Florence for review for their program.

The December 2024 IEP called for placement in an autism program and for twice weekly speech language therapy sessions. In the section requiring a description of the placement, the December IEP specifically did not identify placement at a residential facility or separate school.

Florence has an autism program, is able to implement the December 2024 IEP and as of December 2024, had a spot in the program for C.S. Florence is an OOD program for Riverbank, the school in which C.S. was enrolled.

It is undisputed that petitioners, currently, are not contesting Florence as placement for C.S. Since December 1, 2025, C.S. has been enrolled in and attending school in Florence under an October 31, 2025 IEP.

Riverbank is a small school with eighteen teachers and does not have an autism program or the full spectrum of resources that C.S. needs. On September 5, 2025, while evaluations of C.S. were pending, Riverbank offered educational services to C.S. These consisted of a reduced day program of two hours each school day with three teachers. The parents rejected this option and chose instead, to keep C.S. at home and out of school from September 2024 through November 2025. I found the testimony of Kelley, Gallagher and Frum persuasive as to the efforts made by Riverbank and Florence to offer educational and related services to C.S. since September 2024 through the pendency of this case. The parents repeatedly rejected or ignored those offers and overtures, and rebuffed Florence's offers in January 2025, and in the months that followed, to visit and tour their school and enroll C.S. in Florence's autism program. The parents also did not ask Riverbank to send C.S. records to any other school for implementation of the IEP.

## CONCLUSIONS OF LAW

In New Jersey, a charter school is defined as a “public school operated under a charter granted by the commissioner, which is operated independently of a local board of education and is managed by a board of trustees.” N.J.S.A. 18A:36A-3(a). The Appellate Division, in Golden Door Charter Sch. v. State-Operated Sch. Dist. Of Jersey City, Hudson Cty., 400 N.J. Super. 578, 580 (App. Div. 2008), specifically found that a charter school and the schools of a district are distinct and independent from each other. Thus, in this case, Riverbank and Florence comprise two separate, independent public school entities that are located in the same town or area.

In the context of students with disabilities, “[a] charter school shall provide an enrolled student with educational disabilities with a free, appropriate public education” in line with the IDEA, 20 U.S.C. §§ 1400–1482. N.J.A.C. 6A:11-4.9. The IDEA guarantees disabled children a FAPE designed to meet their unique needs. 20 U.S.C. § 1400(d)(1)(A). In New Jersey, N.J.A.C. 6A:14-1.1(b) ensures that students with disabilities receive a FAPE as defined under the IDEA.

The primary vehicle for providing disabled students with a FAPE is an IEP. 20 U.S.C. § 1414(d)(1)(A). Among other requirements, the IEP must include a “statement that specifies the projected date for the beginning of the services . . . , and the anticipated frequency, location, and duration of those services . . . .” N.J.A.C. 6A:14-3.7(e)(8). When selecting an appropriate placement, the first choice should be the least restrictive environment for the student. In other words, the placement should be provided in appropriate educational settings as close to home as possible. N.J.A.C. 6A:14-4.2(a)(6). It should also be “based on his or her IEP.” N.J.A.C. 6A:14-4.2(a)(5).

Moreover, before the IEP is implemented, the district board of education should provide the parent(s) with an opportunity to observe the proposed educational placement, “including the general education setting, special class programs, and out-of-district placements in a program operated by another district board of education or a private school placement.” N.J.A.C. 6A:14-4.1(k).

Here, the parents participated in the November 15, 2024, meeting where the proposed IEP was developed, and on December 1, 2024, consented to the IEP. It is not disputed that the December 2024 IEP was designed to address the specific needs of C.S. with an autism program and speech/language therapy. The parents also consented to the release of C.S.'s records to Florence. The parents did not request, nor did Riverbank offer to send records to any other schools. Since both Riverbank and Florence are public schools located in Florence Township that are independent of each other, Riverbank's proposed placement in Florence comprises an OOD placement.

In order to provide a FAPE under the IDEA, the Supreme Court found that "a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." Andrew F. v. Douglas County School District, 580 U.S. 386, 399 (2017). Here Riverbank developed an IEP that delineates placement of C.S., in accordance with her classification, in an autism program and provides for related services.

Florence has the autism program necessary for C.S. under the December 2024 IEP and is able to implement the IEP. Thus, Florence was and currently is able to provide a FAPE to C.S. in the least restrictive environment. Riverbank facilitated a January 23, 2025, meeting between the parents and Florence to provide the parents information and insights about the autism program, and Florence offered to meet with the parents in the months that followed. The parents refused to engage or cooperate because, as V.O. testified, she did not want the children to attend Florence. For that reason, the petitioners steadfastly refused to entertain any information about the Florence autism program and the benefits for C.S. Additionally, Florence could not provide a FAPE when petitioners would not enroll C.S. in their school or program. I **CONCLUDE** that Riverbank's proposed placement of C.S. at Florence schools followed the IEP and that there was no denial of FAPE by either Riverbank or Florence under IDEA, 20 U.S.C. § 1400(d)(1)(A) or N.J.A.C.6A:14-1.2(b).

Petitioners also seek compensatory education for C.S. from Riverbank in the amount of 604 hours—a number not identified in the due process petition but more recently in petitioners' post-hearing submission. In order to receive compensatory

education services, there must be a finding that Riverbank failed to provide FAPE. Carlisle Area School v. Scott P., 62 F.3d 520, 537-38 (3d Cir. 1995), cert den., 517 U.S. 1135 (1995). Generally, an inappropriate IEP, one that did not adequately meet a child's needs, would form the underpinnings of a denial of FAPE and support a compensatory education award.

Here, there is no suggestion that the December 2024 IEP was inappropriate. The IEP, although consented to by the parents, was not implemented because the parents would not accept the services offered under the IEP because they felt they were entitled to a school not in their district. Initially, in September 2024, while evaluations of C.S. were pending, Riverbank offered reduced-hour educational services for C.S. to petitioners. The petitioners categorically rejected that offer. Notably, Riverbank did not have the resources to provide the specialized services and program that C.S. needed on a full-time basis, which is why the December 2024 IEP, consented to by petitioners, called for a placement other than Riverbank. Petitioners did not request that Riverbank provide any services, going as far as to say that they did not want their children in a school that did not have the resources to educate them.

Petitioners also rejected the overtures made by Florence from January 2025 onward to provide the services outlined under the IEP. Instead, the parents chose to keep C.S. at home from September 2024 through November 2025. In addition, the parents have not presented any basis to suggest that the IEP, which was based on the evaluations conducted of C.S., and consented to by the parents in December 2024, was inappropriate to serve the specific needs of C.S. I **CONCLUDE**, thus that the December 2024 IEP was appropriate for C.S.

Having already concluded that there was no denial of a FAPE by Riverbank, I **FURTHER CONCLUDE** that petitioners are not entitled to compensatory education.

**ORDER**

Based on my findings of fact and conclusions of law, I **ORDER** that petitioners' due process petition is hereby dismissed with prejudice.

This decision is final under 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 believes 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.

December 5, 2025

DATE

  
**GAURI SHIRALI SHAH, ALJ**

Date Received at Agency:

\_\_\_\_\_

Date E-Mailed to Parties:

\_\_\_\_\_

GSS/nn

## **APPENDIX**

### **Witnesses**

#### **For petitioners:**

V.O.

#### **For respondent, Riverbank Charter School:**

Beth Kelley

Patricia Gallagher

#### **For respondent, Florence Township Board of Education:**

Rachel Frum

### **Exhibits**

#### **For petitioners:**

- P-1 Initial IEP
- P-2 Riverbank Letter of Acceptance
- P-3 Emails from Riverbank regarding referral for special education referral
- P-4 Not in evidence
- P-5 Invitation to Evaluation Planning Meeting
- P-6 Initial Evaluation Consent dated September 3, 2024
- P-7 Letter from Riverbank dated September 5, 2024
- P-8 Petitioner's email to Riverbank, dated September 6, 2024
- P-9 Psychological Assessment Report dated September 11, 2024
- P-10 Educational Assessment Report, dated October 2, 2024
- P-11 Consent to Release Records to Florence Township School District
- P-12 Emails from December 2024 to coordinate meeting with Florence CST

- P-13 Invitation to meeting with Florence CST
- P-14 Not in evidence
- P-15 Not in evidence
- P-16 Not in evidence

For respondents:

- R-1 Not in evidence
- R-2 Speech Language Initial Evaluation, dated October 10, 2024
- R-3 Speech Language Initial Evaluation Recommendations, dated September 20, 2024
- R-4 Social Evaluation Report, dated November 19, 2024
- R-5 Request for Evaluation, dated August 14, 2024
- R-6 Email between petitioner and Riverbank, dated September 3, 2024
- R-7 Email regarding scheduling IEP meeting between petitioners and Pat Gallagher, dated February 13, 2025
- R-8 Email confirmation to petitioners of February 20, 2025 IEP meeting
- R-9 Due process petition/mediation request, dated February 18, 2025
- R-10 Withdrawal of due process petition, dated April 11, 2025
- R-11 Not in evidence
- R-12 Not in evidence
- R-13 Petitioner due process request acknowledgment, dated April 30, 2025
- R-14 Petitioner due process petition withdrawal, dated May 30, 2025
- R-15 Not in evidence
- R-16 Not in evidence
- R-17 Letter from Florence to petitioners, dated August 20, 2025
- R-18 Not in evidence
- R-19 Not in evidence
- R-20 Email from Kelley, dated November 18, 2024
- R-21 Email from Kelley, dated December 12, 2024
- R-22 Email from Kelley, dated December 4, 2024
- R-23 January 9, 2025 virtual invitation from Florence
- R-24 C.S.'s Riverbank enrollment application form