



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

**FINAL DECISION**

OAL DKT. NO. EDS 13045-25

AGENCY DKT. NO. 2026-39516

**A.M. ON BEHALF OF MINOR CHILD J.M.,**

Petitioner,

v.

**LACEY TOWNSHIP BOARD OF EDUCATION,**

Respondent.

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**A.M.**, petitioner, on behalf of minor child, J.M., pro se

**Isabel Machado**, Esq., for respondent (Machado Law Group, attorneys)

Record Closed: September 19, 2025

Decided: September 25, 2025

BEFORE **TRICIA M. CALIGUIRE**, ALJ:

**STATEMENT OF THE CASE**

This case arises under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1401 to 1482, and 34 C.F.R. §§ 300.500 et seq. (2025). Petitioner A.M. on behalf of minor child J.M. seeks an order requiring respondent Lacey Township Board of Education (Board or District) to provide compensatory services to J.M. for missed special education and related services during the 2024–2025 school year.

## **PROCEDURAL HISTORY**

On July 23, 2025, A.M., on behalf of minor child J.M., filed a complaint for due process with the New Jersey Department of Education, Office of Special Education. The parties met for mediation, but resolution was not reached, and on August 22, 2025, this matter was transmitted to the Office of Administrative Law (OAL) as a contested case.

A telephone hearing was scheduled for August 26, 2025. Prior to the hearing, counsel for respondent submitted a resolution agreement signed by respondent, by which the Board agreed to provide J.M. with all compensatory hours requested by petitioner. One hour later, petitioner submitted the form of agreement she was willing to sign, which included (1) a requirement that all such compensatory education be completed no later than March 1, 2026; (2) explicit permission for the parties to disclose the existence and/or terms of the agreement to third parties; (3) refusal to waive claims not specifically raised in the due process petition, whenever occurring; and (4) that the agreement resolved all issues raised in the due process petition.

On August 26, 2025, during the telephone hearing, the parties stated that a settlement had been reached, and an agreement would be duly executed and submitted for my approval. Accordingly, a hearing was scheduled for September 16, 2025.

On September 9, 2025, petitioner submitted a motion for summary decision on the grounds that there was no dispute of material fact as the parties had agreed on the amount of compensatory education owed to J.M. Petitioner sought an order enforcing respondent's obligation and by which the OAL would "retain jurisdiction to monitor compliance and to issue further enforcement orders if respondent failed" to complete its obligations on or before March 1, 2026. Pet'r's Motion for Summary Decision (Sept. 9, 2025) (Pet'r's First Motion), at 2.

On September 16, 2025, the parties participated in a telephone hearing and stated that they had not been able to reach agreement on the terms of a written settlement agreement, although they agreed on the amount of compensatory education owed by

respondent to J.M. Accordingly, I permitted respondent to respond to the motion for summary decision pursuant to N.J.A.C. 1:1-12.5.

On September 16, 2025, after the telephone hearing, petitioner filed a motion to enforce the forty-five-day decision deadline under the IDEA, claiming that her motion for summary decision was not “a request for an extension” under 34 C.F.R. 300.515(c), and by permitting respondent time to respond to her motion (and taking time to issue an order on the motion), I failed to comply with the dictates of the IDEA.

By filing dated September 18, 2025, respondent opposed petitioner’s motion to enforce the forty-five-day deadline and moved to dismiss the petition as moot as the parties were in agreement as to the only issue, that being the number of compensatory hours owed to J.M. Ltr. Br. of Resp’t (Sept. 18, 2025) (Resp’t’s Br.), at 1, 2. On September 19, 2025, petitioner filed a reply, and the motions are now ripe for review.

### **FACTUAL DISCUSSION AND FINDINGS**

The parties agree that the following compensatory education is owed to J.M. and will be provided by the District during the 2025–2026 school year:

1. Forty-six hours of home instruction;<sup>1</sup>
2. Thirty minutes of occupational therapy (OT);
3. One hour of speech therapy; and
4. The District may substitute in-person OT hours for equivalent hours of home instruction, thereby reducing the forty-six hours of home instruction accordingly, with no single session lasting less than twenty-five minutes nor more than two hours.

[Pet’r’s First Motion at 4 and Ex. A; Resp’t’s Br. at 5.]

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<sup>1</sup> By email to my judicial support specialist, petitioner stated that home instruction began on September 13, 2025, though petitioner also alleges that the provision of these services has not been without controversy. Email of A.M. to Judge Caliguire (via Kelly Lee, Sept. 13, 2025). I make no findings with respect to those allegations; the email only serves to document that respondent has begun to fulfill its obligations under the “settlement,” even though a formal settlement agreement was not entered.

The parties were unable to reach agreement on the terms of a formal settlement agreement. The dispute over these terms has no bearing on the amount of compensatory education that will be provided by respondent to J.M.

Petitioner has obtained the relief sought by her due process petition.<sup>2</sup>

### **LEGAL ANALYSIS AND CONCLUSION**

An action is moot when the decision sought “can have no practical effect on the existing controversy.” Redd v. Bowman, 223 N.J. 87, 104 (2015). For reasons of judicial economy and restraint, it is appropriate to refrain from decision-making when an issue presented is hypothetical, judgment cannot grant effective relief, or the parties do not have a concrete adversity of interest. Anderson v. Sills, 143 N.J. Super. 432, 437 (Ch. Div. 1976); Fox v. Twp. of E. Brunswick Bd. of Educ., EDU 10067-98, Initial Decision (March 19, 1999), aff’d, Comm’r (May 3, 1999), <https://njlaw.rutgers.edu/collections/oal/>; J.L. and K.D. ex rel. J.L. v. Harrison Twp. Bd. of Educ., 2014 N.J. AGEN LEXIS 60, Final Decision (January 28, 2014).

In P.S. ex rel. I.S. v. Edgewater Park Township Board of Education, EDS 10418-04, Final Decision (October 31, 2005), <http://njlaw.rutgers.edu/collections/oal/>, a parent filed for due process due to a disagreement over a district’s proposed placement of her child and requested a different, approved private school. The district had agreed to the parent’s placement request and moved to dismiss the petition as moot. The parent wanted to continue the hearing to resolve other related disagreements, but the administrative law judge (ALJ) concluded that the relief sought by the parent had already been granted by the district through their agreement to place the child at her requested school. The ALJ dismissed the petition as moot and reasoned that the parents had the right to file a new due process petition regarding other issues with the district.

As stated above, a review of the due process petition and the statements of both parties as to their agreement on compensatory education leads to the conclusion that no

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<sup>2</sup> Petitioner added the request that all services be provided within six months but has neither requested to amend the petition nor provided evidence that J.M. can participate in the extra instructional time across six rather than ten months.

issue remains as to which judgment can grant effective relief. By her motions, petitioner seeks (1) a final decision in this matter on or before October 6, 2025, the original deadline, had no extensions been sought and/or dispositive motions been filed; and (2) that OAL retain jurisdiction over this matter for enforcement purposes. By her first demand, petitioner ignores that it is because she filed a motion that respondent was given time to respond, as provided by the Administrative Procedure Act (APA) rules, N.J.A.C. 1:1-12.5.<sup>3</sup> In making the latter demand, petitioner misunderstands the role of the OAL. Whether a judge issues a final decision following a plenary hearing or issues a final decision approving settlement, the APA rules do not provide for continuing jurisdiction. See N.J.A.C. 1:1-18.1(h). The OAL has limited enforcement authority and routinely notifies litigants, using boilerplate language, to seek enforcement of a final decision by claim in the Superior Court of New Jersey or in federal district court.

The parties' relationship appears to have been contentious, but they have agreed on the amount of compensatory education services required to ensure that J.M. receives a free appropriate public education. Based on the foregoing, I **CONCLUDE** that the due process petition should be dismissed with prejudice because petitioner has received the relief she requested, making the issues raised moot.

### **ORDER**

For the reasons set forth above, I **ORDER** that the issues raised by the petition of A.M. on behalf of minor child J.M. against respondent, Lacey Township Board of Education, are moot, and therefore, the petition is **DISMISSED WITH PREJUDICE**.

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.

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<sup>3</sup> It is worth noting that respondent filed its response and cross-motion well before the regulatory deadline.



September 25, 2025

**TRICIA M. CALIGUIRE, ALJ**

Date Received at Agency:

Date Mailed to Parties:

TMC/kl