



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

CORRECTED FINAL DECISION

SUMMARY DECISION

OAL DKT. NO. EDS 14032-25

AGENCY REF. NO. 2026-39601

**HIGHLAND PARK BOROUGH BOARD
OF EDUCATION,**

Petitioner,

v.

A.B. ON BEHALF OF J.B.,

Respondent.

David B. Rubin, Esq., for petitioner (Busch Law Group, LLC, attorneys)

A.B., respondent, pro se

Record closed: October 7, 2025

Decided: October 30, 2025

BEFORE **MAMTA PATEL**, ALJ:

STATEMENT OF THE CASE

On May 16, 2025, J.B.'s individualized education program (IEP) became effective, placing him in an out-of-district school. However, his mother, A.B., will not consent to the release of records needed to implement the IEP. May this tribunal issue an order compelling A.B.'s consent to release records? Yes. When a parent refuses to consent

to the release of records to implement an IEP, an administrative law judge may issue an order to compel the parent's consent. See N.J.A.C. 6A:14-2.7(b).

PROCEDURAL HISTORY

On April 30, 2025, petitioner Highland Park Borough Board of Education (Highland Park) met with A.B. and proposed changing J.B.'s placement to an out-of-district setting from May 1, 2025, through April 29, 2026. Respondent A.B. never submitted written objections or filed for due process, and J.B.'s IEP took effect on May 16, 2025. Highland Park asserts that A.B. has not fully cooperated in implementing the IEP, particularly by failing to release student records for potential placements.

On August 11, 2025, Highland Park initiated a due process hearing. On August 12, 2025, the Office of Special Education transmitted the case as a direct filing 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 August 26, 2025, I held a telephone conference with the parties, during which Mr. Rubin requested leave to file a motion for summary decision under N.J.A.C. 1:1-12.5.

On August 27, 2025, I issued a letter outlining a briefing schedule. On August 28, 2025, Highland Park filed its motion for summary decision. As of September 30, 2025, A.B. had not responded, and an email was sent to remind her that no response had been received, extending her deadline to respond to the close of business on October 1, 2025. A.B. then filed her response on October 1, 2025. On October 7, 2025, Highland Park filed its reply, and I closed the record.

FINDINGS OF FACT

Based upon papers submitted in support of the motion for summary decision, including the certification of Derek Ressa, director of Educational Services, I **FIND** the following as **FACT**:

April 30, 2025, IEP

1. J.B. is currently fifteen years old and resides with A.B., his mother, in the Highland Park Borough School District.
2. J.B. is classified under the category of multiple disabilities and is supported by a 1:1 nurse throughout the school day.
3. On April 30, 2025, the Highland Park IEP team, including A.B., met to review J.B.'s revised IEP, proposing a placement change to an out-of-district setting, effective May 1, 2025, through April 29, 2026, with home placement in the meantime.
4. The April 30, 2025, IEP states that J.B. is "classified under the classification category of Multiple Disabilities due to his hearing loss which precludes him from processing auditory information without support, his diagnosis of contracture of his right foot and ankle (club foot), which adversely affects his ability to fully engage in his academic curriculum (physical education, ambulating in school, etc.), his complex medical history of which he requires support due to various medical issues and his significant speech delays."
5. The April 30, 2025, IEP indicates a projected IEP start date of May 1, 2025, "School: To Be Determined," and also shows under "Placement Decision" "Private Day School with Students with Disabilities."
6. On May 1, 2025, Catherine Leahy, case manager and school psychologist, sent A.B. an email. Attached was a copy of the April 30, 2025, IEP, a

consent request form for the release of records, and a copy of “Parental Rights in Special Education” (PRISE). A.B. was also advised that she had fifteen days to review the IEP.

7. The May 1, 2025, email from the case manager also requested that A.B. confirm a classroom visit for J.B. to the Lakeview School.
8. Between May 1, 2025, and May 19, 2025, A.B. did not object in writing to the implementation of the April 30, 2025, IEP or file for due process.
9. A.B. also did not respond to the case manager’s request to confirm a classroom visit to the Lakeview School.
10. On May 17, 2025, the IEP case manager emailed A.B., confirming that the April 30, 2025, IEP was now in effect and that she would be contacting A.B. on Monday, May 19, 2025, to coordinate a schedule for home instruction and location of services.
11. Newsletters dated May 5–9, 2025, and May 12–19, 2025, with updates of J.B.’s progress, were sent to A.B. and included reminders to sign consent forms to send to schools for out-of-district placement.
12. The Highland Park IEP team has identified several potential schools that may be appropriate for J.B. to attend, pending other considerations, including: Jardine Academy, Lakeview School, Rock Brook School, Piscataway Regional Day School, and Governor Livingston High School.
13. To date, A.B. has not signed a current release of student records to be sent to any of the schools listed above.

CONCLUSIONS OF LAW

Under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and its

implementing regulations at 34 C.F.R. Part 99 (2025), releasing student records generally requires written consent from the parent. However, under 34 C.F.R. § 99.31 (2025), there are exceptions to the parental-consent requirement, such as when records are released in accordance with a judicial order. 34 C.F.R. § 99.31(a)(9)(i).

Under N.J.A.C. 6A:14-2.3(f)(1), the district board of education must notify the parent when proposing a change in placement. When the change in placement requires releasing the student's records, under N.J.A.C. 6A:14-2.3(a)(4), a district must obtain parental consent before releasing the student's records in accordance with N.J.A.C. 6A:32-7. Under N.J.A.C. 6A:14-2.3(c), if a district cannot get the required permission, it may request a due process hearing under N.J.A.C. 6A:14-2.7(b).

A parent's request for mediation or a due process hearing before the fifteen-calendar-day period from the district board of education's notice expires delays the implementation of the proposed action. N.J.A.C. 6A:14-2.3(h)(3)(ii). The district board of education shall implement the proposed action upon the expiration of the fifteen days. N.J.A.C. 6A:14-2.3(h)(3).

In this case, on May 1, 2025, the Highland Park case manager sent A.B. an email attaching the April 30, 2025, IEP that proposed an out-of-district school placement. A.B. did not seek mediation or file notice for a due process hearing before the expiration of the fifteenth calendar day from May 1, 2025. N.J.A.C. 6A:14-2.3(h)(3)(ii). Highland Park is required to implement the proposed action in the IEP. N.J.A.C. 6A:14-2.3(h)(3).

Highland Park has tried to work with A.B. to resolve this, including sending weekly newsletters to A.B. with reminders to sign the release-of-records form, but she has refused to cooperate. A.B.'s consistent refusal to work with Highland Park is delaying the process of finding a suitable alternative school placement for J.B.

Under N.J.A.C. 1:1-12.5(b), 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." In this case, no genuine issue of material fact exists;

therefore, I **CONCLUDE** that Highland Park is entitled to a summary decision as a matter of law to compel A.B.'s consent for the release of J.B.'s records. See N.J.A.C. 6A:14-2.7(b).

Given these circumstances, I **CONCLUDE** that Highland Park is entitled to the release of J.B.'s student records so they can be sent to potential placements to facilitate the April 30, 2025, IEP in accordance with N.J.A.C. 6A:14-2.7(b).

ORDER

I **ORDER** that Highland Park Borough Board of Education's motion for summary decision is **GRANTED**. A.B. is **ORDERED** to consent to the release of J.B.'s records.

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 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.

October 30, 2025

DATE



MAMTA PATEL, ALJ

Date Received at Agency:

Date Mailed to Parties:

MP/jm

APPENDIX

Exhibits

For Petitioner:

Certification of Derek Ressa, dated August 27, 2025

P-A Individualized Education Program dated April 30, 2025

Certification of Derek Ressa, dated October 7, 2025

P-A Email from Katherine M. Leahy, dated May 1, 2025

P-B Authorization to Release Records for J.B. to:

Lakeview School

Jardine Academy

P-C Newsletter, dated May 5-9, 2025, and May 12-19, 2025

For Respondent:

R-A Email from A.B., dated April 25, 2025

R-B Email from Katherine M. Leahy, dated March 3, 2025

R-C Email from Katherine M. Leahy, dated May 17, 2025

R-D Email from A.B., dated May 19, 2025

R-E Individualized Education Program dated April 30, 2025

R-F Email from Katherine M. Leahy, dated March 28, 2025

R-G Individualized Education Program, dated March 18, 2025