State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION
MOTION SUMMARY DECISON
OAL DKT. NO. EDS 13364-25
AGENCY DKT. NO. 2026-39431

K.P. ON BEHALF OF A.P.,
Petitioner,
v.
SCHOOL DISTRICT OF THE CHATHAMS BOARD OF EDUCATION,
Respondents.

K.P., on behalf of A.P., petitioner, pro se

Arsen Zartarin, Esq., for respondent (Cleary, Giacobbe, Alfieri, Jacobs, L.L.C., attorneys)

Record Closed: January 12, 2026 Decided: January 13, 2026

BEFORE **JULIO C. MOREJON**, ALJ:

STATEMENT OF THE CASE

Petitioner K.P. (Petitioner), the mother of special education student A.P., initiated the instant due process petition (petition) seeking: (1) to compel Respondent the School District of the Chathams Board of Education (the District) to restore A.P.'s in-person

placement at Chatham High School pursuant to his March 2024 IEP; and (2) compensatory education for services denied.

PROCEDURAL HISTORY

The petition was received by the Office of Special Education (OSE) on or about July 3, 2025. OSE then transmitted the petition to the Office of Administrative Law (OAL), where it was filed on August 1, 2025, as a contested matter. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1.

Respondent filed an Answer and Counterclaim on August 15, 2025. Also on August 15, 2025, an Order was issued in the New Jersey Superior Court regarding Petitioner and M.P.'s divorce proceedings clarifying the legal and residential custody rights over A.P. (M.P. is A.P.'s biological father and has full custody of A.P.)

On or about September 18, 2025, the District filed a motion for summary decision on the basis that K.P. lacks standing to bring the within action. On or about October 3, 2025, Petitioner filed her opposition to the motion for summary decision and a cross-motion for the joinder of M. P., A.P.'s father, as a necessary party pursuant to N.J.A.C. 1:1-13.1. On or about October 9,2025, the District filed a *sur reply* to the opposition of its motion and an opposition to Petitioner's cross-motion.

DISCUSSION AND FINDINGS

This matter has significant recent history before the Office of Administrative Law (OAL), which will be discussed below.

On March 20, 2025, a final decision was entered regarding the consolidated matters docketed at EDS 13507-24 and EDS 13508-24, (March Final Decision) wherein Petitioner sought stay-put, independent evaluations, and appropriate supports and the District sought denial of Petitioner's request for independent evaluations. The final decision granted the District's motion for summary decision and dismissed the matter with prejudice.

On April 30, 2025, a final decision was issued concerning an application for emergent relief docketed at EDS 00773-25 (April Final Decision), wherein Petitioner sought amended Manifestation Determination Review (MDR) findings, independent evaluations, eligibility determinations, compensatory education, and a facilitated IEP meeting and the District sought to place A.P. on home instruction pending an out-of-district placement. The April Final Decision concerned the respondent District filing for emergent relief to place the student A.P. on home instruction pending an out-of-district placement. The final decision granted the District's request for emergent relief and ordered that A.P.'s stay-put placement be home instruction pending the finalization of his out-of-district placement, at which point that would become his stay-put designation.

On July 14, 2025, a final decision for the emergency application docketed at EDS 11891-25 (July Final Decision), wherein Petitioner sought to challenge A.P.'s pending placement at the Benway School (Benway), reinstate A.P.'s prior placement at Chatham High School, and compel the District to immediately conduct an MDR. The final order denied Petitioner's request for emergent relief, concluding that Petitioner had failed to meet her burden of proof and was not entitled to relief.

Findings of Fact from Prior Final Decisions

The following findings of fact made in the April Final Decision under docket number EDS 00773-25 and the July Final Decision under EDS 11891-25, are applicable herein, and I **FIND** the same as **FACT** in this proceeding.

A.P. was born on December 9, 2008, and classified eligible for special education and related services on November 1, 2018, with a designation of autism. On March 1, 2022, A.P. enrolled in the School District of the Chathams having transferred from Manville Public School District.

On November 29, 2023, A.P. sent an email to his teacher threatening self-harm. A.P. was referred to St. Clare's Behavioral Health for psychiatric evaluation. On November 30, 2023, A.P. was cleared to return to school. On February 15, 2024, A.P.

was flagged by student monitoring software for searches relating to antidepressants and self-harm and was again referred for psychiatric evaluation. On February 26, 2024, Rutgers University Behavioral Health Care cleared A.P. to return to school.

On March 4, 2024, an IEP meeting was held to address the risk assessments and update A.P.'s Behavioral Intervention Plan. The March 4, 2024 IEP did not modify A.P.'s class placement. On May 20, 2024, A.P. threatened to stab a teacher with a pencil and was referred to the GenPsych Adolescent Program. On May 31, 2024, an IEP meeting was held to amend and update the March 4, 2024 IEP. On June 11, 2024, A.P. was cleared to return to school.

On September 24, 2024, A.P. reported that he had assaulted his mother screamed at his teacher, and searched terms reflecting concerns about his mental health. A.P. was again referred for psychiatric evaluation and an MDR concluded that: (1) A.P.'s actions were not a manifestation of his disability; and (2) while A.P. was not disciplined, he was barred from school pending psychiatric clearance. Petitioner and M.P. signed the MDR determination. A.P. eventually returned to school on January 8, 2025.

On or about January 13, 2025, A.P. expressed suicidal ideation and was taken to the Chatham Police Department by M.P. A.P. was subsequently hospitalized at Morristown Memorial Hospital and his return to school was again made subject to psychiatric clearance. On January 16, 2025, A.P.'s psychiatrist opined via letter that A.P. was unable to return to school and recommended out-of-district placement. A.P. was ultimately cleared to return to school on March 10, 2025.

On March 11, 2025, another incident occurred wherein A.P. yelled at a teacher, attempted to flip a table, threatened to throw his laptop, and bit himself. On March 21, 2025, an MDR found that the episode was not a result of A.P.'s disability and A.P. was placed on home instruction.

On April 16, 2025, an IEP meeting was held via Zoom which was attended by A.P., M.P., District Assistant Superintendent Dr. Sortino, Learning Disabilities Teacher Consultant Ms. Quiceno, School Psychologist Dr. Calle-Andrade, and Board-Certified

Behavior Analyst Ms. Cohen. Petitioner did not attend. During this meeting, A.P. had an emotional outburst wherein he repeatedly screamed and punched his computer screen.

In accordance with the April Final Decision and with M.P.'s consent, the District initiated out-of-district placement planning. A.P. was rejected from several programs, including the Newmark School, but was eventually accepted at the Benway School (Benway). On June 26, 2025, M.P. signed a written consent modifying A.P.'s IEP to reflect the placement at Benway. A.P. began attending the Benway Extended School Year (ESY) program on July 7, 2025.

Current Proceeding

I **FIND** the following as **FACT** herein, which is derived from the petition filed in this matter:

At the conclusion of the ESY program, Benway advised the District, Petitioner, and M.P. that it could not continue to service A.P. for the upcoming school year.[1] (Respondent's Answer at ¶ 20). M.P. does not consent to the instant due process proceeding and sees no reason for further litigation of A.P.'s IEP or education at this time. (M.P. Certification at ¶ 5). M.P. is working in collaboration with the District to facilitate a new out-of-district placement for A.P. (Id. at ¶ 6).

Petitioner and M.P. are in the process of divorcing. The status of this divorce proceeding is unclear from the current filings. By Order dated August 15, 2025, the Superior Court of New Jersey, Morris County Chancery Division-Family Part, (Custody Order) determined that A.P.'s natural father, M.P. "will need to be the final decision-maker" regarding health and education related matters involving the student. (A copy of the Custody Order is annexed to the Certification of M. P. as Exhibit A (Certification of M.P.)). The relevant Custody Order states that "the parties shall continue to share joint

[1] It is unclear from the current filings why this decision was made; however, it is noted that Petitioner "did not cooperate with transportation services to the school" (Respondent Answer at ¶ 19) and that an unknown "incident" occurred on August 5, 2005, A.P.'s last in-person day at Benway, wherein A.P. was again "sent out for clearance." (Chatham OOD Records Sent at 2).

legal custody of their 3 children, with the father having primary residential custody of [A.P.], subject to the language set forth in Paragraph 2 of this Order." (Respondent Reply, Ex. A at ¶ 1). M.P. does not want to pursue the within Petition and has been working "diligently pursuing out of district placements" regarding A.P.'s IEP. (Certification of M.P. at paragraph 5).

LEGAL ANALYSIS

I. Standards for summary decision.

Summary decision is the administrative counterpart to summary judgment in the judicial arena. Under the Uniform Administrative Procedure Rules, "[a] party may move for summary decision upon all or any of the substantive issues in a contested case." N.J.A.C. 1:1-12.5(a). Such motion "shall be served with briefs and with or without supporting affidavits" and "[t]he decision sought 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). When the motion "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." Ibid.

The New Jersey Supreme Court encouraged trial-level courts not to refrain from granting summary judgment when the proper circumstances present themselves. Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 541 (1995). While cautioning that a judge should not weigh the truth of the evidence or resolve factual disputes at this early stage of the proceedings, the Court clarified that when the evidence is so one-sided that one party must prevail as a matter of law, the trial court should not hesitate to grant summary judgment. Id. at 540.

Based upon the foregoing and for the reasons that follow, this matter is ripe for summary decision

II. Parental rights under the IDEA, inclusive of the right to request a due process hearing, may be limited by custody orders.

Under the IDEA, only "a parent or a public agency may file a due process complaint." 34 C.F.R. § 300.507. As used in federal and state regulations governing special education, "parent" includes "the natural or adoptive parent" as well as any legal guardian or surrogate parent properly appointed to represent the child's interests. N.J.A.C. 6A:14-1.3; see also 34 C.F.R. § 300.30. In the event of divorce, the general rule is that both parents retain all of their parental rights under the IDEA. See 71 Fed. Reg. 46568 (2006).

That general rule is, however, indisputably subject to limitation in the form of custody orders issued by a court of competent jurisdiction. See N.J.A.C. 6A:14-1.3 (parental rights are retained unless "terminated by a court of appropriate jurisdiction"); 34 C.F.R. § 300.30(b)(1) (parental rights are presumed unless "the biological or adoptive parent does not have the legal authority to make educational decisions for the child"); 71 Fed. Reg. 46567-8 (2006) (parental rights apply to both parents "unless a court order or State law specifies otherwise," inclusive of both "temporary and permanent termination of parental rights to make educational decisions"). Both New Jersey and Federal precedents have repeatedly upheld this limitation.

"Where parents are divorced or live separately, a court of appropriate jurisdiction may make orders concerning the care, custody, education and maintenance of the children." L.T. o/b/o C.T. v. Denville Twp. Bd. of Educ. EDS 05899-03, Final Decision (October 28, 2004), <https://njlaw.rutgers.edu/collections/oal/final/eds05899-03_1.html> (citing N.J.S.A. 2A:34-23 and N.J.S.A. 9:2-3). New Jersey "courts and administrative law judges look to state matrimonial law as controlling the respective rights of divorced parents to make educational decisions regarding children of the marriage" and administrative law judges consequently resort "to the terms of the divorce decree in order to resolve disputes between former spouses over educational decision-making." F.C. o/b/o D.C. v. Rockaway Twp. Bd. of Educ., EDS 11128-04, Final Decision (January 12, 2005), <https://njlaw.rutgers.edu/collections/oal/final/eds11128-04_1.html>.

"Although the IDEA grants rights to 'parents,' and the regulatory definition of 'parent' includes all biological parents, . . . nothing in the IDEA overrides states' allocation of authority as part of a custody determination." Navin v. Park Ridge Sch. Dist. 64, 270 F.3d 1147, 1149 (7th Cir. 2001). "[W]here a plaintiff who otherwise satisfies [the IDEA]'s definition of 'parent' does not have the authority to make educational decisions on behalf of a child, that plaintiff cannot bring a claim under the IDEA." Chukwuani v. Solon City Sch. Dist., 2020 U.S. App. LEXIS 12863, 5 (6th Cir. 2020); see also Fuentes v. Bd. of Educ., 569 F.3d 46, 47 (2nd Cir. 2009) (holding that where a parent "does not have the authority to make education decisions," that parent "lacks standing to demand a hearing under the IDEA"); Dressen v. Lockman, 518 Fed. Appx. 809, 812 (11th Cir. 2013) (holding that the term "parent," under the IDEA, does not include individuals unable "to make educational decisions on behalf of a child" as a result of a judicial decree).

Here, Petitioner argues that "Federal law preempts retroactive application of custody orders." (Petitioner Reply at 2). In support of this position, she cites to Honig v. Doe for the contention that "stay-put is an 'automatic injunction' protecting the child, not subject to parental preference or retroactive orders." Id. at 3 (citing 484 U.S. 305 (1988). Honig nowhere contains the terms "parental preference" or "retroactive orders" and only references "automatic injunction" in discussing the statutory requirement to exhaust administrative remedies. 484 U.S. at 329. In fact, the central holding of Honig is that stay-put merely "creates a presumption in favor of the child's current educational placement which school officials can overcome only by showing that maintaining the child in his or her current placement is substantially likely to result in injury either to himself or herself, or to others." Id. at 328.

This precedent is particularly inapposite to Petitioner's contention given that: (1) A.P.'s stay-put designation is at-home instruction, pursuant to the April Final Decision and not the March 2024 IEP as Petitioner suggests; and (2) the repeated incidents while A.P. attended Chatham High School, described above, are more than sufficient to demonstrate a substantial likelihood of injury.

Petitioner further cites to Perez v. Sturgis, 598 U.S. 142 (2023) for the contention that "IDEA rights cannot be extinguished by procedural maneuvers." (Petitioner Reply at

3) (citing 598 U.S. 142 (2023)). Similarly to above, neither "extinguish" nor "procedural maneuvers" appear anywhere in that decision. Instead, Perez merely clarifies that the IDEA provision requiring exhaustion of administrative remedies does not preclude related claims under the ADA. 598 U.S. at 151. Petitioner finally cites to Endrew F. v. Douglas County for the contention that A.P.'s current at-home instruction is not "reasonably calculated for progress." (Petitioner Reply at 3) (citing 580 U.S. 386 (2017)).

This argument is similarly unavailing as neither party nor past tribunal has argued that at-home instruction is the best placement for A.P. Instead, the at-home placement was intended to be a stop-gap solution, given that A.P. could not safely continue to attend Chatham High School. It is only the ongoing administrative filings of Petitioner, and whatever ultimately precluded his continuing at Benway, that have prevented A.P. from proceeding to a more permanent out-of-district placement that is reasonably calculated for progress.

As noted above, both federal statute and case law are unambiguously clear that custody orders, issued in the course of a divorce proceeding by a court of competent jurisdiction, may limit a parent's legal right to make educational decisions for a child and consequently limit their ability to request a due process hearing under the IDEA. Petitioner's arguments to the contrary are utterly lacking support in the cited case law and therefore unavailing.

III. M.P. is the sole "parent" of A.P. for the purposes of requesting a due process hearing pursuant to the IDEA.

The relevant Custody Order states that "the parties shall continue to share joint legal custody of their 3 children, with the father having primary residential custody of [A.P.], subject to the language set forth in Paragraph 2 of this Order." (Respondent Reply, Ex. A at ¶ 1). The Order goes on to state, after directing that each parent should encourage the children in their custody to spend time with the non-custodial parent, that (emphasis added):

> The situation with [A.P.] however is different, and the Court is obviously troubled by the legal findings made by the judge in the proceeding involving [A.P.].[2] The judge took issue with the actions of the mother, finding that she has not been acting in the best interests of [A.P.] In fact, the Administrative Law Judge found her actions likely to cause irreparable harm to [A.P.], and described her failure to cooperate as deleterious to [A.P.]'s health and well-being. Her "stubborn failure to cooperate" was referenced by the Judge and the reasoning she employed was described by the Judge as non-sensical. **While the father should keep the mother informed as to all educational and health-related issues, at this time the father will need to be the final decision maker if the parties cannot come to a consensus on all health and education related matters involving [A.P.]**
>
> [Id. at ¶ 2.]

Put another way, the joint legal custody described in Paragraph 1 of the Custody Order is severely limited with regard to A.P.'s education. Petitioner's legal custody over A.P.'s education exists only insofar as she maintains consensus with M.P. This is functionally synonymous with M.P. having sole legal custody regarding A.P.'s education. M.P. has certified that he does not agree with Petitioner filing the within Petition and relief requested.

Petitioner argues that L.T. and F.C. are distinguishable from the instant matter and that the District mischaracterizes the holdings in those matters. (Petitioner Reply at 3-4). Petitioner first contends that L.T. is inapplicable because "the custody decree gave sole authority to one parent." Id. at 3. The "custody decree" in question, the Custody Order, stated that (emphasis added):

> Both parties shall have complete access to the medical, dental, psychiatric, psychological and school records of their children. Both parties shall have the right to communicate with the children's teachers, doctors, school officials and other individuals so as to give full force and effect to each parent's right to have complete access to the information set forth above. **[The father] has the right to consult with [the**

[2] This appears to be a reference to the April Final Decision, docket number EDS 00773-25.

> **mother] with respect to major decisions regarding the children such as** decisions regarding doctors, course of medical treatment, **major schooling decisions**, by telephone or mail. **However, after considering [the father's] input with respect to these major decisions, the right to make these major decisions regarding the children is left to [the mother]**.

[L.T. o/b/o C.T. v. Denville Twp. Bd. of Educ. EDS 05899-03, Final Decision (October 28, 2004) (concluding that the father "does not possess legal authority" to request a due process hearing without the mother joining because "ultimate decision-making authority" rests with the mother).]

Petitioner further contends that F.C. holds that "where decrees are ambiguous, both parent's rights must be respected" and that it "supports joinder, not dismissal." (Petitioner Reply at 4). The ALJ in F.C. described the relevant portions of the custody decree as follows (emphasis added):

> Generally, § 4.8 contemplates that the parents "shall consult and confer with each other with a view toward adopting and following a harmonious policy" on all matters of major importance regarding the child's health, safety and welfare. Toward that end, each parent is entitled "to complete detailed information directly from any teacher or school giving instruction to the Child." § 4.14. Most pertinently, the settlement directs that **major decisions concerning the child, including choice and location of special education, "shall be considered and discussed in depth and agreed to by both parents**, bearing in mind their custodial arrangement." § 4.16. Unfortunately, the four corners of the document offer no guidance on what to do in the event that the parents are unable to reach agreement. No mechanism is established to break the tie if the parents are at odds over what course of action is in the best interests of their child.

[F.C. o/b/o D.C. v. Rockaway Twp. Bd. of Educ., EDS 11128-04, Final Decision (January 12, 2005) (concluding that "the mother's consent to the proposed program would be ineffective without the father's concurrence" and that "without clearer instructions from the Family Part, the agreement must be read to mean exactly what it says").]

From a review of the decisions cited, it is apparent that Petitioner and not the District mischaracterizes these decisions. The language under review in L.T. is functionally analogous to that of the instant custody order. Both seek to promote consultation and consensus between the estranged parents but ultimately vest final authority with only one. By contrast, the instant custody order is significantly distinguishable from that under review in F.C., specifically in that there is unambiguous guidance within the four corners of the document on what to do in the event that the parents do not agree – M.P. possesses ultimate decision-making authority.

Based on these decisions, and the above reasoning, it is clear that M.P. is the sole "parent" with regard to educational decisions for A.P. as contemplated by the IDEA. Consequently, in accordance with the Custody Order, Petitioner's request for a due process proceeding is ineffective without M.P.'s concurrence because Petitioner does not possess the requisite legal authority without him.

IV. Petitioner lacks standing to maintain the instant action and her motion for joinder is consequently moot.

Petitioner repeatedly argues that the order of events in the instant matter – specifically that her petition was filed before the August 15, 2025 Custody Order – insulates her from any challenge to her standing. See (Petitioner Reply at 1) ("The Office of Special Education acknowledged receipt and referred the matter to the OAL before the August 15 order"); (Id. at 4) ("custody was joint when Petitioner filed on July 7, 2025"); (Id.) ("custody was joint until August 15"). In advancing this argument, Petitioner essentially admits that her legal custody over A.P.'s education was, in fact, limited and/or terminated by the August 15, 2025, custody order.

This timeline argument represents a fundamental misinterpretation of standing. "[S]tanding is a threshold justiciability determination whether the litigant is entitled to initiate and **maintain an action** before a court or other tribunal." In re Six Month Extension of N.J.A.C. 5:91-1 et seq., 372 N.J. Super. 61, 85 (App. Div. 2004) (citing In Re Adoption of Baby T., 160 N.J. 332, 340 (1999)) (emphasis added). It is undisputed

that the custody arrangement in place at the time that the petition was filed entitled Petitioner to initiate the instant action. As described above, it appears similarly undisputed that the August 15, 2025 custody order limited and/or terminated Petitioner's legal custody over A.P.'s education such that she is no longer entitled to same. Consequently, Petitioner is no longer entitled to maintain the instant action and her petition is not justiciable by this tribunal.

Petitioner's lack of standing is sufficient justification for summary decision in the instant matter, and the tribunal need not address the issue of joinder. However, even were that not the case, joinder is an inappropriate remedy in this matter. A due process hearing is an administrative proceeding before an impartial hearing officer to resolve disagreements regarding identification, evaluation, reevaluation, classification, educational placement, the provision of a free, appropriate public education, or disciplinary action. See N.J.A.C. 6A:14-2.7; see also 20 U.S.C. § 1415(f).

Both the New Jersey and Federal regulations regarding due process hearings exclusively contemplate the parent/parents of a child requiring special education as one party and the school district or other public agency as the other. Id. No statutory or regulatory basis could be discovered to justify the joinder of one divorced parent as a third-party respondent to the petition of another divorced parent, as Petitioner requests. See (Petitioner Reply at 5).

A due process hearing before the OAL is simply not the venue to litigate the contours of parents' relationship to each other or their child, nor does OAL jurisdiction extend to the invasion of matters properly before the Family Part. "Any dispute between the divorced parents of a student must in the first instance be resolved by the parents or a court of competent jurisdiction." Hasbrouck Heights Bd. of Educ. v. M.M. and J.M. o/b/o E.M., EDS 13699-13, Final Decision (October 9, 2013) <https://njlaw.rutgers.edu/collections/oal/html/initial/eds13699-13_1.html>.

Similar to the parents in F.C., Petitioner may pursue more appropriate "procedural avenues" if she "feels aggrieved by this outcome." EDS 11128-04, Final Decision (January 12, 2005). She "can return to the Family Part for clarification of its recent order

or, alternatively, to amend the [custody arrangement]" regarding "decision-making power when the parents are unable to agree on an appropriate education." Id. She similarly may seek to resolve her differences with M.P. in another court of competent jurisdiction. The instant proceeding before the OAL is simply not the appropriate venue for such.

For these reasons, the District is entitled to summary decision due to Petitioner's lack of standing and Petitioner's motion for joinder is consequently mooted.

CONCLUSION

While a mother's interest in her child receiving adequate education and support is certainly understandable, good intentions are insufficient defense in the face of practical harm. The record in this matter, and the prior proceedings before the OAL, demonstrates unambiguously that Petitioner's repeated due process requests are the foremost impediment to A.P. promptly attaining an out-of-district placement sufficient to meet his educational and mental health needs. For the last year, A.P.'s education has primarily consisted of home instruction – which all interested parties appear to acknowledge is suboptimal – primarily because of Petitioner's actions. M.P. and the District are in consensus regarding A.P.'s needs and certify to taking the necessary steps to best meet those needs. Petitioner simply cannot be allowed to further disrupt and delay A.P.'s access to FAPE in an environment which reasonably limits the danger of injury to A.P. or others, regardless of her intentions.

For the reasons stated herein, I **CONCLUDE** that the District's motion for summary decision is **GRANTED**. I further **CONCLUDE** that Petitioner's cross-motion for joinder is **DENIED** as moot and that Petitioner not request further due process proceedings on behalf of A.P. without either: (1) the written consent of M.P.; or (2) further order of the Family Part restoring her decision-making authority over A.P.'s education.

ORDER

It is hereby **ORDERED** that the District's motion for summary decision is **GRANTED**. It is further **ORDERED** that Petitioner's cross-motion for joinder is **DENIED** as moot.

It is **ORDERED** that Petitioner not request further due process proceedings on behalf of A.P. before this tribunal without either: (1) the written consent of M.P.; or (2) further order of the Family Part restoring her decision-making authority over A.P.'s education.

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.

January 13, 2026
DATE

Julio Morejon
JULIO C. MOREJON, ALJ

Date Received at Agency: January 13, 2026

Date E-Mailed to Parties: January 13, 2026

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APPENDIX

For Petitioner:

Notice of Motion for Joinder of Third-Party Respondent
Certification of Petitioner
Petitioner's response to motion for summary decision
Petitioner's Statement

For Respondent:

Motion for summary decision
Letter memorandum in support of motion
Certification of Michael Peluso
Notice of Motion
Sur reply to Petitioner's opposition to motion
Opposition to motion for joinder of third-party respondent