



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

SUMMARY DECISION

OAL DKT. NO. EDS 18177-25

AGENCY DKT. NO. 2026-39897

**HOLMDEL TOWNSHIP BOARD
OF EDUCATION,**

Petitioner,

v.

K.C. AND M.C. ON BEHALF OF C.C.,

Respondents.

Eric L. Harrison, Esq., for petitioner (Methfessel & Werbel, P.C., attorneys)

K.C. and M.C., respondents, pro se

Record Closed: December 15, 2025

Decided: January 30, 2026

BEFORE **MICHAEL R. STANZIONE**, ALJ:

STATEMENT OF THE CASE

In October 2025, respondents renewed their previous demand for an independent educational evaluation (IEE) at district expense. No evidence exists that Holmdel conducted its previous evaluations in October 2024 improperly. Are respondents entitled to an IEE at no cost? No. Upon completion of an initial evaluation or reevaluation, an

IEE shall be provided at no cost to parents unless the district board of education initiates a due process hearing to show that its evaluation is appropriate. N.J.A.C. 6A:14-2.5(c)(1).

PROCEDURAL HISTORY

On October 5, 2025, respondents K.C. and M.C. emailed Holmdel a request to provide their child, C.C., with an IEE at public expense. Holmdel denied the request. Holmdel had already conducted an educational evaluation and an occupational therapy evaluation in October 2024 and had already considered a private neuropsychological evaluation from fall 2023.

On October 21, 2025, Holmdel initiated a due process hearing under N.J.A.C. 6A:14-2.5(c)(1) to show that its evaluations were appropriate.

On that same date, 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 November 18, 2025, I held an initial prehearing telephone conference to discuss the case and schedule a hearing date. At that time, Holmdel advised of its intent to file a motion for summary decision under N.J.A.C. 1:1-12.5. I set a briefing schedule for Holmdel's motion for summary decision.

Meanwhile, I scheduled a hearing for February 5, 2026. Holmdel's motion for summary decision was filed on November 21, 2025. Respondents filed a reply brief on December 5, 2025. Holmdel's reply brief in support of its motion was filed on December 8, 2025. Respondents filed a sur-reply on December 15, 2025.

FINDINGS OF FACT

Based upon papers submitted in support of and in opposition to the motion for summary decision, including the certification of Amanda Lamoglia, I **FIND** the following as **FACT**:

Background and Prior Evaluations

1. Holmdel operates K–12 schools within the Holmdel School District (Holmdel).
2. The parents and C.C. reside in Holmdel.
3. C.C. attended fifth grade during the 2024–2025 school year in the district’s Indian Hill School. She has since been unilaterally placed by respondents at The Academy NJ located in Holmdel for the 2025–2026 school year.
4. C.C. is eligible for special education and related services under the classification category of Other Health Impairment.
5. During the 2024–2025 school year, the district’s Child Study Team (CST) conducted evaluations of C.C.
6. An educational evaluation was completed by Jaclyn Gargano, LDT-C, on or about October 17, 2024.
7. An occupational therapy evaluation was completed by Jackie Matthius MS, OTR/L, on or about October 17, 2024.
8. The CST is in possession of a private neuropsychological evaluation conducted by Megan Brown, Ph.D., during the summer of 2023, diagnosing C.C. with a visual processing disorder.
9. At no time did respondents object to the findings of the district evaluations.

10. On October 30, 2024, the individualized education program (IEP) team determined that C.C. is eligible for Special Education and Related Services as meeting the criteria of other health impairment. An initial IEP was proposed for C.C. for the fifth grade at the Indian Hill School with in-class resource instruction in math, language arts, science, and social studies, as well as occupational therapy. Respondents submitted two responses to the proposed IEP. Each submission was reviewed by the CST and considered.
11. On December 4, 2024, respondents consented to the implementation of the initial IEP.
12. On August 19, 2025, respondents challenged the appropriateness of the IEP dated April 28, 2025. They indicated that they intended to disenroll C.C. from the district and proceed with a private placement at The Academy NJ for the 2025–2026 school year.
13. Respondents have enrolled C.C. at The Academy NJ for the 2025–2026 school year.
14. On October 5, 2025, respondents renewed their demand for an IEE at district expense based on their disagreement with the 2024 evaluations conducted by the district.
15. Respondents on October 6, 2025, stated that C.C.'s IEP has never addressed her individual needs, and the district has asserted her progress to justify its own evaluations.
16. On October 15, 2025, respondents were notified of the CST determination that an IEE is not warranted and the intention of the district to proceed with a due process petition.

CONCLUSIONS OF LAW

The Request for an IEE

As part of the evaluation process in special education, a school is required to use a variety of assessment tools and strategies to gather relevant information about a child, including information provided by the parent that may assist in determining if the child has a disability and information related to enabling a student to be involved in and progress in the general education curriculum. N.J.A.C. 6A:14-2.5(a). The process also requires the district board of education to use technically sound instruments that assess cognitive and behavioral factors, as well as physical or developmental factors. N.J.A.C. 6A:14-2.5(a)(3). The evaluation needs to be sufficiently comprehensive to identify the student's special education and related services needs. N.J.A.C. 6A:14-2.5(b)(7).

Once a school district has completed an initial evaluation, a parent can request an IEE at public expense if there is disagreement with the initial evaluation. N.J.A.C. 6A:14-2.5(c). However, the parent must state the issue of concern or disagreement with the initial evaluation and specify the assessment sought. N.J.A.C. 6A:14-2.5(c). Upon receipt of a parent's request for an IEE, the school district shall either provide the IEE or request a due process hearing within twenty calendar days after receiving the parent's IEE request. N.J.A.C. 6A:14-2.5(c)(1)(i)–(ii). The requested “independent evaluation(s) shall be provided at no cost to the parent, unless the district board of education initiates a due process hearing to show that its evaluation is appropriate and, following the hearing, a final determination to that effect is made.” N.J.A.C. 6A:14-2.5(c)(1).

In this case, on October 5, 2025, the parents requested an IEE at the school's expense. In their demand there were no specific assessments requested. It was later clarified on October 6, 2025, that the IEP had never addressed their daughter's individual needs. The parents provide that updated standardized test results, a letter from their child's pediatrician, and a third-party classroom observation are reasons for the IEE. The school conducted educational and occupational therapy evaluations in October 2024. P-A; P-B. The parents did not object to the evaluations, their findings, or to the qualifications of the people conducting these evaluations.

An October 30, 2024, proposed initial IEP was developed by Holmdel based on all the evaluations, including Brown's neuropsychological evaluation and parental input. The parents participated in the IEP process via two responses, one nine pages and the other four pages in length. P-D. On December 4, 2024, the parents consented to the IEP. Ibid.

On October 5, 2025, respondents sought an IEE at public expense. Respondents have not specified an assessment to be included in the IEE but broadly disagree with the 2024 evaluations. They have presented no competent evidence to support that the initial evaluations conducted by Holmdel were inappropriate. I **CONCLUDE** that the evaluations conducted and considered by Holmdel were comprehensive and appropriate as required by N.J.A.C. 6A:14-2.5(b)(7) and (c)(1). I **FURTHER CONCLUDE** that no additional assessments or evaluations are necessary or warranted under N.J.A.C. 6A:14-2.5(c)(1).

Summary Decision

Under N.J.A.C. 1:1-12.5(b), 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." No genuine issue of material fact exists. Respondents have not demonstrated that there is a genuine issue as to any of the material facts. Since no genuine issues of material fact exist, and since I concluded that the evaluations were appropriate, I **CONCLUDE** that Holmdel is entitled to summary decision as a matter of law, and that this case is dismissed.

ORDER

I **ORDER** that Holmdel's motion for summary decision is **GRANTED** and that this case is **DISMISSED**.

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.

January 30 ,2026

DATE



MICHAEL R. STANZIONE, ALD

Date Received at Agency:

January 30 ,2026

Date E-Mailed to Parties:

APPENDIX

Witnesses

For Petitioner:

None

For Respondents:

None

Exhibits

For Petitioner:

- P-A Educational Evaluation, dated October 17, 2024
- P-B Occupational Evaluation, dated October 17, 2024
- P-C Evaluation by Megan A. Brown, Ph.D., dated 2023
- P-D Initial IEP, dated October 30, 2024
- P-E Emails from K.C., dated March 12, 2025.
- P-F IEP, dated April 28, 2025
- P-G OAL final decision granting motion for summary decision dated June 23, 2025
- P-H A letter to the district advising that parents plan to enroll C.C. at The Academy NJ, dated August 19, 2025
- P-I Email printout dated October 20, 2025, capturing an October 5, 2025, email from K.C. to Dr. Lamoglia requesting IEE at public expense
- P-J Email printout dated October 20, 2025, capturing an October 6, 2025, email from K.C. to Dr. Lamoglia clarifying their request is due to concerns that C.C.'s IEP never addressed her individual needs
- P-K Email printout dated October 20, 2025, capturing an October 6, 2025, email from K.C. to Dr. Lamoglia clarifying their request is due to concerns that C.C.'s IEP never addressed her individual needs. A response from Dr. Lamoglia is also captured. A certification from Dr. Lamoglia is also attached

For Respondents:

- R-A Initial IEP, dated October 30, 2024
- R-B Educational Evaluation, dated October 17, 2024
- R-C Emails from K.C., dated November 5, 2024, November 30, 2024, December 3, 2024, and January 22, 2025
- R-D Email from K.C., dated October 18, 2024
- R-E Emails from K.C., dated January 22, 2025, February 14, 2025, and April 7, 2025
- R-F Emails from K.C., dated November 5, 2024, November 18, 2024, November 20, 2024, December 2, 2024, and April 29, 2025, Letters from the Children's Health Center, dated December 9, 2024, and July 17, 2025, and School Issued headache Tracker from 2025
- R-G New Jersey Student Learning Assessment for Science, New Jersey Student Learning Assessment for English, and New Jersey Student Learning Assessment for Math
- R-H Progress reports, dated February 5, 2025, March 21, 2025, and June 19, 2025
- R-I Email from Eric Harrison to K.C., dated November 17, 2025
- R-J Email request for IEE, dated October 15, 2025
- R-K Emails, dated March 6, 2025, and March 21, 2025, and Attendance Sheet and written notice dated March 6, 2025
- R-P Parent's response to CST IEP determination meeting and proposed IEP dated November 1, 2024, and response to revised IEP dated November 17, 2024
- R-Q Livingston Educational Center Observations, dated June 12, 2025
- R-R Present Levels of Academic Achievement and Functional Performance, IEP dated January 17, 2025, IEP dated April 28, 2025