



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 21868-25

AGENCY DKT. NO. 2026-40191

A.G. AND N.F. ON BEHALF OF O.G.,

Petitioners,

v.

MOUNTAIN LAKES BOROUGH BOARD

OF EDUCATION,

Respondent.

Dr. A.G.F.¹ and **N.F.**, petitioners, pro se

Vittorio S. LaPira, Esq., for respondent (Fogarty, Hara, LaPira & Cherry, LLC,
attorneys)

Record Closed: April 9, 2026

Decided: May 11, 2026

BEFORE **JUDITH LIEBERMAN**, ALJ:

STATEMENT OF THE CASE

¹ While the matter was transmitted to the OAL as A.G. and N.F. on behalf of O.G., these initials do not represent the mother's and child's full names. Initials representing their full names are used throughout this decision.

Petitioners, parents of a minor student who is eligible for special education and related services, contend that respondent Mountain Lakes Borough Board of Education (District) violated the Individuals with Disabilities Education Act (IDEA) when it conducted an individualized education plan (IEP) meeting without them. They seek to invalidate the IEP and request compensatory education. Did respondent violate the IDEA when it held the IEP meeting without petitioners? No. Petitioners refused to attend the meeting, which respondent scheduled in coordination with petitioners. 34 C.F.R. 300.321(a)(1) (2026); 34 C.F.R. 300.322(a) (2026).

PROCEDURAL HISTORY

Petitioners filed a request for a due process hearing against the District with the Office of Special Education (OSE), New Jersey Department of Education, on December 22, 2025. The due process petition was transmitted by the OSE to the Office of Administrative Law (OAL), where on January 21, 2026, it was filed as a contested case. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -23. The matter was assigned to me on January 21, 2026; the first prehearing conference was held on January 23, 2026; and the hearing was scheduled to be held on February 26, 2026.

On February 20, 2026, petitioners filed motions to compel and to exclude and limit exhibits and testimony.² The motion to compel was denied on February 20, 2026. The motion to exclude exhibits and testimony was granted in part and denied in part on February 26, 2026, prior to the start of the hearing. Also on February 26, 2026, petitioners filed a motion to clarify the issues, which was addressed before the hearing started.

The hearing was held on February 26, 2026. The record remained open for the parties to receive the hearing transcripts and submit post-hearing briefs, which were received on April 9, 2026. Petitioners submitted a reply brief on April 13, 2026. Because reply briefs were not authorized, this brief is not part of the record.³

² Also on February 20, 2026, petitioners advised that they decided to not amend their due process petition to add claims concerning the quality of evaluations or services that were provided to their child.

³ Petitioners argued that I should accept and consider the reply brief because respondent submitted an email that provided a correction to a point heading in its post-hearing brief and because I did not direct that reply briefs were not to be submitted. These arguments are without merit.

FACTUAL DISCUSSION AND FINDINGS

During the hearing, the District offered testimony by Andrea Chapman, minor student O.G.F.'s case manager, and Trish Spence-Reid and Elizabeth Gonzalez, both of whom are learning disabilities teacher-consultants (LDT-C) for the District. Petitioner Dr. G.F. (mother) testified on behalf of herself and Mr. F. The facts are largely undisputed. Based upon a review of the testimony and the documentary evidence presented, and having had the opportunity to observe the demeanor of the witnesses and assess their credibility, I **FIND** the following **FACTS**.⁴

Petitioners are the parents of minor student O.G.F., who is eligible for special education and related services under the classification of Other Health Impairment. R-18. In or about early September 2025, in response to actions taken by the petitioners, the District prohibited them from being present on school grounds without the prior written authorization of Superintendent Dr. Brad Siegel.⁵ T 7:15 to 9:4.

Dr. G.F. is a board certified psychiatrist, and Mr. F. is a nurse. On September 17, 2025, Dr. G.F. requested that O.G.F. receive speech therapy. Chapman proposed a speech evaluation and sent an evaluation request form to petitioners, which they signed and returned. R-1. On November 11, 2025, Chapman advised petitioners that she would send a copy of O.G.F.'s speech evaluation via an online portal and asked to meet with them and the evaluator to review it. She wrote that it would be a "virtual call" and offered two dates for the meeting, which would involve reviewing and revising O.G.F.'s IEP. R-8. Dr. G.F. accepted the offer to meet on December 4, 2025. In a reply email, Chapman confirmed that they would "meet virtually to review the report" and provided a "virtual link

⁴ This is not a recitation of the entirety of the testimonial and documentary evidence. It is a summary of the evidence that is relevant to the issue presented. "T" refers to the transcript of the February 26, 2026, hearing. It is followed by the referenced page and line numbers.

⁵ The propriety of this directive, referred to here as a "no-trespass order," is not at issue here. T 9:5 to 11:12. Petitioners filed a separate petition challenging the directive, which is docketed as EDU 18852-25. Petitioners sought emergent relief in conjunction with that matter. In a November 13, 2025, Order Denying Emergent Relief, Hon. Andrea Perry Villani, ALJ described the directive as follows: "On September 12, 2025, the Board notified the parents that they were now prohibited from all Mountain Lakes schools and campuses, unless they received express written permission from Siegel." OAL-1.

to access the meeting (through Google Meet).” Ibid. Dr. G.F. received the link. T 266:12–23.

On November 14, 2025, Dr. G.F. sent an email to Chapman advising that she did not consent to attending the meeting virtually due to “ongoing internet issues” and “malfunctioning technological issues on the district’s end during the last virtual meeting[.]” R-9. She did not explain the nature of the technical problems or ask for technical assistance and advised that she and Mr. F. would only “accept in person meetings.” Ibid. Chapman replied that they would need to attend the meeting virtually because she was advised that petitioners were not permitted on school grounds. Chapman offered to utilize Zoom instead of Google Meet if petitioners preferred. Dr. G.F. replied that she and Mr. F. “will not be doing any virtual meetings on any format.” Ibid. She also asserted that most virtual meeting platforms are not HIPAA⁶ compliant. Chapman reiterated the instructions she received concerning petitioners’ access to school grounds and suggested they contact Superintendent Dr. Brad Siegel. She advised that the meeting would continue as scheduled, and Dr. G.F. again stated that she would only attend in person. Petitioners did not contact Chapman again about the December 4, 2025, meeting. Chapman did not respond to Dr. G.F.’s assertion about HIPAA compliance.

Dr. G.F. asked Dr. Siegel, by email, if the meeting could be held in person. Dr. Siegel offered to provide a device to help with connectivity, such as a mobile hotspot. Dr. G.F. acknowledged that Dr. Siegel did not tell her or Mr. F. that they were permitted to enter the school building for the meeting.

Dr. G.F. did not understand why Dr. Siegel previously permitted her to attend a book fair, which was held at another location, but not the IEP meeting. She sent him an email asking about this but did not receive a response. Given that she was permitted to attend the book fair, “it was confusing what the venue would be” for the IEP meeting. T 198:12–13.

⁶ HIPAA is the Health Insurance Portability and Accountability Act, 42 U.S.C. § 1320d et seq., which, in part, addresses the protection of sensitive health information. Dr. G.F. clarified that when she expressed concern about HIPAA compliance, she meant to refer to privacy concerns generally.

On November 20, 2025, Chapman sent an email to petitioners advising that she sent them, through the online portal, a request to amend O.G.F.'s IEP to increase his supplemental instruction. Dr. G.F. replied that she approved the request. She later replied that she accessed the amendment request form and returned it through the online portal. Chapman replied that she would update the IEP and send a copy of it to petitioners. R-10.

Although Dr. G.F. recalled that the District sent reminders to attendees prior to IEP meetings, Chapman does not routinely send reminders prior to meetings unless there is a specific need. Her practice was to send a meeting attendance sheet either a few minutes before or during meetings.⁷ She did not send a reminder to petitioners about the December 4, 2025, meeting or a confirmation about the manner in which it would be conducted prior to December 4, 2025.

Dr. G.F. reported to the school for the December 4, 2025, IEP meeting. She explained that she “thought maybe they changed their minds” about the virtual meeting because she did not receive a link for the meeting. T 198:16–17. The link was included in Chapman’s earlier email and, had it not been, Dr. G.F. acknowledged that she could have asked Chapman for the link to the meeting. R-8.

All four of the District’s participants attended the December 4, 2025, meeting virtually. They waited ten minutes for petitioners to join them. Petitioners did not advise them that they could not log on to the meeting. The IEP team proceeded to review evaluations and teacher feedback. At 11:45 a.m. (ten minutes after the scheduled start time), the main office advised that Dr. G.F. was outside the building. The principal met her outside the building and reminded her about the no-trespass order and that she was to attend the meeting virtually. The meeting continued without petitioners and lasted a total of twenty-five or thirty minutes. Dr. G.F. did not communicate directly with Chapman during the meeting.

⁷ While she sent a meeting reminder to Dr. G.F. on November 16, 2022, she did so three minutes after the meeting start time to confirm that Dr. G.F. intended to join the meeting. P-4 at 3.

A videorecording documented the exchange between Dr. G.F. and the principal. Dr. G.F. stated that she was there for an IEP meeting and that she did not have “access to virtual.” T 200:3; P-1. Principal Carlson reiterated that Dr. G.F. was required to participate virtually but said that a meeting was not taking place at that time. He then said that the meeting was being conducted at that time. When Dr. G.F. reiterated that she could not participate virtually, Carlson noted that she participated virtually during past meetings. Dr. G.F. stated that there was a “problem,” she “wasn’t able to do it,” and “it violated HIPAA because medical things are going to be discussed.” T 202:6–11. Carlson said that HIPAA was inapplicable and the meetings are compliant with FERPA.⁸ Dr. G.F. then added that she did not have good Wi-Fi and that she wants to “see everything.” T 202:24. Carlson said the meeting would proceed and that it could be held without Dr. G.F. Dr. G.F. represented that she called Chapman at 12:07 p.m., twenty-eight minutes after the meeting’s start time. She did not try to contact Chapman again or join the meeting virtually, noting that she did not have the link, although it was in Chapman’s email to Dr. G.F. R-8.

Dr. G.F. summarized her position: “Why would I log on if I . . . wanted to have it in person and I was going to the building to have the IEP meeting in person?” T 266:9–11.

That day, Chapman sent a draft IEP to petitioners via the Frontline online system, which is used for all IEPs. She then emailed petitioners to let them know that she sent the draft to them and offered to discuss any questions. Dr. G.F. responded that she had not agreed to a virtual meeting and asked for the meeting minutes and attendance list, which Chapman sent to her.

On December 8, 2025, Chapman wrote in an email to Dr. G.F. that she was sorry that Dr. G.F. did not join the IEP meeting. Chapman advised that she updated O.G.F.’s IEP draft with the speech evaluation and an occupational therapy classroom observation and teacher consultation, which she sent to petitioners through the portal the preceding

⁸ The Federal Educational Rights and Privacy Act (FERPA) provides that parents have “the right to inspect and review the education records of their children.” 20 U.S.C. § 1232g(a)(1)(A).

week. Chapman stated that petitioners had fifteen days to review the draft IEP, after which it would become final. R-11 at 2. Dr. G.F. replied that she did not consent to the virtual meeting and did not receive a link for it. She stated that she called Chapman during the meeting and that Chapman did not answer her phone. She again asked for the meeting minutes, a list of attendees, and the “comments” that were made during the meeting. Ibid. In her response, Chapman reminded Dr. G.F. that she accepted an invitation for a virtual meeting and confirmed her attendance. She also reminded petitioner that she told petitioner that an in-person meeting was not permitted. She also wrote, “I was told that you came to [the school] at 11:45 a.m. on our meeting date; however, since the guidance that was given to me was that our meetings would not be permitted to be in person (which I believe Mr. Carlson reiterated when you came to the building), we proceeded with the virtual meeting.” Id. at 1.

Chapman did not receive a phone call or email from petitioners during the IEP meeting. She was not told by the main office that petitioners were trying to reach her. Chapman asked when Dr. G.F. telephoned her, but she did not receive a response to her question or proof of an attempt to contact her. Ibid. Dr. G.F. “didn’t feel the need to respond to everything” as “it was already . . . five days later.” T 288:1–11.

Chapman sent to petitioners a detailed explanation of what occurred during the IEP meeting and what the participants discussed, including the speech language evaluation and occupational therapy observation report. She offered to answer any questions about the meeting or to hold another virtual meeting if petitioners desired. Petitioners did not respond to or ask questions about the IEP meeting, the evaluation or report, or Chapman’s explanation. They did not accept the offer for another IEP meeting or contest the IEP, which became effective on December 19, 2025. Otherwise, they have cordially communicated about O.G.F.’s schoolwork, separate from the IEP, and Chapman has sent petitioners reports from teachers about his class performance.

Dr. G.F. prefers in-person meetings because she is uncomfortable communicating with people via virtual platform, as she feels she cannot express herself properly. As a psychiatrist, it is important to Dr. G.F. be able to see the meeting participants so she can assess their facial expressions and body language. She uses this information when she

treats patients.⁹ Petitioners are also concerned that they will not be able to see all meeting attendees if they are not in the room with them. During an unspecified prior meeting, petitioners could not tell whether people were actually participating in the meeting because the screen was “completely blacked out with just the names.” T 182:7. It makes Dr. G.F. feel “less comfortable,” and she cannot “meaningfully participate” when she cannot tell if the other participants are focusing or if other people are in the room. T 188:18–25.

Dr. G.F. would have felt more confident expressing her concerns in person, with the benefit of having the meeting documents in front of her. She did not want to have to share private information by email, noting that she heard that unspecified people were blind-copied on documents that were used during a unspecified meeting. She acknowledged, however, that when she first communicated her concerns about virtual attendance to Chapman, she cited only technical issues. R-9.

Dr. G.F. was also concerned about virtual meetings because she recently could not log onto a parent-teacher meeting and was required to access meeting documents from the Frontline online platform. She referred to an occasion when the platform did not specify which of her children the documents addressed. It was difficult to access the documents because she had to enter the child’s birthdate, “and if you have multiple children it’s hard to sometimes get in prior to the meeting.” T 182:17–18. It was also difficult to print the documents due to having “a certain amount of processing speed” on her computer. T 182:21–22. Also, it was difficult to utilize and read multiple documents at the same time or read documents that have been edited. However, she acknowledged that she could have printed and read the IEP documents prior to the December 4, 2025, meeting.

In the past, petitioners have successfully used remote technology to participate in meetings concerning their children’s¹⁰ special education programs. These meetings included a meeting with Chapman, which lasted approximately one and one-half hours,

⁹ However, she acknowledged that she used uses an online meeting platform in her practice.

¹⁰ Petitioners have two other children who also receive special education and related services.

during which Chapman took a social history from Dr. G.F. and they discussed petitioners' concerns. Dr. G.F. also attended an eligibility meeting via an online platform. Prior to December 4, 2025, petitioners did not express concern about not being able to see meeting participants during virtual meetings or having difficulty assessing their body language. Similarly, Spence-Reid, who was the case manager for another of petitioners' children, held four or five virtual meetings with petitioners, including an October 27, 2025, meeting to reassess and revise an IEP. The meetings went well, with no technical problems, and petitioners participated.

Chapman does not recall a meeting during which a participant had difficulty joining virtually. There have not been "glitches," "sound issues," or "people walking in[to]" the meetings. T 64:20–21. All participants were visible during meetings; everyone could be heard; and participants had the necessary documents, including evaluations. Parents can request that IEP meetings be recorded. Petitioners did not advise that virtual meetings were problematic until in or about February 2026, when Spence-Reid sent an invitation for a March 10, 2026, annual review. They replied that they did not want to attend virtually.

Spence-Reid acknowledged that one or two other parents had difficulty logging on to meetings when the District started to use the Google Meet virtual platform. Staff either talked the parents through it or instead used the Facetime virtual platform. There were no such problems when the Zoom virtual platform was used.

Gonzalez holds a master's degree in special education and has LDT-C and reading specialist endorsements. She is an LDT-C for the District and serves as case manager for students with IEPs. Since the COVID-19 pandemic, the majority of her meetings with all of the parents has been virtual. She has met with petitioners about their other children at least once or twice per year for approximately six years. The majority of those meetings were virtual. As with Chapman and Spence-Reid's meetings, petitioners were able to articulate their concerns about their children during these virtual meetings. During an October 16, 2025, meeting, Dr. G.F. experienced a "tiny bit of a glitch" while she attempted to log on. T 121:6. The problem was corrected after she logged off and

on again, and they conducted the meeting without other technical problems. She also communicated with petitioners via email.

ADDITIONAL FACTUAL FINDINGS

Petitioners contend that it was the District's fault that they did not join the virtual IEP meeting because it did not send them a pre-meeting reminder, which they assert was the District's regular practice. They claim that, without the reminder, they were confused about the manner in which the meeting would be held. They referred to a November 16, 2022, email in which Chapman sought to confirm petitioners' and others' attendance at a meeting and an October 27, 2025, email in which Spence-Reid sent a "friendly reminder" about a meeting that was to start eight minutes later. P-4 at 3, 5. These meeting reminders are from 2022 and 2025, and neither concerns IEPs. This does not establish or even raise a presumption that the District routinely reminded parents prior to IEP meetings. Moreover, Chapman, who is O.G.F.'s case manager and is in the best position to testify about her practices, credibly testified that she did not routinely send reminders prior to meetings unless there is a specific need. The only document that she might send prior to an IEP meeting is the attendance sheet, which is either sent a few minutes before or during the meetings. Furthermore, she sent the November 16, 2022, reminder to petitioner three minutes after the meeting start time, to confirm that petitioner would appear for the meeting. Id. at 3. For these reasons, I cannot find Dr. G.F.'s testimony concerning her expectation of a pre-meeting reminder and resultant confusion about the meeting format to be credible. Indeed, petitioners were expressly told the meeting would be held virtually and did not receive other direction from the Superintendent.

Similarly, I cannot find credible petitioners' account that they did not want to attend virtual meetings due to technology problems. They successfully participated in virtual meetings with District personnel prior to the December 4, 2025, IEP meeting. This included an October 16, 2025, meeting with Gonzalez (where the meeting proceeded after a technical "glitch" was corrected) and an October 27, 2025, virtual meeting with Spence-Reid during which they reassessed and revised the IEP for another child. Petitioners did not express concern about the platform prior to those meetings. Moreover, petitioners did not respond to Dr. Siegel's offer of a mobile hotspot, which could have

been used to help with connectivity. Had petitioners been genuinely concerned about technical issues, they would have accepted the offer, if only to have a safety net in case they experienced difficulty logging on. Also, petitioners acknowledged that they previously received the documents they were to reference during virtual IEP meetings. Had they anticipated having difficulty printing those documents, they could have raised this issue prior to the December 4, 2025, meeting.

Although it was clear that the meeting was to proceed virtually, and the District did not acquiesce to their request to appear in person, petitioners did not log on to the meeting and Dr. G.F. instead reported to the school building. Upon being reminded that the meeting was virtual, petitioner did not join virtually or by telephone. She explained her intention when she testified, “Why would I log on if I . . . wanted to have it in person and I was going to the building to have the IEP meeting in person?” T 266:9–11. Accordingly, I **FIND** as **FACT** that petitioners refused to attend the virtual meeting and sought to convert the virtual meeting to an in-person meeting.

LEGAL ANALYSIS AND CONCLUSIONS

The IDEA requires that a state receiving federal education funding provide a FAPE to disabled children. 20 U.S.C. § 1412(a)(1). School districts provide a FAPE by designing and administering a program of individualized instruction that is set forth in an IEP. 20 U.S.C. § 1414(d). In order to qualify for this financial assistance, New Jersey must effectuate procedures that ensure that all children with disabilities residing in the state have available to them a FAPE consisting of special education and related services provided in conformity with an IEP. 20 U.S.C. §§ 1401(9), 1412(a)(1). The responsibility to provide a FAPE rests with the local public school district. 20 U.S.C. § 1401(9); N.J.A.C. 6A:14-1.1(d). The district bears the burden of proving that a FAPE has been offered. N.J.S.A. 18A:46-1.1.

A procedural violation can amount to a substantive violation of the IDEA when the “procedural inadequacies (i) [i]mpeded the child’s right to a FAPE, (ii) significantly impeded the parent’s opportunity to participate in the decision-making process regarding the provision of a FAPE to the parent’s child; or (iii) caused a deprivation of the

educational benefit.” Coleman v. Pottstown Sch. Dist., 983 F. Supp. 2d 543, 564 (E.D. Pa. 2013), aff’d, 581 F. App’x 141 (3d Cir. 2014); 20 U.S.C. § 1415(f)(3)(E)(ii); Winkelman v. Parma City Sch. Dist., 550 U.S. 516 (2007). See also Bd. of Educ. of Hendrick Hudson Cent. Sch. Dist. v. Rowley, 458 U.S. 176, 205–06 (1982) (“Congress placed every bit as much emphasis upon compliance with procedures giving parents and guardians a large measure of participation at every stage of the administrative process, as it did upon the measurement of the resulting IEP against a substantive standard.”).

Under the IDEA, parents are mandatory members of the IEP team and the District is required to ensure that they are present at each IEP meeting or are afforded an opportunity to participate. 34 C.F.R. 300.321(a)(1) (2026); 34 C.F.R. 300.322(a) (2026). In conjunction with this obligation, the District must provide timely notice of IEP meetings to the parents and schedule meetings at places and times that are mutually agreed upon. 34 C.F.R. 300.322(a)(1), (2) (2026). Parents must be permitted to “meaningfully” participate in the creation of the IEP. D.S. v. Bayonne Bd. of Educ., 602 F.3d 553, 565 (3d Cir. 2010). If neither parent can attend an IEP meeting, the school district must utilize other methods to ensure their participation. Video and telephone conferences are acceptable alternative methods. 34 C.F.R. 300.328 (2026). Under 34 C.F.R. 300.222(c) (2026), “individual” telephone calls, in addition to conference calls, are permissible. The IEP team may proceed without the parents if the school district “is unable to convince the parents that they should attend.” 34 C.F.R. 300.322(d) (2026). The district “must keep a record of its attempts to arrange a mutually agreed on time and place.” Ibid.

A school district must comply with the above requirements even if it has issued an order barring a parent from the school grounds. Greenwood Cmty. Sch. Corp., 121 LRP 19201 (Ind. SEA 2021); Brookesmith (TX) Indep. Sch. Dist., 52 IDELR 110 (OCR 2009); Beaverton Sch. Dist. 48J, 73 IDELP 106 (Or. SEA 2018).¹¹

A parent can be deemed to have refused to attend a meeting. In A.L. v. Jackson County School Board, 635 F. App’x 774 (11th Cir. 2015), a parent claimed that the school

¹¹ Unpublished and administrative decisions are not precedential. They are referenced here to the extent they provide relevant guidance.

district violated the IDEA when it did not include her in an IEP meeting. The school board attempted to schedule the meeting over four months and made efforts to accommodate the parent's schedule and demands. However, the parent either missed or refused to consent to four separately scheduled meetings. Before the last scheduled meeting, the parent sent an email advising that she could not attend the meeting because she was sick. The Board advised that it needed to proceed with the meeting due to the student's "urgent academic and emotional needs" and offered to permit her to attend via telephone, as she had during prior meetings. Id. at 780. The parent refused the offer. The court observed that the student's "specific educational goals stagnated because of [the parent's] seemingly endless requests for continuances of the meetings" and the school board "faced the dilemma of allowing the IEP meeting to be continued indefinitely or proceeding with the meeting without parent participation." Ibid. It found that although the parent did not "explicitly refuse" to attend the meeting, "her actions were tantamount to refusal." Ibid. It held that, given these circumstances, the school board did not violate the IDEA when it proceeded with the meeting without the parent. The court highlighted the need to address the student's significant needs and that the parent caused all of the IEP meeting delays.

The A.L. court contrasted its decision with Doug C. v. Hawaii Department of Education, 720 F.3d 1038 (9th Cir. 2013), in which the meeting was scheduled to avoid inconvenience to IEP team members. In Doug C., the IEP meeting was tentatively scheduled three times after the parent advised he could not participate those days. The morning of the fourth scheduled meeting, the parent again asked for it to be rescheduled because he was ill and did not feel well enough to participate by telephone. He also stated that he could not at that time confirm his availability on alternative dates. Because the meetings involved thirteen participants whose schedules were already changed three times, and the parent did not make a firm commitment about his future availability, school personnel opted to not reschedule and held the meeting without him. During the meeting, the IEP team changed the student's school placement.¹² They held a "follow-up IEP meeting" with the parent approximately one month later, and the parent rejected the IEP because he was excluded from its development. Id. at 1042. The Circuit Court held that

¹² The court noted that this was the first change to the IEP in six years.

the parent did not affirmatively refuse to attend the meeting, and the school district was not in the position of being unable to convince him to attend, as required by 34 C.F.R. 300.322(d) (2026). It found that he “vigorously objected” to the IEP meeting being held without him, asked that school personnel reschedule it to the following week, and advised that he was unable to confirm his availability on the other dates offered by the school. Id. at 1044. Noting that parental participation is more important than that of other IEP team members, the court found that the school district improperly prioritized the other team members’ needs over the parent’s right to participate. It noted, “We have consistently held that an agency cannot eschew its affirmative duties under the IDEA by blaming the parents.” Id. at 1045. Moreover, “parental participation is key to providing the *student* an adequate education because ‘[a]n IEP which addresses the unique needs of the child cannot be developed if those people who are most familiar with the child’s needs are not involved.’” Ibid. (citation omitted). Thus, the school district was obligated to include the parent when he “expressed a willingness (indeed eagerness) to participate, albeit at a later date.” Ibid. The “fact that it may have been frustrating to schedule meetings with or difficult to work with [the parent] . . . does not excuse” the failure to include him in the IEP meeting “when he expressed a willingness to participate.” Ibid.¹³

The Doug C. court acknowledged that there may be “circumstances in which accommodating a parent’s schedule would do more harm to the student’s interest than proceeding without the parent’s presence at the IEP.” Id. at 1046. It cited A.M. v Monrovia Unified School District, 627 F.3d 773 (9th Cir. 2010), in which the circuit court held that it was appropriate to proceed with an IEP meeting without the parents. The student was newly enrolled and did not have an IEP. The parents canceled an agreed-upon IEP meeting three days prior to the meeting and would only consent to new meeting dates that were well beyond the deadline for creation of an IEP. They also refused to participate

¹³ The court also rejected the school district’s argument that it was required to proceed because it was obligated to conduct an annual IEP review. It held that while parental participation is of paramount importance, a procedural violation such as delayed IEP meetings does not deny a student a FAPE when the student is not deprived of an educational benefit. Having held that there is no authority for cessation of the provision of special education if the annual meeting is delayed, the court found that the services would continue to be provided to the student and thus there would not be a denial of FAPE. It also rejected the argument that the IDEA was not violated because a follow-up meeting was held with the parent. Post-hoc parental involvement is insufficient because the IDEA requires parental participation in the “creation process.” Id. at 1047. The IEP was already created and adopted by the time of the follow-up meeting.

by telephone. The court held that the school district properly proceeded without the parents because it took steps to obtain their attendance and the parents refused.

In Shapiro v. Paradise Valley United School District No. 69, 317 F.3d 1072 (9th Cir. 2003), superseded on other grounds by 20 U.S.C. § 1414(d)(1)(B) (2003), the parents advised that they were unavailable on the date the school district selected for an IEP meeting and requested postponement of the meeting. The school district did not postpone because some of the IEP team members were unavailable shortly after the original meeting date. The meeting proceeded on the original date, without the parents, and the IEP that was drafted was based upon information gathered from prior meetings with the parents. The court found that the parents did not refuse to attend the meeting and that the district improperly prioritized its staff's schedules over those of the parents. It rejected the contention that the parents contributed to the IEP meeting because they were asked to approve the IEP and they participated in prior IEP meetings. It reiterated that "[a]fter-the-fact parental involvement is not enough" and that partial inclusion in the process can be sufficient. Id. at 1078.

Here, the IEP meeting was scheduled in conjunction with petitioners, who agreed to the date, time, and virtual platform. Petitioners later advised that they did not want to proceed in that manner, citing technical issues that they did not adequately describe or document, and they did not accept the Superintendent's offer of a mobile hotspot or Chapman's offer to use the Zoom virtual meeting platform. They claim that the virtual platform was inappropriate because it prevented them from fully participating in the meeting. As noted above, the IDEA's regulations expressly permit virtual IEP meetings and do not require that all participants sit in the same room during the meeting. Given the world's experience during the COVID-19 pandemic, it is now common knowledge that virtual technology enables participants to attend and successfully participate in meetings from a variety of locations. Moreover, as the regulations also permit participation by telephone, they do not require that participants be able to see each other. Thus, although Dr. G.F. expressed concern about not being able to fully assess each participant's facial expressions and body language, this is not required by the regulations. With respect to petitioners' concern that they "could not reliably know who was in each room, whether additional persons were entering or present off camera, or whether participants were

actually engaged rather than multitasking[.]" there is no evidence that this adversely impacted their participation, if it happened during a prior IEP meeting. Pet'r's Br. at 8. Moreover, they did not cite authority supporting their contention that this would somehow render virtual attendance inappropriate. In sum, petitioners' rationale for not attending the meeting is unfounded, and the controlling law does not support their arguments.

Upon learning that Dr. G.F. reported to the school building, the District could have delayed the December 4, 2025, meeting for a short period of time to give Dr. G.F. another opportunity to join virtually or by telephone. However, this does not alter the conclusion that the District fully endeavored to ensure that they would attend the meeting, notwithstanding the no-trespass order, and that petitioners refused to attend because they preferred to attend in person. The IDEA and its enabling regulations do not require in-person attendance and, moreover, there is insufficient evidence in the record to support a finding that the virtual meeting format was improper or faulty.¹⁴ Rather, petitioners refused to attend the meeting, and the evidence suggests that they did so in an effort to skirt the no-trespass order, the validity of which is not at issue here. For all of these reasons, I **CONCLUDE** that the District did not violate the IDEA when it proceeded with the meeting without petitioners.

ORDER

For the foregoing reasons, I **ORDER** that respondent did not violate the IDEA and petitioners' due process petition is **DISMISSED**.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2026) and is appealable by filing a complaint and bringing a civil action either in the Law

¹⁴ Petitioners did not object to the IEP or produce proof that they otherwise raised concerns about it. Dr. G.F. explained the shortcomings of the IEP by merely stating that she did not get to express her concerns about evaluations, in particular that she did not know whether the occupational therapy assessment was an evaluation or an observation. Also, petitioners did not accept Chapman's offer to conduct another IEP meeting. While a post-hoc meeting may not cure a procedural violation that constituted a substantive IDEA violation, this fact supports the conclusion that the December 19, 2025, IEP was not substantively problematic to petitioners. Thus, even if a finding were made in favor of petitioners, a remedy cannot be ordered as there has not been a showing that petitioners' absence from the IEP meeting caused harm to O.G.F.'s education.

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 (2026). If the parents feel 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.

May 11, 2026

DATE


JUDITH LIEBERMAN, ALJ

Date Received at Agency:

May 11, 2026

Date Mailed to Parties:

JL/mg

APPENDIX

Witnesses

For petitioners:

Dr. G.F.

For respondent:

Andrea Chapman

Trish Spence-Reid

Elizabeth Gonzalez

Exhibits

OAL

OAL-1 Order Denying Emergent Relief, November 13, 2025

For petitioners:

P-1 USB with video

P-3 Email correspondence

P-4 Email correspondence

For respondent:

R-1 Email correspondence re: speech evaluation consent

R-6 Email with consent form

R-8 Emails re: scheduling December 4, 2025, meeting

R-9 Emails re: virtual meeting

R-10 Email with consent form

- R-11 Email re: December 4, 2025, meeting
- R-15 Chapman certification
- R-16 Spence-Reid certification
- R-17 Gonzalez certification
- R-18 Draft IEP
- R-19 Speech-language evaluation report
- R-20 Occupational therapy observation summary
- R-21 Report card
- R-22 Progress report

The nonsequential numbering of exhibits reflects the fact that certain pre-marked exhibits were not offered into evidence.