



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 00879-26

AGENCY DKT. NO. 2026-40273

C.A. ON BEHALF OF Y.A.,

Petitioner,

v.

LAKEWOOD TOWNSHIP BOARD

OF EDUCATION,

Respondent.

C.A., petitioner, pro se

Gabrielle Pettineo, Esq., for respondent Lakewood Township Board of Education
(Kenny Gross, attorneys)

Record Closed: June 26, 2026

Decided: July 20, 2026

BEFORE **ALLISON FRIEDMAN**, ALJ:

STATEMENT OF THE CASE

Lakewood School District (District), respondent, developed an individualized education program (IEP) for Y.A., petitioner, placed him in a language learning disabled classroom, placed him in special classes with general education students, and provided related services to meet his physical and academic needs. Did respondent provide a free

and appropriate public education (FAPE)? Yes. A free and appropriate public education is provided when the Individualized Education Program is reasonably calculated to allow the child to make progress considering the child's circumstances. Endrew F. v. Douglas Cnty. Sch. Dist., 580 U.S. 386, 399 (2017).

PROCEDURAL HISTORY

On January 9, 2026, C.A. filed a due process petition with the New Jersey Department of Education, Office of Special Education, on behalf of her son Y.A., seeking a determination that the Individualized Education Program (IEP) developed on January 7, 2026, denied a free and appropriate public education (FAPE) to Y.A. C.A. seeks Y.A.'s continued placement at the private non-accredited school that had been the subject of a settlement agreement that expired.

On February 13, 2026, after the expiration of the thirty-day resolution period, 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 February 19, 2026, I held an initial telephonic conference with the parties to discuss the case. I set a hearing date of March 30, 2026. Additional conferences followed on March 3, 2026, evaluations were consented to, and C.A. requested to adjourn the hearing due to a religious holiday. I set a new hearing date for April 16, 2026. On March 19, 2026, I held another conference. That conference resulted in a new hearing date of May 4, 2026, for the observations to be completed, C.A. to tour the proposed placement, and to continue settlement discussions. On April 22 and April 23, 2026, during additional conferences, I adjourned the hearing at the mutual request of the parties so that C.A. could provide medical documentation from Y.A.'s doctor, and C.A. offered to intervene to facilitate observations of Y.A. At the end of that conference, I set a new hearing date of June 1, 2026. On April 28, 2026, I issued a pre-hearing order.

On June 1, 2026, I held a testimonial hearing that concluded that same day. At the conclusion of the hearing, the parties had the option to submit closing statements. Both parties chose to write them, and they were due June 26, 2026. On June 26, 2026, I received both submissions and closed the record.

DISCUSSION AND FINDINGS OF FACT

In 2022, the Lakewood Township School District found Y.A., then, four years and nine months old, to be a child eligible for special education as a child with cerebral palsy and severe lung disease. Lakewood District developed an IEP for Y.A., placing him at the School for Hidden Intelligence. At a date unknown to this tribunal, Y.A.'s parents removed Y.A. from the School for Hidden Intelligence and placed him at a private non-accredited school, Masores Avos. At some point after the parents placed Y.A. at Masores Avos, the District and C.A. reached a settlement that enabled Y.A. to remain there. According to Yana Maksumov, case worker for Lakewood District, C.A. contacted the District at the expiration of the settlement and requested a new IEP for Y.A. to be developed.

Maksumov testified that Y.A. is a third-grade student for the 2025–2026 school year who cannot read. In fact, the new evaluations that the District completed in March and April 2026 in contemplation of his returning to the District showed regression in Y.A.'s academic development since he had attended the parents' placement.

As a result of C.A.'s call, the District developed a new IEP on January 7, 2026, for now almost nine-year-old Y.A. R-1. To do this, having not been able to observe or evaluate Y.A. in years, the District relied on a Psychological Evaluation from August 2023, an Educational Evaluation from December 2021, a Feeding Evaluation from January 2022, an Occupational Therapy Evaluation from December 2021, a Physical Therapy Evaluation from December 2021, a medical report from Y.A.'s doctor, Rebekah Lipstein, from August 2023, a letter from his second-grade teacher and rabbi at Masores Avos, a letter from Y.A.'s occupational therapist, Bella Stern, from January 2, 2025, and input from his parents. R-1 at 5 and 10a–12a. Y.A. has delays in the areas of cognition,

communication, and fine and gross motor skills in addition to his physical mobility issues. Ibid. Y.A. utilizes a walker and requires a special chair to aid in his ability to learn.

The January 7, 2026, IEP placed Y.A. at the Clifton School within the Lakewood School District. Y.A. would be in a self-contained LLD classroom. The classroom is on the second floor. The maximum student size of the classroom is fifteen students, but at the time of Y.A.'s contemplated placement the actual number of students was closer to seven. Maksimov described the classroom as having one special education teacher and two paraprofessionals. The classroom and curriculum are designed so that the students can be separated into smaller groups, determined by their academic abilities and the technology utilized by each student. The IEP provided Y.A. special education classes for language arts for 120 minutes five days a week, math for 80 minutes five days a week, and content for 40 minutes five days a week occurring in the LLD classroom. The IEP provided a one-to-one aide, consults to determine Y.A.'s ongoing physical and occupational therapy needs, feeding therapy, and speech therapy as related services. R-1. Special subjects such as music, lunch, recess, and assemblies would be with general education students. Additionally, several modifications were created to maximize Y.A.'s educational learning. These included having a human reader, extra time on tests, scratch paper for tests, and special writing tools. Additionally, Y.A. would be able to have his walker in the classroom and extra room so that he could move about in the room independently and always have oxygen available to him as well. Y.A. is eligible to participate in the extended school year program. Additionally, Y.A. is eligible for transportation with an aide and appropriate seating accommodation. Ibid.

The IEP additionally set meaningful ambitious goals for Y.A. Specifically, in language arts Y.A. would demonstrate emergent reading skills, recognize that a variety of print letter formations and text forms have different functions, be able to identify some alphabet letters, and recognize that a group of letters forms words 80 percent of the time with minimal assistance. R-1 at 13. In math Y.A. would be able to read 80 percent of numbers 1 to 120 on flash cards. Additionally in math Y.A. would be able to recognize that the numbers 11–19 have a ones place and a tens place. Ibid. For oral motor stability Y.A. would demonstrate improved lingual resting posture and increased jaw and tongue dissociation during speech and feeding with minimal external support 80 percent of the

time. Id. at 13a. In feeding safety and efficiency Y.A. would demonstrate improved and more efficient chewing and bolus control, reducing spillage, safe coordinated chewing to swallow sequences requiring no more than minimal cueing across three consecutive sessions, and increased mealtime endurance and efficiency with consistent supervision but reduced physical prompting. Ibid.

At the January 7, 2026, meeting C.A. reported her concerns to be that Masores Avos provided the best social peers and that since the school was on one floor, it provided an easier area to navigate. C.A. additionally reported during that meeting that she agrees with the program being offered but not the placement and wants Y.A. to remain at his current school. Id. at 30.

C.A.'s objections at the January 7, 2026, IEP meeting are consistent with her concerns at the hearing. C.A. explained that she believed that the Clifton School is not safe for Y.A. Specifically, C.A. was concerned that the classroom is on the second floor and that Y.A. would be required to walk great distances to the gym, to the cafeteria, and to the playground. However, Maksumov explained that the classroom is located on the second-floor steps away from the elevator. R-2. Additionally, Maksumov explained that the bus Y.A. would take would pull up right to the door, that he could take walking breaks when going to the gym, that for the playground he could have breaks or the use of a scooter chair allowing him to maintain his energy for the playground, and in case of emergency the staff is trained on proper evacuation carries and that there is also the use of a special chair that can go down a flight of stairs.

C.A. provided in her closing brief three photographs. These photographs were not provided in advance of the hearing but represent the descriptions C.A. provided in her testimony, and I will consider them. The picture of the distance from the Clifton School to the playground in the photograph is consistent with the testimony from the witnesses. The distance is significant but, as explained in the testimony accommodations, can be made to allow Y.A. to fully enjoy the area as testified to by the witnesses for the District. P-5. The picture of the playground at the current school is closer and is surfaced in a manner that is likely easier for a walker to be used without other accommodation. P-6.

Rebecca Walfas, an occupational therapist who contracts with the District, explained that the occupational therapy for Y.A. would be classroom-based and that modifications for Y.A. would be centered around his ability to develop self-help and independence. Walfas also explained that a Rifton chair, which would help Y.A. be physically stable while at his desk in the classroom, would be utilized as it is in his current setting. This chair would allow Y.A. to reserve his energy for learning and provide him additional stability to allow him to write.

The testimony of the District's physical therapist, Rachel Kalish, supported Walfas. Kalish additionally explained how the therapist would work with the classroom teacher on an ongoing basis to continually evaluate and modify Y.A.'s accommodations as needed throughout the school year. Kalish explained in detail that the school has an evacuation plan for chair-bound students and that there are currently other students in wheelchairs attending the school and on the second floor. Kalish explained that the school has two rapid evacuation chairs. These chairs are able to go down stairs in the event the elevator does not work and the child cannot be carried or assisted down the stairs. Additionally, if the distances could be too much for Y.A. to walk, modifications such as taking breaks or the use of a chair to cross the street to ensure that Y.A. not only gets to the playground safely but also has the energy to play with the other children could be created. Lastly, she explained where the bus will drop Y.A. directly in front of the door to the school.

Joy Forrest, an independent educational consultant and qualified expert in special education and program services testified that the IEP developed by the District is appropriate and provides a FAPE. Forrest has worked in the education field for the last twenty-eight years and has worked seventeen of those years as a director of special services. Specifically, she testified that after speaking with the teacher and looking at the classroom, she was impressed. Forrest explained that she tried on many occasions to arrange to observe Y.A. at his current placement, but the current school would not allow it. Forrest, after reviewing all the evaluations, saw reason why Y.A. could not learn to read with the benefit of the IEP the District developed for him. Forrest's testimony and opinions are well supported by the District's other witnesses.

C.A., on the other hand, testified that Y.A. could not have his walker in the classroom at his current school. As all the District witnesses testified, this limits his ability to develop independence and self-reliance. However, Y.A. is happy at his current school; he feels normal there, and so C.A. asserts he should stay there at the District's expense. As C.A. testified, she felt the other students at the Clifton School were more severely physically disabled or had behaviors that would cause Y.A. to not feel normal. C.A. broke down in tears, lamenting that Y.A. had nothing but a social life to look forward to because he would never be able to read and so she wanted him to just be happy and that would be accomplished by staying at Masores Avos.

Therefore, I **FIND** the following facts. Y.A. is now a nine-year-old child who is both learning and physically disabled. Specifically, Y.A. cannot read and has little ability to write. Since being placed at a non-accredited private school by his parents, Y.A. has regressed both educationally and physically, lacking independent skills. Respondent developed an IEP with little notice and conducted evaluations to assess Y.A.'s educational needs and related services in short order. The January 7, 2026, IEP used evaluations that were old but were supplemented by the information from his parents, school, and pediatrician. Additionally, the January 7, 2026, IEP addressed his physical needs and left room to modify as needed. Lastly, the January 7, 2026, IEP set meaningful educational goals for Y.A. to meet through the year.

CONCLUSIONS OF LAW

To provide a FAPE under the Individuals with Disabilities Education Act (IDEA), the Supreme Court found that “a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” Endrew F. v. Douglas Cnty. Sch. Dist., 580 U.S. 386, 399 (2017). The IDEA also guarantees disabled children a FAPE designed to meet their unique needs. 20 U.S.C. § 1400(d)(1)(A). In New Jersey, N.J.A.C. 6A:14-1.1(b) ensures that students with disabilities receive a FAPE as defined under the IDEA. The primary vehicle for providing disabled students with a FAPE is an IEP. 20 U.S.C. § 1414(d)(1)(A). Among other requirements, the IEP must include a “statement that specifies the projected date for the beginning of the services . . . , and the anticipated frequency, location, and duration of those services” N.J.A.C.

6A:14-3.7(e)(8). When selecting an appropriate placement, the first choice should be the least restrictive environment for the student. In other words, the placement should be provided in appropriate educational settings as close to home as possible. N.J.A.C. 6A:14-4.2(a)(6). Additionally, when there is no loss to the parents or student when the IEP fails to specify all the special education services that the child would receive there is no procedural violation. Ridley Sch. Dist. v. M.R., 680 F.3d 260 (3d Cir. 2012). A school district will not be required to make tuition reimbursement where it made a FAPE available. N.J.A.C. 6A:14-2.10.

In this case the IEP created for Y.A. set an academic program with goals in reading and math to set Y.A. on a path to teach him how to read. The District put into place related services that would enable Y.A. to reach his academic potential. Although Y.A.'s placement in an LLD classroom is somewhat restrictive, Y.A. would be with general education students for special classes, lunch, and gym. Additionally, having the ability to have his walker in the room with him would allow Y.A. increased independence during the school day. The mere fact that Y.A.'s current school is easier for him to navigate once he gets to where his walker is stored is important but does not outweigh the academic benefit the January 7, 2026, IEP offers.

Contrary to the parents' assertions, the District does not seek to remove Y.A. from his current school. Rather, the District maintains that it is not responsible to pay the cost of the parents' placement since it can provide Y.A. FAPE. Here, the District completed an IEP in short order after not having been able to observe the student at his current placement. This District utilized parent input, teacher input, old evaluations, and doctor input to create an IEP to meet Y.A.'s needs and that could also be modified as his needs required. The District's program for Y.A. provided all the tools and related services to Y.A. to allow him to develop academically and socially. Much like a new suit, the District created an IEP that it expected to be tailored to fit Y.A.'s needs as they presented. Therefore, I **CONCLUDE** that the January 7, 2026, IEP created by Lakewood School District for Y.A. provided a free and appropriate public education, and thus Lakewood is not responsible for the costs of Y.A.'s unilateral placement.

ORDER

Based on my findings of fact and conclusions of law, I **ORDER** that petitioner's due process petition is hereby dismissed with prejudice.

This decision is final under 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 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 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.

July 20, 2026

DATE



ALLISON FRIEDMAN, ALJ

Date Received at Agency:

July 20, 2026

Date E-Mailed to Parties:

AF/ml

APPENDIX

Witnesses

For petitioner:

C.A.

Dr. Rebekah Lipstein, Y.A.'s pediatrician

For respondent:

Yana Maksumov, case manager for Lakewood District

Rebecca Walfish, occupational therapist for Lakewood District

Rachel Kalish, physical therapist for Lakewood District

Joy Forrest, independent educational consultant

Exhibits

For petitioner:

P-1 Letter from Robert L. Zanni, MD, CPI dated May 19, 2026

P-2 Letter from Rebekah Lipstein, MD dated April 23, 2026

P-3 Floor plan of Yeshiva Masores Avos

P-4 Survey of property of Yeshiva Masores Avos

P-5 Two pictures of the Clifton Avenue Grade School

P-6 One picture of Yeshiva Masores Avos

For respondent:

R-1 IEP dated January 7, 2026, annual review

R-2 IEP dated April 15, 2026, re-evaluation

R-3 Psychological Evaluation dated March 4, 2026

R-4 Educational Evaluation dated March 4, 2026

R-5 Physical Therapy Evaluation, dated December 19, 2021

R-6 Physical Therapy Evaluation, dated March 17, 2026

R-7 Occupational Therapy Evaluation, dated March 24, 2026

R-8 Speech and Language Evaluation dated March 24, 2026

- R-9 Feeding Evaluation, Dated January 6, 2022
- R-10 2023_11-19 Email Correspondence
- R-11 2023_11-19 Email Correspondence
- R-12 2023_11-20 Email Correspondence
- R-13 2023_11-21 Email Correspondence
- R-14 2023_11-22 Email Correspondence