



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

**BLOOMFIELD TOWNSHIP BOARD OF
EDUCATION,**

Petitioner,

v.

T.F. AND S.F. ON BEHALF OF L.F.,

Respondents.

OAL DKT. NO. EDS 01541-26

AGENCY DKT. NO. 2026-40347

T.F. AND S.F. ON BEHALF OF L.F.,

Petitioners,

v.

**BLOOMFIELD TOWNSHIP BOARD OF
EDUCATION,**

Respondent.

OAL DKT. NO. EDS 02997-26

AGENCY DKT. NO. 2026-40492

Danielle A. Pantaleo, and **Dana Blair**, Esqs., for petitioner/cross-respondent
Bloomfield Township Board of Education (Busch Law Group, attorneys)

Jamie Epstein, Esq., for respondents/cross-petitioners T.F. and S.F.

BEFORE **JOSEPH A. ASCIONE**, ALJ (Ret., on recall):

Record Closed: May 13, 2026

Decided: June 12, 2026

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

In this matter the Bloomfield Township Board of Education, (District or petitioner), seeks an order denying T.F. and S.F.'s (respondents') request for Independent Educational Evaluations (IEEs) of their minor child, L.F. Respondents have failed to identify disagreement with the 2023 evaluations and have failed to consent to the District's request to conduct new appropriate evaluations, including a Functional Behavioral Assessment (FBA). Respondents base the denial on an alleged representation as to the time necessary to conduct those evaluations. The District has moved to grant its petition denying any IEEs. Respondents have cross moved for summary disposition seeking IEEs, as well as default judgment and other relief.

This matter was transmitted to and filed with the Office of Administrative (OAL) on January 28, 2026, by the Department of Education under OAL Docket No. EDS 01541-26 for determination as a contested case, pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. Respondents' answer included an improper cross-petition. This tribunal directed respondents' counsel to file the cross-petition with the Department of Education. The related matter captioned T.F. and S.F. o/b/o L.F. v. Bloomfield Township Board of Education, OAL Docket No. EDS 02997-26, was transmitted to and filed with the OAL on February 23, 2026. The transmittal requested consolidation with the within matter but had inadvertently been assigned to another ALJ. Despite a request from counsel for petitioner, respondents' counsel refused to agree to consolidation. The District moved for consolidation, which was granted. The District filed a motion for summary disposition on March 17, 2026. Respondents moved for summary disposition on April 9, 2026. Respondents also moved on April 13, 2026, to recuse the undersigned and oppose consolidation, which was requested with the submittal. Both motions were denied. The parties respective reply papers were filed on April 20, 2026, and April 30, 2026. There was no oral argument. An Order to Show Cause was issued by this tribunal to consider both matters under these cross motions for summary disposition. Additional submissions were made by both parties on May 4, 8, and 11, 2026. The record closed on May 13, 2026.

FACTUAL BACKGROUND

L.F. was born on November 16, 2016, and is currently attending Carteret Elementary School. Petition at 2. In early 2023, L.F. was first evaluated for special education eligibility. On February 14, 2023, the District completed an Educational Evaluation; on February 9, 2023, the District completed a Speech-Language evaluation; on March 14, 2023, the District completed a Psychological Evaluation; on April 6, 2023, the District completed a Social History Assessment; and, on April 8, 2023, the District completed a Neurological Evaluation. Petitioner's Letter Memo at 1–2; see also Petitioner's Ex. 2–6. The Child Study Team also reviewed an Occupational Therapy Evaluation dated December 5, 2022, as part of the Individualized Education Program (IEP) development and eligibility determination process. Petitioner's Ex. 7. On April 17, 2023, L.F. was found eligible for special education and related services under the classification of Other Health Impairment due to a diagnosis of attention deficit hyperactivity disorder (ADHD). Petitioner's Letter Memo at 2.

On October 30, 2023, the District developed an IEP for L.F. Ibid. The parents consented to the IEP, and it was implemented accordingly. Ibid. Since then, the IEP has been reviewed on February 1, 2024, and January 29, 2025. Ibid. The parents did not request an IEE or provide written notice of disagreement with the 2023 evaluations or IEP during those times.

The parents maintain, during the 2024–2026 school years, L.F. began to experience escalating behavioral difficulties with emotional regulation and anxiety that impacted his performance in the classroom. Resp. Cert. ¶15. L.F. was removed from the classroom and subjected to restraints because of his behavioral struggles. Ibid. According to T.F., in 2024, “we were reporting restraints, anxiety, sensory overload, dysregulation, and bullying concerns.” Resp. Reply Cert. ¶11.

On January 5, 2026, the parents contacted the District to request that they conduct a Functional Behavioral Assessment (FBA) for L.F.; they reported that L.F. had been experiencing various struggles in the classroom and that those struggles had increased after his classroom age range changed. Petitioner's Ex. 10. On January 8, 2026, the

parents submitted written requests for an IEE and an independent FBA at public expense. Petitioner's Ex. 11. The request mentioned that the parents had met with the District's behaviorist, who indicated that the FBA may take up to ninety days to complete. Ibid. Due to L.F.'s ongoing struggles, the parents requested IEEs be completed as soon as possible. Ibid. On January 9, 2026, the parents sent the District their Parent Concerns Statement in advance of an upcoming IEP meeting. Ibid. The Parent Concerns Statement alleged recurring failures on the part of the District to meet L.F.'s needs and noted that the District had at no point initiated or offered to initiate an FBA for L.F. Ibid.

On January 16, 2026, the District convened a reevaluation planning meeting. Petitioner's Letter Memo at 2. The District proposed several updated assessments for L.F.'s accelerated triennial reevaluation, including an Occupational Therapy Evaluation, Educational Evaluation, Speech and Language Evaluation, Social History Assessment, Psychological Evaluation, Psychiatric Evaluation, and a Functional Behavioral Assessment. Petitioner's Ex. 12. The parents did not consent to a reevaluation at the meeting. On April 17, 2026, the parents attended an IEP meeting with the District. Resp. Reply Cert. ¶10. As the District refused the parents' requests—specifically, recording of evaluations, neutral evaluators, and "lawful PWN for refusals"—the parents have not consented to the reevaluations. Id. at ¶11.

FACTUAL FINDINGS

1. L.F., born November 16, 2016, currently attends Carteret Elementary School.
2. L.F. first attended the District in 2023.
3. The District conducted the following evaluations during the period from February 2023 through April 2023: Educational Evaluation, Speech-Language Evaluation, Psychological Evaluation, Social History Assessment, and Neurological Evaluation.

4. The Child Study Team also reviewed an Occupational Therapy Evaluation dated December 5, 2022, as part of the IEP development and eligibility determination process.
5. On April 17, 2023, L.F. was found eligible for special education and related services under the classification of Other Health Impairment due to a diagnosis of ADHD.
6. On October 30, 2023, the District developed an IEP for L.F. The parents consented to the IEP, and it was implemented accordingly. Since then, the IEP has been reviewed on February 1, 2024, and January 29, 2025.
7. The parents did not request an IEE or provide written notice of disagreement with the 2023 evaluations or IEP during those times.
8. On January 5, 2026, the parents contacted the District to request that it conduct an FBA for L.F. See Petitioner's Exhibit E.
9. The District has never performed an FBA for L.F.
10. On January 8 and 9, 2026, the parents' written request sought independent evaluations at public expense for an FBA and an Educational/Achievement Evaluation. See Petitioner's Exhibit F.
11. Neither e-mail from T.F. took issue with the evaluations previously performed; rather it addressed entitlement under the Individuals with Disabilities Education Act (IDEA) to the FBA and evaluations.
12. On January 16, 2026, the District convened a reevaluation planning meeting. Petitioner's Letter Memo at 2. The District proposed several updated assessments for L.F.'s accelerated triennial reevaluation, including an Occupational Therapy Evaluation, Educational Evaluation, Speech and Language Evaluation, Social History Assessment, Psychological Evaluation, Psychiatric Evaluation, and a Functional Behavioral Assessment. Petitioner's Ex. 12.
13. The parents did not consent to a reevaluation at the meeting.

14. On January 28, 2026, the District timely filed to deny the FBA and IEE at public expense.

15. On April 17, 2026, the parents attended an IEP meeting with the District. Resp. Reply Cert. ¶10.

16. The parents refused to allow the triennial evaluations to proceed and failed to cooperate at the meeting. Resp. Reply Cert. ¶¶10, 11.

LEGAL ANALYSIS

Summary decision, or as it is known in judicial matters, summary judgment, is a well-recognized procedure for resolving cases in which the facts that are crucial to the determination of the matters at issue are not actually in dispute and the application to that set of material facts of the applicable law and standard of proof lead to a determination of the case without the necessity of a hearing at which evidence and testimony need be taken. The procedure is equally applicable in judicial as well as executive branch administrative cases. N.J.A.C. 1:1-12.5. The standards for determining motions for summary judgment are contained in Judson v. People's Bank and Trust Co. of Westfield, 17 N.J. 67, 74–75 (1954). The Supreme Court later elaborated on the motion and its standard in Brill v. Guardian Life Insurance Co. of America, 142 N.J. 520 (1995). Under the Brill standard, as in Judson, a motion for summary decision may only be granted where there are no “genuine issues” of “material fact.” The determination as to whether issues of material fact exist is made after a “discriminating search” of the record, consisting as it may of affidavits, certifications, documentary exhibits, and any other evidence filed by the movant and any such evidence filed in response to the motion, with all reasonable inferences arising from the evidence being accorded to the opponent of the motion. In order to defeat the motion, the opposing party must establish the existence of “genuine” disputes of material fact. The facts upon which the party opposing the motion relies to defeat the motion must be something more than “facts which are immaterial or of an insubstantial nature, a mere scintilla, ‘fanciful, frivolous, gauzy or merely suspicious.’” Judson, 17 N.J. at 75 (citations omitted). The Brill decision focuses upon the analytical procedure for determining whether a purported dispute of material fact is

“genuine” or is simply of an “insubstantial nature.” Brill, 142 N.J. at 530. Brill concludes that the same analytical process used to decide motions for a directed verdict is used to resolve summary decision motions. “[T]he essence of the inquiry in each is the same: ‘whether the evidence presents a sufficient disagreement to require submission to a jury or whether it is so one-sided that one party must prevail as a matter of law.’” Id. at 536 (quoting Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 251–52 (1986)). In searching the proffered evidence to determine the motion, the judge must be guided by the applicable substantive evidentiary standard of proof, that is, the “burden of persuasion” that would apply at a trial on the merits, whether that is the preponderance of the evidence standard or the clear and convincing evidence standard. If a careful review under this standard establishes that no reasonable fact finder could resolve the disputed facts in favor of the party opposing the motion, then the uncontradicted facts thus established can be examined in the light of the applicable substantive law to determine whether or not the movant is clearly entitled to judgment as a matter of law.

The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400–1487, requires states to ensure that all children with disabilities have access to a free appropriate public education (FAPE) that is designed to meet their unique needs and establishes procedural due process rights for the children. Each school district’s board of education must have policies, procedures, and programs to ensure that all students with disabilities between the ages of three and twenty-one have access to a FAPE and are educated to the maximum extent appropriate in the least restrictive environment (LRE). N.J.A.C. 6A:14-1.2(b). Education in the LRE requires, whenever possible, that the child is educated in the regular educational environment with children who are not disabled; i.e., the child is included in the mainstream education system. N.J.A.C. 6A:14-4.2; 20 U.S.C. § 1412(a)(5)(A); 34 C.F.R. 300.114 (2025). See also Oberti v. Bd. of Educ. of Borough of Clementon Sch. Dist., 995 F.2d 1204, 1214 (3d Cir. 1993). An education is “appropriate” if it includes “personalized instruction with sufficient support services to permit the child to benefit educationally from that instruction.” Hendrick Hudson Dist. Bd. of Educ. v. Rowley, 458 U.S. 176, 203 (1982). In New Jersey, a FAPE must include both special education and any necessary related services, such as counseling, occupational or physical therapy, and speech-language services. N.J.A.C. 6A:14-1.1(b)(3), (d); N.J.A.C. 6A:14-3.9(a); see also 20 U.S.C. § 1401(9), (26)(A); 34 C.F.R. 300.34(a) (2025).

Once a student is determined to be eligible for special education and related services, the local educational agency (LEA) must develop an IEP that establishes the rationale for a student's educational placement and serves as the basis for program implementation. N.J.A.C. 6A:14-1.3; -3.7.

Pursuant to N.J.A.C.1:6A-14.4(a), if a district denies a parental request for an IEE, one may still be afforded to the parent by order of an ALJ. That regulation provides that “[f]or good cause and after giving the parties an opportunity to be heard, the judge may order an independent educational evaluation of the pupil.” To determine whether there is good cause, a factual determination must be made as to whether the child study team conducted the appropriate evaluations, and whether those evaluations contained enough information about the pupil and his educational needs to aid in the development of an appropriate IEP. Union Twp. Bd. of Educ. v. V.K. ex rel. R.K., EDS 05964-03, Final Decision (Nov. 5, 2003) <https://njlaw.rutgers.edu/OAL/index.php>. Respondents have failed to provide any support for this tribunal to find good cause to order IEEs, pursuant to N.J.A.C. 1:6A-14.4.

The parents have failed to meet the standard for an IEE under N.J.A.C. 6A:14-2.5 because they did not express disagreement with the 2023 evaluations.

The process by which a parent may obtain an IEE at public expense is described in N.J.A.C. 6A:14-2.5(c):

Upon completion of an initial evaluation or reevaluation, a parent may request an independent evaluation if there is disagreement with the initial evaluation or a reevaluation provided by a district board of education. A parent shall be entitled to only one independent evaluation at the district board of education's expense each time the district board of education conducts an initial evaluation or reevaluation with which the parent disagrees. The request shall specify the assessment(s) the parent is seeking as part of the independent evaluation.

After a school district receives a request for an IEE, it must either provide the IEE “without undue delay” or file for due process within twenty days. N.J.A.C. 6A:14-

2.5(c)(1)(i). However, a school district is only required to file for due process or provide the IEE if the request is valid—that is, “if there is disagreement with the initial evaluation or a reevaluation provided by a district board of education.” N.J.A.C. 6A:14-2.5(c). In the absence of this disagreement, a parent has no entitlement to an IEE, and, in fact, a school district need not even file for due process. See M.S. v. Hillsborough Twp. Pub. Sch. Dist., 793 F. App’x 91, 94 (3d Cir. 2019).

Here, the parents requested the IEE after the school allegedly provided a ninety-day timeline for conducting its own FBA. The request itself states:

I am writing to formally request an Independent Functional Behavioral Assessment (FBA) and an Independent Educational/Achievement Evaluation at public expense . . . Yesterday, during my discussion with the behaviorist, I was informed that the district’s FBA may take up to 90 days to complete. Given [L.F.]’s ongoing needs, the district’s previous delays in providing timely behavioral and academic supports, and the lack of a comprehensive behavioral assessment to date, a 90-day timeline is not appropriate. These delays have contributed to [L.F.]’s emotional distress, academic regression, and inconsistent access to FAPE.

[Petitioner’s Ex. 11.]

The District argues that this request, premised on the timeline for the FBA, does not constitute disagreement with the 2023 evaluations, and that the parents have never expressed disagreement with the 2023 evaluations. The parents contend that disagreement is not conditioned solely on the request itself and extends to their prior concerns about the school’s use of restraints and classroom removals, as well as their recurring concerns about L.F.’s behavioral issues; they contend that disagreement is not premised on a specific combination of “magic words” or a formal process of disagreement. They bring up Warren G. by & through Tom G. v. Cumberland County School District, 190 F.3d 80 (3d Cir. 1999) in support of their point:

Moreover, the parents’ failure to express disagreement with the District’s evaluations prior to obtaining their own does not foreclose their right to reimbursement. . . . To accept the District’s argument would render the regulation pointless

because the object of parents' obtaining their own evaluation is to determine whether grounds exist to challenge the District's.

[Id. at 87.]

It is certainly true that parents need not disagree in any specific, formulaic manner. However, they must demonstrably have disagreed with the evaluation's results in one form or another. In Warren G., the parents had already paid for an independent evaluation of their own; it was readily apparent from their conduct that they disagreed with the evaluations. Otherwise, they would have had no reason to have their child independently evaluated in the first place.

The parents misframe the issue as "whether the District's evaluation was appropriate at the time the Parents requested an IEE." Resp. Motion for Summary Decision at 21, 23. If this tribunal were to assess the adequacy of the District's 2023 evaluations, it would not assess them based on their adequacy in 2026—it would address whether they were adequate in 2023, a year before L.F.'s behavioral difficulties began to escalate. N.D.S. v. Acad. for Sci. & Agric. Charter Sch., 2018 U.S. Dist. LEXIS 200987, at **17, 18 (D. Minn. Nov. 28, 2018); see also D.S. v. Trumbull Bd. of Educ., 975 F.3d 152, 170 (2d Cir. 2020). As L.F.'s parents have noted, L.F. was six when he was evaluated in 2023, and now he is nine years old. It is not surprising that he has experienced changes in those three years. Because those changes occurred well after his last evaluation, merely acknowledging them and requesting that the District address them does not constitute a disagreement with the 2023 evaluation. This may imply that the District should have reevaluated L.F. sooner, but that would be a separate claim.

The parents' certification makes it apparent that they disagree with how the District has handled L.F.'s escalating behavioral concerns. Indeed, in their certification, the parents state that "[o]ur request for independent evaluations was based on L.F.'s current needs as they existed in January 2026." Resp. Cert. at 2. However, "[i]nforming a school that, subsequent to an evaluation, a child's condition has changed is not the same thing as disagreeing with the evaluation." N.D.S., 2018 U.S. Dist. LEXIS 200987 at *5. The District's alleged failure to respond appropriately to L.F.'s escalating behavioral struggles

from 2024 on and failure to conduct an FBA on L.F. in the interim may be actionable, but it is not relevant to the initial evaluation or the IEE request. The parents need not state outright that they “disagree,” but they must express disagreement *with the 2023 evaluations*—not disagreement with the timeline for the District’s proposed new evaluations or disagreement with the District’s management of L.F.’s new behaviors or disagreement with the adequacy of the 2023 evaluations as they apply to L.F. in 2026.

The parents’ IEE request is invalid, and, because of its invalidity, the District had no real obligation to file a due process petition at this time; the parents’ entitlement to an IEE has not begun yet.

What is disturbing to this tribunal is the actions of respondent. Had the parents allowed the evaluations and the FBA to proceed, they would have been completed already. Once the new evaluations and the FBA are completed, the parents have the right to dispute those evaluations and request their own independent evaluations and FBA. This advice has delayed resolution of this matter and put great cost and expense to the parents and District for naught.

The remedy for the outdated evaluations is a reevaluation.

The parents’ primary contention with the 2023 evaluations is that they are outdated and, in 2026, fail to assess L.F.’s needs, which have understandably changed in the past three years. See Petitioner’s Ex. 11; Resp. Motion for Summary Decision at 21. The appropriate remedy for an outdated evaluation that fails to account for changes in a student’s degree of disability or manifestations is a reevaluation, not an IEE. While the IDEA and New Jersey’s special education laws mandate triennial reevaluations, they can be conducted more frequently “if conditions warrant or if the student’s parent or teacher requests the reevaluation.” N.J.A.C. 6A:14-3.8(a). Contrary to the parents’ assertion, the District electing to perform L.F.’s reevaluation slightly earlier than necessary does not mean it has conceded that the 2023 evaluations were inadequate; it merely implies that it felt that current conditions warranted a reevaluation.

The statute of limitations for IEE claims.

20 U.S.C. § 1415 establishes procedural safeguards for many actions that can be brought under the IDEA, including:

- (6) An opportunity for any party to present a complaint—
 - (A) with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child; and
 - (B) which sets forth an alleged violation *that occurred not more than 2 years before the date the parent or public agency knew or should have known about the alleged action that forms the basis of the complaint*, or, if the State has an explicit time limitation for presenting such a complaint under this part [20 USCS §§ 1411 et seq.], in such time as the State law allows, except that the exceptions to the timeline described in subsection (f)(3)(D) shall apply to the timeline described in this subparagraph.

[Emphasis added.]

The comparable New Jersey regulation, N.J.A.C. 6A:14-2.7, states that:

- (a) A due process hearing is an administrative hearing conducted by an administrative law judge. For students age three through 21, a due process hearing may be requested when there is a disagreement regarding identification, evaluation, reevaluation, classification, educational placement, the provision of a free, appropriate public education, or disciplinary action. For students above the age of 21, a due process hearing may be requested while the student is receiving compensatory educational or related services.
 - 1. A request for a due process hearing shall be filed within two years of the date the party knew, or should have known, about the alleged action that forms the basis for the due process petition.

Here, where the basis of the action is the 2023 evaluation, which was conducted nearly three years before the parents requested an IEE, the statute seems to imply that

the two-year statute of limitations has already run. However, the court in M.S. did not address the school's argument that the statute of limitations had run on the parents' IEE claim when the evaluation was conducted two and a half years prior to the claim, the court in N.D.S. remanded the issue to the hearing officer, and the court in D.S. concluded in fact that the two-year statute of limitations did *not* apply to IEE requests, inferring instead that the three-year period between evaluations was a more appropriate statute of limitations for those claims. Neither party has brought up the statute of limitations. Because of this mixed history, and because it was not addressed by the parties, while the regulations do seem to suggest that the two-year statute of limitations may apply here, this tribunal has determined not to address this issue on the basis of the statute of limitations, but rather the disagreement with the 2023 evaluations. This tribunal does point out that conducting a hearing on three-year-old evaluations can only be addressed by the circumstances of the student at the time of the evaluation. Any expert provided by the parent would have to have reviewed the student in 2023, not as the student is functioning currently.

Respondents' motions for default, enforce discovery, and compel evaluations

Respondents in the subsequently filed matter EDS 02997-26 filed motions for a default judgment for the District's failure to answer, a motion address to discovery issues, and a motion for access of an evaluator. These motions were filed after March 23, 2026, the date of the pre-hearing Order in that matter, prohibiting motions without first seeking leave of the ALJ, and conducting a telephone conference. Respondents did not seek that leave. Further, the matter was inadvertently not assigned to this ALJ as was requested in its filing papers. The District did file an answer in the above matter, and has vigorously pursued the denial of an IEE to the parent at District's expense. The discovery issue should have been addressed at a telephone conference, prior to making a motion, this did not occur. The expedited access for the respondents' evaluator should also have been sought by requesting a conference, this was not done. Respondents only have themselves to blame for the failure to proceed expeditiously in this matter.

Here, the district is attempting to educate a student with disciplinary problems. Understandably this is frustrating to the parents and the District. It is imperative to allow

the District to conduct the students reevaluations, to determine what, if any, adjustments can be made to the educational placement. Respondents actions have delayed and prevented this from occurring.

In the event L.F. does not make meaningful progress educationally, socially, and emotionally, the District is subject to due process for failing to provide FAPE.

CONCLUSION

A parent's entitlement to an IEE at public expense is premised on two requirements: that the school district has evaluated the child in question, and that the parent disagrees with the results of the evaluation. Absent those two factors, the parent has no entitlement to an IEE at public expense under N.J.A.C. 6A:14-2.5(c). The parent need not disagree in any particular or formal manner, but communicating concerns to a school about new issues with their child or noting that an evaluation is outdated due to the passage of time or changes in the child's condition does not constitute disagreement. Here, the parents requested an IEE after the District provided a timeline of up to ninety days to perform an FBA. They further frame the issue as "whether the District's evaluation was appropriate at the time the Parents requested an IEE." This is not a valid disagreement with the evaluation — they must disagree with the evaluation as applied to L.F. in 2023. Where the evaluation is merely outdated, reevaluation and other potential remedies, such as compensatory education, may be appropriate, but that is not the issue before this tribunal. As such, the District is entitled to summary decision as a matter of law.

I **CONCLUDE** respondents failed to identify disagreement with the 2023 evaluations.

I **CONCLUDE** respondents failed to cooperate with the District to allow it to conduct current evaluations.

I **CONCLUDE** respondents improperly requested IEEs and an FBA.

I **CONCLUDE** petitioner has properly denied respondents IEEs and an FBA.

ORDER

For the foregoing reasons,

It is on this 12th day of June 2026, **ORDERED** that petitioner's application for an Order denying respondents' request for IEEs and an FBA is **GRANTED**.

It is on this 12th day of June 2026, **ORDERED** that respondents' request for IEEs and an FBA is **DENIED**.

Accordingly, it is on this 12th day of June 2026, **ORDERED** that respondents' cross motion for summary disposition is **DENIED**.

Accordingly, it is on this 12th day of June 2026, **ORDERED** that respondents' motions for default judgment, discovery, and access for an evaluator are also **DENIED**.

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 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 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.

June 12, 2026

DATE
cc



JOSEPH A. ASCIONE, ALJ (Ret., on recall)

Date Received at Agency:

June 12, 2026

Date Mailed to Parties:

June 12, 2026

APPENDIX

EXHIBITS

Petitioner/Cross-Respondent:

- P-1 Motion for Summary Decision, dated 3/17/26
- P-2 Opposition to Respondents' Cross-Motion for Summary Decision, dated 4/20/26
- P-3 Supplemental Letter, dated 5/8/26

Respondents/Cross-Petitioners:

- R-1 Cross Motion for Summary Decision, dated 4/9/26
- R-2 Reply to Petitioner's Opposition to Cross-Motion for Summary Decision, dated 4/29/26
- R-3 Supplemental Letter, dated 5/4/26
- R-4 Supplemental Letter, dated 5/11/26