



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 03279-26

AGENCY DKT. NO. 2026-40534

D.M. ON BEHALF OF R.M.,

Petitioner,

v.

STRATFORD BORO BOARD OF

EDUCATION,

Respondent.

D.M., petitioner, pro se, on behalf of minor child, R.M.

Lindsay Romeo, Esq., for respondent (Capehart & Scatchard, P.A., attorneys)

Record Closed: May 1, 2026

Decided: June 2, 2026

BEFORE **CLAUDIA L. MARCHESE**, ALJ:

STATEMENT OF THE CASE

Respondent, Stratford Boro Board of Education ("District"), disciplined R.M., an eleven-year-old special education student, by excluding him from a district-wide, non-special-education activity that did not change his individualized education program (IEP). His father appealed that discipline. Does the Office of Administrative Law (OAL) have jurisdiction for this appeal? No. The OAL lacks jurisdiction to hear causes of action

related to discipline that do not change a student's special education programming. N.J.A.C. 6A:14-2.7.

PROCEDURAL HISTORY

On February 26, 2026, D.M., on behalf of his minor child R.M., filed a request for a due process hearing with the New Jersey Department of Education, Office of Special Education (OSE), under N.J.A.C. 6A:14-2.7, alleging that R.M. was denied a free appropriate public education (FAPE). On March 28, 2026, the resolution period expired. On March 30, 2026, the OSE 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 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 April 2, 2026, I held an initial prehearing conference to discuss the case. During the prehearing conference call, the District advised of its intent to file a motion to dismiss the petition on the grounds that there is no special education issue for which the OAL has subject-matter jurisdiction. I allowed the District to file the motion and set a briefing schedule. The District filed its motion to dismiss petitioner's due process petition in its entirety that same day. On April 7, 2026, petitioner filed his opposition brief. On May 1, 2026, the respondent filed its reply to petitioner's opposition.

On May 4, 2026, I held a conference call to clarify the issues and determine the need for oral argument on the motion. Both parties declined oral argument.

FINDINGS OF FACT

Based on the motion papers submitted in support of and in opposition to the motion for summary decision, including the certification of Renee Egan, superintendent of the Stratford School District, I **FIND** the following as **FACT**:

R.M. is an eleven-year-old student eligible for special education and related services under the classification of other health impairment with a diagnosis of ADHD. (Ex. R-C.) He attends fifth grade at Samuel S. Yellin Elementary School in the Stratford Boro School District.

The District uses a district-wide privilege system called Renaissance to encourage and incentivize positive behavior, academic performance, and attendance. Students may earn a Renaissance card, which entitles them to participate in a Renaissance activity the following marking period. A student with more than one disciplinary incident in a marking period is ineligible to earn a Renaissance card. (Exh. R-B.)

R.M.'s IEP states that he is expected to follow the district's code of conduct and does not contain individualized disciplinary protocols. (Exh. R-C.) The Renaissance program is not mandated in R.M.'s IEP and is not an entitlement or service required under state or federal regulations.

R.M. had two separate incidents of misconduct for which he was given minor discipline.

The first incident was on November 12, 2025, when R.M. used a banana as a gun and shot "the gun" at another student. Under the district's code of conduct, R.M. was disciplined and served two days of after-school detention. (Exh. R-D.) After the November 12, 2025, incident, the district provided support, including counseling and a parent conference.

The second incident occurred on December 2, 2025, when R.M. made a gun with his hands and again shot "the gun" at another student. (Exh. R-G.) R.M. was again disciplined and served two more days of after-school detention. Following this incident, the school psychologist reviewed video footage of the incident and consulted with the school administration and R.M.'s parents.

Since R.M. had two disciplinary incidents in the second marking period, he did not earn his Renaissance card and was not permitted to participate in the Renaissance activity for that marking period.

At his parents' request, the district convened an IEP meeting on January 15, 2026, to review and revise R.M.'s IEP. The district modified R.M.'s IEP to add "consultation with case manager prior to applying any disciplinary measures." (Exh. R-C.) This modification is not required under state or federal laws or regulations. There were no changes to R.M.'s special education programming, placement, or related services in the revised IEP.

On March 5, 2026, R.M.'s parents asked the child study team (CST) to conduct a functional behavioral assessment (FBA). (Exh. R-J.) Despite the fact that R.M. only had two discipline referrals, the CST agreed to the FBA following the annual review IEP meeting on March 24, 2026.

CONCLUSIONS OF LAW

This case arises under the Individuals with Disabilities Act (IDEA), 20 U.S.C. 1401–1482, and 34 C.F.R. § 300.500 et seq. (2025). Petitioner contends that the district violated the IDEA and denied R.M. a FAPE by making him ineligible to earn a Renaissance card and excluding him from the Renaissance program activity for the third marking period because of his two disciplinary incidents.

The district filed its motion to dismiss petitioner's due process petition for lack of jurisdiction, asserting that there is no special education claim issue and the OAL does not have jurisdiction. A party may move for dismissal of a complaint for lack of subject matter jurisdiction. N.J.A.C. 1:1-1.3(a). The defense of lack of subject matter jurisdiction must be heard and determined before trial on application of any party.

Due process hearings 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." N.J.A.C.

6A:14-2.7. The OAL, however, lacks jurisdiction to hear and determine causes of action related to disciplinary decisions that do not change a student's special education programming placement or related services. N.J.A.C. 6A:14-2.8.

Here, petitioner objects to the District's discipline of R.M., which consisted of after-school detentions and loss of the Renaissance card. Yet, the detentions did not affect, or in any way change, R.M.'s program, placement, or classification. Further, the Renaissance program is not an educational activity that is part of R.M.'s IEP, and its removal for the one marking period did not alter R.M.'s classification or program. Likewise, the district did not remove R.M. from his educational placement. Thus, petitioner has no viable special education claim to be decided by the OAL. Accordingly, I **CONCLUDE** that petitioner's due process petition lacks a special education claim for which the OAL has subject matter jurisdiction and that respondent's motion to dismiss must be granted.

ORDER

I **ORDER** that this case is **DISMISSED WITH PREJUDICE** for lack of subject-matter jurisdiction.

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 must be communicated in writing to the Director, Office of Special Education.

June 2, 2026



CLAUDIA L. MARCHESE, ALJ

Date Received at Agency

Date Mailed to Parties:

CLM/kl

APPENDIX

Exhibits

For petitioner:

- P-A Email from Rochelle Quick, dated December 31, 2025
- P-B Transcript of IEP meeting recording, dated January 15, 2026

For respondent:

- R-A Petition for Due Process, dated February 25, 2026
- R-B Certification of Renee Egan, dated April 4, 2026
- R-C IEP, dated January 1, 2026
- R-D Incident summary report, dated November 12, 2025
- R-E Correspondence from D.M., dated November 25, 2025
- R-F Correspondence from D. Schaffer, dated December 2, 2025
- R-G Incident summary report, dated December 3, 2025
- R-H Correspondence from D.M., dated December 3, 2025
- R-I Correspondence from R. Egan, dated March 9, 2025
- R-J Correspondence from D.M., dated March 3, 2026