



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 04509-26

AGENCY DKT. NO. 2026-40638

**K.H. AND B.H., ON BEHALF OF
MINOR CHILD Z.H.,**

Petitioners,

v.

**MOUNT LAUREL TOWNSHIP
BOARD OF EDUCATION,**

Respondent.

Robert K. Devaney, Esq., for petitioners (Florio, Perrucci, Steinhardt, Cappelli & Tipton, LLC, attorneys)

Emily E. Strawbridge, Esq., for respondent (Parker McCay, P.A., attorneys)

Record Closed: May 22, 2026

Decided: June 4, 2026

BEFORE **SUSAN MCCABE, ALJ**:

STATEMENT OF THE CASE

On March 18, 2026, respondent, Mount Laurel Township Board of Education (Mount Laurel), invited petitioners, K.H. and B.H., to participate in a resolution meeting, but petitioners refused to participate. Should this case be dismissed? Yes. If a local

education agency cannot obtain a parent's participation in a resolution meeting after making and documenting reasonable efforts, the agency may request that a hearing officer dismiss the parent's due process complaint. 34 C.F.R. 300.510(b)(4) (2025); N.J.A.C. 6A:14-2.7(h).

PROCEDURAL HISTORY

On March 17, 2026, K.H. and B.H. filed a request for a due process hearing. On March 18, 2026, the New Jersey Department of Education's Office of Special Education Policy and Dispute Resolution (OSE) sent an email advising the parties that they must participate in either a resolution meeting or mediation, unless both parties waive the requirement.

On April 17, 2026, following the expiration of the resolution period—and without K.H. and B.H.'s participation in a resolution meeting or mediation—OSE transmitted the petition for a due process hearing to the Office of Administrative Law under the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Special Education Program, N.J.A.C. 1:6A-1.1 to -18.4.

On May 1, 2026, Mount Laurel filed a motion for summary decision. On May 15, 2026, K.H. and B.H. filed their opposition to the motion. On May 22, 2026, Mount Laurel filed its response, and on that date, I closed the record.

FINDINGS OF FACT

Based on the documents submitted in support of and in opposition to the motion for summary decision, I **FIND** the following as **FACT** for purposes of this motion only:

On March 18, 2026, one day after they filed their request for a due process hearing, K.H. and B.H. attended a Section 504 meeting with Mount Laurel. On that same day, OSE emailed the parties regarding the due process thirty-day resolution period. OSE advised that the parties must either conduct a resolution meeting or attend mediation. OSE also stated that “unless the parties agree to waive the resolution or agree to

mediation, in accordance with 34 CFR 300.510, the school district may file a motion to dismiss the request for a due process hearing if the parent fails to attend the resolution meeting.”

That same day, K.H. and B.H. responded to OSE’s email, stating that they were waiving the resolution period and wanted to proceed directly to a due process hearing. Simultaneously, Mount Laurel sent K.H. and B.H. an invitation to a resolution meeting scheduled for April 2, 2026.

On March 19, 2026, Mount Laurel responded to K.H. and B.H.’s email, stating it did not waive its right to a resolution meeting and had provided proposed dates within the mandated fifteen-day period.

On March 20, 2026, OSE, having been copied on the previous communications, emailed the parties, noting Mount Laurel’s refusal to waive the resolution meeting. OSE clarified that a waiver requires mutual agreement or an agreement to attend mediation. Moments later, K.H. and B.H. responded to OSE, stating that they “decline the District’s invitation to a resolution meeting.”

K.H. and B.H. never responded directly to Mount Laurel’s invitation and failed to appear at the meeting on April 2, 2026.

On April 1, 2026, the parties conducted a conference call and engaged in settlement negotiations regarding this due process hearing and a parallel federal case.

On April 17, 2026, OSE transmitted the petition for a due process hearing to the Office of Administrative Law.

CONCLUSIONS OF LAW

Summary Decision Standard

A party may move for summary decision on any or all substantive issues in a case. N.J.A.C. 1:1-12.5(a). The moving party must serve such motions with briefs and may include supporting affidavits. N.J.A.C. 1:1-12.5(b). A judge may grant a motion for summary decision if no genuine issue of material fact exists, and the moving party is entitled to prevail as a matter of law. Ibid.

The Resolution Requirement

If a local education agency cannot obtain a parent's participation in a resolution meeting after making and documenting reasonable efforts, the agency may request that a hearing officer dismiss the parent's due process complaint. 34 C.F.R. 300.510(b)(4) (2025). "Reasonable efforts" include maintaining detailed records of telephone calls, correspondence, or visits made to the parent's home or workplace. 34 C.F.R. 300.322(d) (2025). The resolution meeting, however, can be waived if both the local education agency and the parent agree in writing. 34 C.F.R. 300.510(a)(3)(ii) (2025). The New Jersey regulations mirror the federal regulations. N.J.A.C. 6A:14-2.7(h)(9) ("The parties may agree, in writing, to waive the resolution meeting and proceed directly to a due process hearing."). New Jersey Department of Education Parental Rights in Special Education (PRISE) Manual, <https://www.nj.gov/education/specialed/parents/> (May 2023).

Legal Analysis

In this case, K.H. and B.H. waived their participation in the resolution meeting, but Mount Laurel did not. In fact, Mount Laurel expressly declined the waiver and made reasonable efforts to secure the parents' attendance by sending them a written invitation with both a set date and an alternative date if the original date was inconvenient.

K.H. and B.H., however, ignored the invitation.

K.H. and B.H. argue that the Section 504 meeting on March 18, 2026, and the conference call on April 1, 2026, served as resolution meetings within the statutory fifteen-day period. K.H. and B.H., however, misunderstand. A 504 meeting is a 504 meeting, and a conference call is a conference call. Neither is a resolution meeting. That is a separate and distinct proceeding. Mount Laurel specifically requested one, and K.H. and B.H. flatly rejected it.

Given Mount Laurel's reasonable efforts to schedule the resolution meeting, its express desire and intent to participate in the resolution meeting in an effort to resolve this dispute, and petitioners' knowing refusal to participate in the resolution meeting, I **CONCLUDE** that K.H. and B.H.'s refusal resulted in a failure to exhaust mandatory administrative remedies, precluding them from seeking judicial relief. As such, Mount Laurel must be granted summary decision, and this case must be dismissed as a matter of law.

I further **CONCLUDE** that the substantive assertions raised by K.H. and B.H. in support of their opposition are unrelated to the procedural issue presented and fail to raise a genuine dispute of material fact regarding Mount Laurel's motion.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that Mount Laurel's motion for summary decision is **GRANTED** and that this case 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 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 Programs.



June 4, 2026

DATE

SUSAN MCCABE, ALJ

Date Received at Agency:

June 4, 2026

Date Sent to Parties:

June 4, 2026

SM/dc