



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

SUMMARY DECISION

OAL DKT. NO. EDS 05836-26

AGENCY REF. NO. 2026-40786

A.G. AND N.F.

ON BEHALF OF MINOR

CHILD O.G.F.,

Petitioners,

v.

MOUNTAIN LAKES BORO

BOARD OF EDUCATION,

Respondent.

A.G.F.,¹ petitioner, pro se

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

Record closed: May 26, 2026

Decided: June 15, 2026

BEFORE **MICHAEL R. STANZIONE**, ALJ:

¹ Petitioner A.G. prefers to go by A.G.F. This case was transmitted as A.G.

STATEMENT OF THE CASE

Respondent, Mountain Lakes Boro ("District"), requests an order for summary decision in its favor, as the matter is moot based on petitioners', parents A.G.F. and N.F.'s, unilateral decision to withdraw student O.G.F. from the District. Is the action moot, as there is no justiciable controversy? Yes, there are no genuine issues of material fact in this case and the District's request should be granted. Petitioners have removed their child from the District, removing any dispute or controversy.

PROCEDURAL HISTORY

On April 14, 2026, this case was submitted to the Office of Administrative Law. An adjournment form was completed after the first prehearing conference on April 22, 2026, extending the final decision due date until June 7, 2026. A second prehearing conference was held via telephone on April 30, 2026, at which time petitioners indicated they would be withdrawing the petition. On May 5, 2026, petitioners indicated via email that they would no longer be withdrawing and would like to proceed with the due process petition. A prehearing conference was held via telephone on May 6, 2026. Respondent indicated to the tribunal that they believed the matter was ripe for summary decision and a briefing schedule was made. A second adjournment form was completed, with the final decision due date being extended to June 15, 2026. A motion for summary decision was submitted on May 20, 2026, by respondent. Petitioners' response was submitted on May 21, 2026. A final response to petitioners' brief was submitted on May 26, 2026.

MOTION

Respondent has filed a motion for summary decision, arguing that there are no facts in dispute and that no controversy exists, as petitioners have removed student O.G.F. from the District.

Petitioners acknowledged the removal but contend that the controversy still exists due to the reasons for O.G.F.'s withdrawal.

FINDINGS OF UNDISPUTED FACT

The following **FACTS** of the case are not in dispute:

1. Petitioners' request for a due process hearing stated that the case may be resolved by O.G.F.'s individualized education program (IEP) being meaningfully addressed in connection with issues pertaining to his removal from class.
2. On April 21, 2026, petitioners executed an Authorization for Release of Information and Withdrawal form for O.G.F. to be homeschooled. R-A.

CONCLUSIONS OF LAW

A party may move for summary decision upon any or all substantive issues in a contested case. N.J.A.C. 1:1-12.5(a). The motion for summary decision shall be served with briefs and may be served with supporting affidavits. N.J.A.C. 1:1-12.5(b). "The decision sought may be rendered if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law." Ibid.

An action is moot when the decision sought can have no practical effect on the existing controversy. Redd v. Bowman, 223 N.J. 87, 104 (2015). For reasons of judicial economy and restraint, it is appropriate to refrain from decision making when the issue presented is hypothetical, judgement cannot grant effective relief, or the parties do not have a concrete adversity of interest. Anderson v. Sills, 143 N.J. Super. 432, 437 (Ch. Div. 1976); Fox v. New Brunswick Twp. Bd. of Educ., EDU 10067-98, Initial Decision (March 19, 1999), aff'd, Comm'r (May 13, 1999), <https://njlaw.rutgers.edu/OAL/index.php>; J.L. v. Harrison Twp. Bd. of Educ., 2014 N.J. AGEN LEXIS 60 (January 28, 2014).

Here, petitioners request that respondent amend the student's IEP to address removals from class. The student is no longer attending school within the District. This tribunal cannot order respondent to amend an IEP of a student that is no longer enrolled.

There is no relief being sought by petitioners that would have a practical effect on the existing controversy now that O.G.F. is not attending school within the District. Respondent acknowledges that should O.G.F. be re-enrolled in the District, their child study team would have to meet with the parents to consider an appropriate program and placement for him and develop an IEP. After such time, if petitioners were to decide that the IEP constructed failed to provide a free appropriate public education, they may bring appropriate claims.

Given these circumstances, I **CONCLUDE** that petitioners' due process petition must be dismissed, as the District is entitled to summary decision.

ORDER

I **ORDER** that petitioners' request for due process and claims are **DISMISSED AS MOOT**.

This decision is final pursuant to 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 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 15, 2026

DATE


MICHAEL R. STANZIONE, ALJ

Date Received at Agency:

Date Mailed to Parties:

APPENDIX

Exhibits

For Petitioners:

None

For Respondent:

R-1 Certification of Kerry DiGiacinto

R-A Authorization for Release of Information & Withdrawal