



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 06055-26

AGENCY DKT. NO. 2026-40807

C.V. and L.V. ON BEHALF OF A.V.,

Petitioners,

v.

SOMERSET HILLS REGIONAL

BOARD OF EDUCATION,

Respondent.

C.V. and L.V., petitioner, on behalf of minor child, A.V., pro se

Eric L. Harrison, Esq., for respondent (Methfessel & Werbel, P.C., attorneys)

Record Closed: July 20, 2026

Decided: August 20, 2026

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

STATEMENT OF THE CASE

Respondent, Somerset Hills Regional, Board of Education (the district), developed an Individualized Education Program (IEP) placing A.V. in an out-of-district program that enables him to make appropriate progress in light of his circumstances. Does the district's IEP offer A.V. a free appropriate public education (FAPE)? Yes. A FAPE is provided when

the IEP is reasonably calculated to enable the child to make appropriate progress in light of his circumstances. Endrew F. v. Douglas Cnty. Sch. Dist., 580 U.S. 386, 399 (2017).

PROCEDURAL HISTORY

On February 10, 2026, petitioners, C.V. and L.V., on behalf of their minor child, A.V., filed a request for mediation with the New Jersey Department of Education, Office of Special Education (OSE). On April 15, 2026, the parties appeared for mediation but were unsuccessful. On April 16, 2026, petitioners converted their request for mediation to a request for due process hearing, and 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 May 18, 2026, I held an initial prehearing conference; on May 27, 2026, I issued a prehearing order; and on June 15, 2026, I held the hearing.

At the parties' request, I kept the record open for the parties to obtain the transcript from the hearing and submit post-hearing briefs. On June 22, 2026, respondent, the Somerset Hills Regional Board of Education, submitted its post-hearing brief. On July 20, 2026, petitioners submitted their post-hearing brief, and I closed the record.

DISCUSSION AND FINDINGS OF FACT

A.V. is a fifteen-year-old student eligible for special education and related services under the classification of multiple disability with a diagnosis of Down syndrome. He has been classified under a "moderate intellectual disability" since just before his third birthday.

A.V. has difficulty communicating and uses an augmentative assistive device throughout the school day to help with his daily routines and communication breakdowns.

A.V. also wears a back brace every day, which he removes for bathroom breaks. Still, A.V. needs assistance from the school nurse to put the back brace on.

A.V. currently attends Bernards High School in a multiple disability program. He presents with delays across all domains. A.V. has very low receptive and expressive language skills and severely delayed articulation and phonological skills. When compared to other students at his age level, A.V.'s standard scores are in the very low range for all reading, math, and language skills. As a result, A.V. requires instruction with a specialized program where his needs can be individually addressed under the supervision of a special education teacher.

A.V. has attended public schools in Bernardsville since preschool. In elementary school A.V. was in a multiple disabled program. In the middle school, there was only one other student in A.V.'s program. When he was in sixth grade that student moved away. It was agreed by the child study team and his parents that A.V. would move to the high school for his seventh-grade year because there were more peers in his age range. That program included another student that had previously been in A.V.'s class. For the 2024–2025 school year, there were two other students with A.V. in the multiple disabled class (MD class). By the summer of the 2025 school year, the two other students in the MD class with A.V. had left the high school.

In August 2025, the district learned that A.V. would be the only student in the MD class so the district alerted A.V.'s parents that the program at the high school was no longer appropriate for A.V. and that the district would seek an out-of-district placement for him.

On November 25, 2025, A.V.'s parents gave consent to release A.V.'s records to three out-of-district placements: Pillar, Early Childhood Learning Center (ECLC), and Midland. On December 12, 2025, A.V., his parents, and his case manager completed an intake at ECLC. On December 17, 2025, A.V. attended a full shadow day at ECLC. On December 18, 2025, A.V. was officially accepted to ECLC. The same day, A.V. and his parents completed an intake at The Midland School, where he was also accepted. A.V.

and his family had previously toured the Pillar school and advised the district that they were not interested in A.V. attending Pillar.

On December 19, 2025, the district's case manager advised petitioners that both ECLC and Midland were appropriate for A.V. and offered to start A.V. at either school on January 6, 2026. The case manager also offered to provide transportation for either school.

On January 5, 2026, A.V.'s parents advised the case manager that they wanted more time to explore these and other placement options. The case manager responded that the district recommends ECLC as the most appropriate placement for A.V. and advised them that A.V. should start at ECLC as soon as possible.

On January 6, 2026, the district scheduled an IEP meeting for January 12, 2026.

On January 8, 2026, A.V.'s mother requested that the IEP meeting be rescheduled because they were still deciding which school would be the best fit for A.V., so the district rescheduled the meeting for January 26, 2026. The IEP meeting was not held until January 29, 2026, due to inclement weather.

The IEP meeting included the ECLC supervisor, Amy Keveanos; an ECLC teacher; the district's director of special services, Jamie Koransky; A.V.'s case manager, Cassie Incledon; A.V.'s parents; and A.V.'s older sister. The ECLC representatives advised that ECLC is a great fit for A.V. The district representatives agreed that ECLC has the most appropriate program for A.V. In response to A.V.'s family's concerns about A.V.'s transition to a new school, the district and ECLC proposed that A.V. complete an additional shadow day at ECLC on February 3, 2026, to further support his transition and help him get accustomed to ECLC. The district and ECLC also offered to have A.V. gradually transition to ECLC by starting a few days a week or with half days.

On February 4, 2026, all IEP meeting participants met again. ECLC supervisor Amy Keveanos reported that A.V. had a wonderful shadow day, which consisted of activities, special classes, and interaction with peers. Keveanos stated that A.V.

integrated very well and had a seamless transition. A.V.'s mother, however, advised that she wanted more time to visit additional schools. Meanwhile, A.V. and his family never requested to visit any other school.

Jamie Koransky, the director of special services at Somerset Hills, has worked in the district as its director of special services for the past six years. At the hearing, Koransky was accepted as an expert in the field of special education and special education programming and provided both factual and expert testimony regarding A.V.'s educational history and the January 2026 IEP. Koransky has a bachelor's degree in psychology, a master's degree in psychology, and an educational specialist degree in school psychology. She also has supervisor, principal, and school administrator certifications. Koransky has worked in public education for seventeen years. For the first ten years she worked as a special education administrator. For the past seven years Koransky has worked as a school psychologist. She has also worked as an adjunct professor at Seton Hall University in its graduate program for education and psychology, as well as at Monmouth University in its provisional teacher program.

Koransky testified that the district is unable to provide an appropriate educational program to A.V. in-district because A.V. does not have access to any peers at Bernards High School. She stated that the district has given A.V. and his parents ample time to consider other options, including ECLC, which offers an appropriate education in the least restrictive environment appropriate to his needs.

Koransky further testified that if A.V. were to remain at Bernards High School he would continue to be educated in a classroom of one because the less restrictive options of a resource room or an in-class resource classroom follow the general education curriculum, which A.V. is incapable of accessing. As such, A.V. presently spends more than 80 percent of his day isolated. In fact, A.V. joins the general education students only for lunch and elective classes, including physical education. If A.V. were to attend ECLC, he would be educated alongside similar peers.

Koransky explained that while A.V. is attending ECLC, the district would continue to offer A.V. opportunities to interact with the general education students in the high

school. Koransky further explained that A.V. would be transported to the high school at the end of the school day to participate in sports and clubs of his choosing. He would also be able to participate in other activities, such as field trips and prom. Finally, Koransky explained that A.V. would be included in the high school graduation ceremony and receive his diploma from Bernards High School.

Koransky asserted that in her expert opinion, the district is unable to provide A.V. with an appropriate education in the least restrictive environment in-district because a setting without peers is not the least restrictive environment for A.V. ECLC will provide A.V. with an appropriate education in the least restrictive environment for his needs. To underscore, Koransky reiterated that she is very familiar with the program at ECLC and has no concerns that A.V. would not be able to interact with peers and teachers there. In fact, there would be more peers and specialized teachers with expertise to work with A.V. throughout the day at ECLC than in the high school.

Petitioners presented no facts or expert opinion to rebut Koransky's testimony. They do not even contend that ECLC is inappropriate. They are merely concerned that A.V. will be separated from the Bernards community and the peers and teachers with which he has developed relationships during his educational career in-district.

Given this discussion of the facts, I **FIND** that A.V. is a fifteen-year-old special education student with a diagnosis of Down syndrome. He is placed in a multiple disabled class in Bernards High School in which he is the only student. A.V. spends the vast majority of the day learning in isolation. He interacts with other students only during lunch and special classes. A.V. does not have the ability to access the general education curriculum, which is required in a resource room. The district cannot presently offer A.V. a multiple disabled program that would be appropriate to his needs. ECLC would be appropriate to his needs.

DISCUSSION AND CONCLUSIONS OF LAW

This case arises under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1401–1482, and 34 C.F.R. § 300.500 et seq. (2026). One purpose of the Act

is to ensure that all children with disabilities have available to them a “free appropriate education that emphasizes special education and related services designed to meet unique needs and prepare them for further education, employment, and independent living.” 20 U.S.C. § 1400(d)(1)(A). This “free appropriate public education” is known as FAPE.

The IDEA is designed to ensure that children with disabilities may access a FAPE that is tailored to their specific needs. 20 U.S.C. § 1400(c). To further this goal, the State regulations implementing the IDEA, N.J.A.C. 6A:14-1.1 to -10.2, make the local school district responsible for the “location, identification, evaluation, determination of eligibility, development of an IEP and the provision of a [FAPE] to students with disabilities.” N.J.A.C. 6A:14-1.3.

Another purpose of the Act is to assist states in the provision of FAPE. See 20 U.S.C.A. § 1400(d)(1)(C). Toward this end, a state is eligible for assistance if the state has in effect policies and procedures to ensure that it will meet the requirements of the Act. 20 U.S.C.A. § 1412(a). In New Jersey, such policies and procedures are set forth in the State statute, Special Schools, Classes and Facilities for Students with Disabilities, N.J.S.A. 18A:46-1 to -55, and the implementing regulations, Special Education, N.J.A.C. 6A:14-1.1 to -10.2. See Lascari v. Bd. of Educ. of the Ramapo Indian Hills Reg’l High Sch. Dist., 116 N.J. 30, 34 (1989).

Petitioners, CV. and L.V., on behalf of their minor child, A.V., seek an order that the appropriate placement for A.V. is to remain in-district at Bernards High School. The district contends that the most appropriate placement for A.V. is in ECLC, which is a State-approved private school for students with disabilities. The threshold issue in this case is whether Somerset Hills has provided A.V. with a FAPE.

The U.S. Supreme Court has interpreted the term “appropriate education” to mean an education that is reasonably calculated to provide a meaningful educational benefit to the individual child. Bd. of Educ. of Hendrick Hudson Cent. Sch. Dist. v. Rowley, 458 U.S. 176 (1982). This requirement is satisfied if the child’s IEP sets out an educational program that is “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 Court cautioned that where progression through a general education curriculum and mastery of grade-level skill "is not a reasonable prospect for a child, [that child's] IEP need not aim for grade-level advancement." Id. at 402. Here, the district developed an IEP that proposes placement of A.V. in ECLC in accordance with his classification in a multiple disabled program that is appropriate to his needs and provides for related services.

Not only must an IEP be reasonably calculated to provide significant learning and meaningful educational benefit, but it must also be provided in the least restrictive environment. See 20 U.S.C.A. § 1412(a)(5)(A). To the maximum extent appropriate, children with disabilities are to be educated with children without disabilities. Ibid. However, the "IDEA requires that disabled students be educated in the least restrictive *appropriate* educational environment." Ridgewood Bd. of Educ. v. N.E., 172 F.3d 238, 249 (1999). The determination of "significant learning and "meaningful benefit" requires a student-by-student analysis that carefully considers the student's individual abilities. Id. at 248.

I am satisfied that the district has fully considered the less restrictive options of the resource room or an in-class resource classroom and correctly determined that they are inappropriate, as they follow the general education curriculum, which A.V. is not capable of accessing.

Here, the district has determined that it cannot provide FAPE to A.V. in an in-district placement. Should A.V. remain in Bernards High School he will be isolated for the majority of the day. The district has proven that based on the present population at Bernards High School, the proposed IEP placing A.V. at ECLC offers the least restrictive environment in which A.V. can receive a free appropriate public education. A.V. will continue to have opportunities to participate in programs in the Bernards High School community, including sports, clubs, special events, and graduation.

Therefore, I **CONCLUDE** that a preponderance of the evidence exists that the district's January 2026 IEP proposing that A.V. be placed at ECLC offers him a FAPE and is reasonably calculated to provide A.V. with a meaningful education benefit in the LRE.

ORDER

I **ORDER** that petitioners' due process petition is hereby **DISMISSED WITH PREJUDICE**.

I further **ORDER** that A.V. be placed at ECLC for the 2026–2027 school year as proposed in the January 2026 IEP.

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

August 20, 2026 _____

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CLAUDIA L. MARCHESE, ALJ

Date Received at Agency _____

Date Mailed to Parties: _____

CLM/kl

APPENDIX

Witnesses

For Petitioners:

None

For Respondent:

Jamie Koransky, Somerset Hills Director of Special Services

Exhibits

For Petitioners:

None

For Respondent:

- R-4 IEP, dated April 10, 2024¹
- R-5 Final Decision, dated March 4, 2025
- R-6 Email chain re: Shoprite trip, dated November 25, 2024
- R-7 IEP, dated March 27, 2025
- R-8 Progress report and comments through June 2024
- R-9 IEP, dated June 23, 2025
- R-10 IEP, dated January 29, 2026

¹ The nonsequential numbering of exhibits reflects the fact that numerous pre-marked exhibits were neither identified nor offered into evidence.