



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

SUMMARY DECISION

OAL DKT. NO. EDS 07733-26

AGENCY DKT. NO. 2026-41029

JERSEY CITY BOARD OF EDUCATION,

Petitioners,

v.

I.S. o/b/o A.S.,

Respondent.

Isabel Machado, Esq., for petitioners (Machado Law Group, attorneys)

I.S. o/b/o A.S., respondent, pro se

Record Closed: July 10, 2026

Decided: July 21, 2026

BEFORE: **KIMBERLY K. HOLMES**, ALJ

STATEMENT OF THE CASE

The Jersey City BOE (“petitioners”) completed appropriate and relevant evaluations of A.S. (“respondent”) in 2025. The triennial re-evaluation is due on July 27, 2028. Must the petitioners now conduct an Independent Educational Evaluation and a Functional Behavior Assessment of A.S. at the public’s expense? **Answer.** No. When no genuine issue of material fact exist, the moving party is entitled to a summary decision

under N.J.A.C. 1:1-12.5(a). The evaluations conducted by the petitioners complied with N.J.A.C. 6A:14.

PROCEDURAL HISTORY

On June 16, and 18, 2025, A.S., the minor child of the respondent, had comprehensive evaluations by the petitioner.

On July 7, 8, and 11, 2025, A.S. had more comprehensive evaluations by the petitioner.

On July 27, 2028, the triennial re-evaluations for A.S., the respondent's minor child, are due.

On or about April 28, 2026, respondent requested that the petitioners now conduct an Independent Educational Evaluation and a Functional Behavior Assessment ("IEEs") of A.S. at the public's expense.

On or about May 15, 2026, the petitioner denied respondent's request for the IEEs.

On May 15, 2026, the Board of Controversies and Disputes transmitted the case to the Office of Administrative Law (OAL) as a contested case 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-13, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6.

On May 19, 2026, I was assigned this matter and held an initial pre-hearing conference on May 28, 2026. The petitioner advised that they would file a Motion for Summary Decision at that time.

On June 26, 2026, the petitioner filed the Motion.

On July 10, 2026, the respondent filed a Response in Opposition and I closed the record.

FINDINGS OF FACT

In considering the papers submitted in support of and in opposition to the motion for summary decision, and in viewing the evidence in the light most favorable to the respondent, I **FIND** the following as **FACT** for purposes of this motion only:

The respondent's minor child, A.S., was born on August 22, 2014, and is an eleven-year-old student. (P-1).

A.S. is currently eligible for special education and related services under the classification of Autism. (P-1; P-2)

On June 16, 2025, a Physical Therapy Evaluation of A.S. was conducted by the petitioner. (P-8)

On June 18, 2025, an Occupational Therapy Evaluation of A.S. was conducted by the petitioner. (P-7)

On July 7, 2025, a Social Assessment of A.S. was conducted by the petitioner. (P-6)

On July 8, 2025, a Psychological Assessment of A.S. was conducted by the petitioner. (P-4)

On July 11, 2025, a Speech and Language Evaluation of A.S. was conducted by the petitioner. (P-3)

On July 11, 2025, an Educational Assessment of A.S. was conducted by the petitioner. (P-3)

On or about April 28, 2026, respondent requested that the petitioners now conduct an Independent Educational Evaluation and a Functional Behavior Assessment (“IEEs”) of A.S. at the public’s expense. (P-1).

On July 27, 2028, the triennial re-evaluations for A.S. are due. (P-1)

CONCLUSIONS OF LAW

Standard of Review

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. “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.” N.J.A.C. 1:1-12.5(b); Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 530 (1995).

Moreover, in determining if a genuine issue of material fact exist, the court must “consider whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party in consideration of the applicable evidentiary standard, are sufficient to permit a rational factfinder to resolve the alleged disputed issue in favor of the non-moving party.” Brill at 523. Furthermore, the NJ Supreme Court has stated that courts should “not refrain from granting summary [decisions] when the proper circumstances present themselves.” Brill at 541. The Court also stated that “when the evidence is so one-sided that one party must prevail as a matter of law,” the trial court should not hesitate to grant the summary (decision). Brill. at 540.

Here, I **FIND** that the evaluations conducted by the petitioners were appropriate, relevant and in compliance under N.J.A.C. 6A:14. In this case, I **FIND** that the evaluations conducted contained a comprehensive array of standardized and informal/functional testing and procedures to assess the current functioning of the respondent’s minor child.

Therefore, I **CONCLUDE** that no genuine issue of material fact exists and that the petitioners are entitled to summary decision as a matter of law.

Legal Analysis

In order for an evaluation to be deemed appropriate under N.J.A.C. 6A:14-2.5(a), the petitioner must:

1. Use a variety of assessment tools and strategies to gather relevant functional and developmental information, including information:
 - a. Provided by the parent that may assist in determining whether a child is a student with a disability and in determining the content of the student's IEP; and
 - b. Related to enabling the student to be involved in and progress in the general education curriculum or, for preschool children with disabilities, to participate in appropriate activities.
2. Not use any single procedure as the sole criterion for determining whether a student is a student with a disability or determining an appropriate educational program for the student.
3. Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. (P-5, P-9, P-10)

In this case, I **FIND** that the evaluations conducted by the petitioners were appropriate, relevant and in compliance under N.J.A.C. 6A:14. Here, the respondent's position that the petitioners' evaluations were not appropriate fails based on a misunderstanding of the standardized testing procedures. Respondent stated that the WJ-IV test was inappropriate because it took place in a quiet environment. The standard protocol for the WJ-IV states that the test be administered in a quiet environment free

from distractions, outside interruptions or noise which, if permitted, could skew the results and invalidate the standardized testing procedures. (P-9)

Here, the respondent also asserted that the cluster scores were “artificially inflated” and resulted in “statistical smoothing” because they combine subtest scores. However, combining subtests scores to determine cluster cores is a part of the standardized assessment process. (P-9, P-10)

In this case, the respondent argued that the petitioners “hid” information. However, a complete copy of the report was provided to the respondent by the petitioners. Additionally, the respondent misunderstands the purpose and use of the grade level equivalencies on the WJ-IV. The age and grade level equivalencies on the WJ-IV are the most digestible way to understand where a student’s performance falls in relation to other students. (P-9; P-10) Moreover, the “Low Average” labels are not vague and abstract as the respondent asserted. Instead, these are standard reporting metrics for the WJ-IV and other standardized assessments based on the scores received. (P-9; P-10)

Point by point, the petitioners were able to refute each misunderstood allegation asserted by the respondent with respect to standardized testing procedures. Therefore, I **FIND** that the respondent’s request for IEEs are based on a misunderstanding of standardized assessments.

In sum, the evaluations of A.S. demonstrated testing in all necessary areas and provided a clear and comprehensive assessment of the minor child. 20 U.S.C. 1414(b)(20; 34 C.F.R. 300.304(b); N.J.A.C. 6A:14. Accordingly, I **FIND** that there are no genuine issues of material fact.

Therefore, I **CONCLUDE** that the petitioners complied with the relevant law. As the triennial re-evaluations for A.S. are due on July 27, 2028, I further **CONCLUDE** that the respondents are not entitled IEEs of A.S. at the public’s expense.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that the petitioners' motion for a summary decision is **GRANTED**. I further **ORDER** that the respondent's request for IEEs is **DENIED** 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.

July 21, 2026

DATE



KIMBERLY K. HOLMES, ALJ

Date Received at Agency:

July 21, 2026

Date Mailed to Parties:

as

APPENDIX

Witnesses

For petitioner:

None

For respondent:

None

Exhibits

For petitioner:

- P-1 Certification of Karen Gullace, dated June 26, 2026
- P-2 IEP dated February 13, 2026
- P-3 Educational Assessment, dated July 11, 2025
- P-4 Psychological Assessment, dated July 8, 2025
- P-5 WISC-V Report, dated July 21, 2025
- P-6 Social Assessment Report, dated July 7, 2025
- P-7 Occupational Therapy Re-evaluation dated June 18, 2025
- P-8 Physical Therapy Evaluation, dated June 16, 2025
- P-9 Woodcock-Johnson IV (WJ IV) Assessment System Document
- P-10 Riverside Insights Document

For respondent:

None