



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

SUMMARY DECISION

OAL DKT. NO. EDS 08949-26

AGENCY REF. NO. 2026-41170

**MAINLAND REGIONAL
BOARD OF EDUCATION,**

Petitioner,

v.

J.R. ON BEHALF OF A.R.,

Respondent.

Sara Kulp, Esq., for petitioner (Gorman D'Anella & Morlok, LLC, attorneys)

J.R., respondent, pro se

Record closed: August 12, 2026

Decided: August 19, 2026

BEFORE **TAMA B. HUGHES**, ALJ:

STATEMENT OF THE CASE

Petitioner, Mainland Regional School District Board of Education (District), filed a due process petition seeking authority to release respondent J.R.'s child's, A.R.'s, records to out-of-district schools. Petitioner filed a motion for summary decision.

PROCEDURAL HISTORY

A.R.'s annual review meeting took place on February 26, 2026, at which time the District proposed an out-of-district placement for A.R. Prior to and at the time of the meeting, A.R. had been receiving home instruction due to A.R.'s escalating behavioral, emotional, educational, and safety concerns. J.R. disagreed with the proposed placement, seeking instead to have her daughter return to Mainland Regional High School. Following the meeting, the District sent J.R. the proposed Individualized Education Plan (IEP) that proposed an out-of-district placement for A.R. The District also sent J.R. a record release form. J.R. neither filed for mediation or due process challenging the proposed placement nor signed the release form.

On June 2, 2026, the District filed the instant due process petition seeking the release of A.R.'s student records so that the District could pursue and implement an appropriate out-of-district placement. On June 3, 2026, the Office of Special Education transmitted the case as a direct filing to the Office of Administrative Law 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 Administrative 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 -18.5. An initial call was scheduled for June 4, 2026. Respondent did not participate in the call. A second call was scheduled for June 12, 2026. Respondent did not participate in the call. At the time of the call, the respondent requested leave to file a Motion for Summary Decision, which was granted. By letter dated June 16, 2026, I provided the parties with a briefing schedule. (See June 16, 2026, letter.) Respondent's opposition was due July 24, 2026. No opposition was filed.

FINDINGS OF FACT

Based upon the undisputed papers submitted in support of the motion for summary decision, I **FIND** the following as **FACT**:

1. A.R. is enrolled in the tenth grade in the District and is eligible for special education and related services under the classification category of Other

Health Impairment. The February 26, 2026, IEP identifies diagnoses of disruptive mood dysregulation disorder, bipolar disorder, and post-traumatic stress disorder. A.R. is presently receiving home instruction pending placement in an appropriate out-of-district program. (Sara Kulp, Esq. Cert. (Kulp Cert.), Exh.1 at 2 and 15.)

2. In December 2025 and January 2026, A.R. independently sought assistance; reported feeling mentally and physically overwhelmed; reported thoughts of self-harm; and completed the Columbia-Suicide Severity Rating Scale. (Kulp Cert., Exh. 2 at 18–20.) She also reported engaging in self-harm by cutting her arm during winter break, and the school nurse documented visible injuries. (Ibid.)
3. Due to staff concerns, A.R. was referred to Insite Health for clearance to return to school. A.R. and respondent were also referred to PerformCare, with Mobile Response dispatched to the home on or about January 6, 2026. (Kulp Cert., Exh(s). 3–6.) During this period, A.R.'s symptoms significantly impaired her school performance and functioning. A.R. missed substantial instructional time and was frequently outside of the assigned instructional setting for extended periods, including extended bathroom breaks and repeated visits to the nurse's office. (Kulp Cert., Exh. 1 at 5–6; Exh. 2 at 24; Exh. 5 at 55.)
4. On January 14, 2026, based upon a January 7, 2026, assessment, Insite Health reported that A.R.'s symptoms contributed to her school avoidance, inconsistent attendance, reduced academic engagement, emotional dysregulation, and a decline in functional performance within the school environment. Based upon their evaluation, Insite Health reported: “Given the student’s psychiatric history, trauma exposure, and current functional impairment, she remains at elevated risk, though no imminent safety concerns are identified at this time. Continued monitoring, safety planning, and therapeutic support are indicated.” (Kulp Cert., Exh. 5 at 55.)

5. The Child Study Team identified Cape May County Special Services School District (CMCSSSD) and the Y.A.L.E. School, NJ Northfield Campus, as appropriate potential out-of-district placements for A.R. (Kulp Cert., Exh. 1 at 5; Exh. 2 at 26.) On January 20, 2026, respondent gave verbal consent for an out-of-district placement and for the District to release A.R.'s records to CMCSSSD. (Kulp Cert., Exh. 2 at 21.) The District sent the release paperwork to respondent by mail and email that same day so that A.R.'s records could be transmitted to the proposed placement, but the District did not receive an executed release. (Id. at 21.)
6. On February 4, 2026, the District again discussed the outstanding release with respondent by telephone. (Id. at 22.) The District explained that home instruction was temporary and that the proposed out-of-district placement needed A.R.'s records before it could proceed with the next steps in the placement process, including a tour and/or intake interview. (Ibid.) Respondent informed the District during the call that she had sent the release forms back to the District. (Kulp Cert., Exh. 1 at 5.)
7. The District continued the IEP process. Respondent did not participate in the February 11, 2026, annual review meeting despite several efforts by the case manager and the District to encourage her participation. (Kulp Cert., Exh. 2 at 22.)
8. The rescheduled annual review meeting took place on February 26, 2026. Respondent and A.R. attended the meeting. (Kulp Cert., Exh. 2 at 24.) The Child Study Team discussed how A.R.'s education was being compromised by her missed instructional time and related behavioral, emotional, and safety concerns. They also discussed that an out-of-district placement would provide the structure and support necessary to address A.R.'s needs. (Kulp Cert., Ex. 1 at 5.) Respondent expressed a desire for A.R. to return to an in-district placement. Following the meeting, the District sent respondent the proposed IEP and another records release form. (Kulp Cert., Exh. 2 at 24.) Respondent did not return the executed release and

did not file for mediation or due process challenging the proposed placement.

9. After the annual meeting, the District continued to seek respondent's consent for the release of A.R.'s records so that the CMCSSD could review A.R.'s records. (Kulp Cert., Exh. 2 at 25.)
10. On or about May 1, 2026, the District left respondent a voicemail regarding the outstanding release paperwork. (Id. at 26.) To date, the District has not received an executed records release.
11. On June 3, 2026, the District filed a Due Process Complaint seeking the release of the following records:
 - Cumulative Education Records;
 - IEP evaluations, reevaluations;
 - Behavioral Records;
 - Discipline/safety records;
 - Attendance and grades;
 - Health/nursing/medication records; and
 - Psychiatric/clinical/therapeutic records.The complaint also sought authorization for the District to release the records without respondent's signature if J.R. continues to refuse to sign the record release forms.
12. It is undisputed that it is in the best interest of all parties that A.R. remain on home instruction, pending out-of-district placement, which was previously agreed to by respondent, despite her subsequent lack of cooperation.
13. Respondent's lack of responsiveness creates a reasonable inference that she will not cooperate in sending A.R.'s records and intake information to potential out-of-district placements.

14. This Court has given A.R. more than ample time and opportunity to participate and be heard in this matter; however, she has failed to do so.

CONCLUSIONS OF LAW

Summary decision may be granted when the papers and discovery that have been filed show that there is no genuine issue as to any material fact challenged and the moving party is entitled to prevail as a matter of law. N.J.A.C. 1:1-12.5(b). “When the evidence is so one-sided that one party must prevail as a matter of law, the [tribunal] should not hesitate to grant summary [decision].” Della Vella v. Bureau of Homeowner Prot., OAL Dkt. No. CAF 17020-13)(quoting Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 529 (1995)).

A party opposing a summary decision motion, “in order to prevail must by responding affidavit set forth specific facts showing that there is a genuine issue which can only be determined in an evidentiary proceeding.” N.J.A.C. 1:1-12.5(b). A party “who offers no substantial or material facts in opposition to the motion cannot complain if the court takes as true the uncontradicted facts in the movant’s papers.” Burlington Cnty. Welfare Bd. v. Stanley, 214 N.J. Super. 615 (App. Div. 1987). This requirement, however, does not relieve the moving party from having to initially establish in its moving papers that there was no genuine issue of fact and that they were entitled to prevail as a matter of law. “Thus, it is the movant's burden to exclude any reasonable doubt as to the existence of any genuine issue of material fact[.] . . . [T]he absence of undisputed material facts must appear ‘palpably.’ All inferences of doubt are drawn against the movant in favor of the opponent of the motion. The papers supporting the motion are closely scrutinized and the opposing papers indulgently treated[.]” Judson v. Peoples Bank & Trust Co., 17 N.J. 67, 74–75 (1954).

Here, the facts that are material to the issues presented by the summary decision motion are not in dispute. Thus, this matter is ripe for summary decision.

Petitioner argues that to provide FAPE to students requiring services that are not available within the district, districts may, with parental consent, seek a placement in an

appropriate out-of-district environment dictated by the student's individualized needs. However, when a parent refuses to provide consent, the New Jersey Administrative Code allows a district to petition for due process to send the student's records to a prospective out-of-district placement. N.J.A.C. 6A:14-2.3(c); N.J.A.C. 6A:14-2.3(a)(4). Such is the case here; petitioner seeks permission to release A.R.'s student records to out-of-district placements, including CMCSSSD and the Yale School, NJ Northfield Campus, and any other prospective out-of-district placement identified by the Child Study Team for purposes of records review, intake, acceptance and implementation of A.R.'s special education program.

Petitioner further notes that A.R. is currently receiving home instruction pending placement in an appropriate out-of-district program. Home instruction was intended to be temporary pending placement; however, A.R.'s records are needed before the petitioner can proceed with a tour and/or intake interview. Respondent's failure to challenge the IEP means that the petitioner can proceed with the implementation of the out-of-district placement rather than remain "stalled" by inaction.

Under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and its implementing regulations at 34 C.F.R. Part 99 (2025), releasing student records generally requires written consent from the parent. However, under 34 C.F.R. § 99.31 (2025), there are exceptions to the parental-consent requirement, such as when records are released in accordance with a judicial order. 34 C.F.R. § 99.31(a)(9)(i).

Under N.J.A.C. 6A:14-2.3(f)(1), the district board of education must notify the parent when proposing a change in placement. When the change in placement requires releasing the student's records, under N.J.A.C. 6A:14-2.3(a)(4), a district must obtain parental consent before releasing the student's records in accordance with N.J.A.C. 6A:32-7. Under N.J.A.C. 6A:14-2.3(c), if a district cannot get the required permission, it may request a due process hearing under N.J.A.C. 6A:14-2.7(b).

A parent's request for mediation or a due process hearing before the fifteen-calendar-day period from the district board of education's notice expires delays the implementation of the proposed action. N.J.A.C. 6A:14-2.3(h)(3)(ii). The district board of

education shall implement the proposed action upon the expiration of the fifteen days. N.J.A.C. 6A:14-2.3(h)(3).

In this case, on February 26, 2026, petitioner sent the February 26, 2026, IEP that proposed an out-of-district school placement to the respondent. The IEP and another release form were resent on April 14, 2026, and again on April 29, 2026. Respondent did not seek mediation or file notice for a due process hearing before the expiration of the fifteenth calendar day from February 26, 2026. N.J.A.C. 6A:14-2.3(h)(3)(ii). Petitioner is required to implement the proposed action in the IEP. N.J.A.C. 6A:14-2.3(h)(3).

Petitioner has tried to work with respondent to resolve this, including sending multiple release forms and attempting to call her, to no avail. Petitioner's consistent refusal to work with the petitioner is delaying the process of finding a suitable alternative school placement for A.R.

Under N.J.A.C. 1:1-12.5(b), a summary decision "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." In this case, no genuine issue of material fact exists.

I **CONCLUDE** that the petitioner is entitled to a summary decision as a matter of law and that the petitioner is entitled to the release of A.R.'s student records so they can be sent to potential placements to facilitate the February 26, 2026, IEP in accordance with N.J.A.C. 6A:14-2.7(b).

I further **CONCLUDE** that this motion fully resolves all issues in the District's petition.

ORDER

I hereby **ORDER** that the District's Motion for Summary Decision and the relief requested therein are **GRANTED**. I further **ORDER** that should J.R. fail to sign the release within ten days of receipt of this Order, the District is authorized to release A.R.'s

records to the CMCSSSD and the Yale School, NJ Northfield Campus, and such other out-of-district placements that the District deems appropriate.

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 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.

August 19, 2026

DATE



TAMA B. HUGHES, ALJ

Date Received at Agency:

August 19, 2026

Date Mailed to Parties:

August 19, 2026

TBH/gd

APPENDIX

Exhibits

For petitioner:

None

For respondent:

Notice of Motion for Summary Decision

Brief in Support of Motion for Summary Decision

Attorney's Certification and Exhibits 1-6