



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

EMERGENT RELIEF

OAL DKT. NO. EDS 01405-18

AGENCY DKT. NO. 2018-27444

A.S. ON BEHALF OF O.S.,

Petitioner,

v.

EAST ORANGE BOARD OF EDUCATION,

Respondent.

A.S., petitioner pro se

Carolyn R. Chaudry, Esq., appearing for respondent (Scarinci Hollenbeck,
attorneys)

Record Closed: February 2, 2018

Decided: February 7, 2018

BEFORE **GAIL M. COOKSON**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

This case arises under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. §§1400 to 1482. On or about January 23, 2018, petitioner A.S. filed a due process petition and a separate emergency petition on behalf of her fourteen-year-old son O.S. requesting relief on the issue of whether respondent East Orange Board of

Education (District) properly suspended the student, whether he was deprived of instruction and services as a result, and as to the due process request, whether he requires an out-of-district placement in order to receive a Fair and Appropriate Public Education (FAPE). The Office of Special Education Programs (OSEP) transmitted the application for emergency relief to the Office of Administrative Law (OAL) on January 25, 2018. The parties appeared before me for oral argument on the emergent application on February 2, 2018.

Prior to engaging in any oral argument, I engaged the parties in settlement discussions. As a result, an agreement to resolve both the emergent application and the underlying due process petition was entered on the record with party representatives present and in agreement, which I **FIND** to have been knowingly and voluntarily given. That record shall govern but the terms of the settlement, in summary format, include: (1) convening an IEP meeting the week of February 19, 2018, in lieu of a later annual review; (2) immediately enrolling O.S. in the after-school tutoring and mentoring programs, as well as formal counseling once per week, pending the new IEP; without prejudice to all rights retained by petitioner to appeal any resulting or subsequent IEP for her son O.S.

This decision on application for emergency relief resolves all of the issues raised in the due process complaint; therefore, no further proceedings in this matter are necessary. This decision on application for emergency relief is final pursuant to 20 U.S.C. § 1415(i)(1)(A) 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). 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.

February 7, 2018



DATE

GAIL M. COOKSON, ALJ

Date Received at Agency

2/7/18

Date Mailed to Parties:

id