



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**FINAL DECISION**

OAL DKT. NO. EDS 10535-25

AGENCY DKT. NO. 2025-39275

**G.N. ON BEHALF OF L.N.,**

Petitioner,

v.

**SOUTH AMBOY CITY BOARD OF EDUCATION,**

Respondent.

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**G.N.**, petitioner, pro se

**Marc Mucciolo**, Esq., for respondent (The Busch Law Group, attorneys)

Record Closed: March 16, 2026,

Decided: March 27, 2026

BEFORE **WILLIAM T. COOPER III**, ALJ:

**STATEMENT OF THE CASE**

Petitioner G.N., on behalf of her daughter L.N., filed a due-process petition asserting that South Amboy City Board of Education (respondent or the district) denied L.N. a free and appropriate public education (FAPE) by offering an inappropriate individualized education program (IEP) for the 2025–2026 school year. Petitioner seeks an out-of-district placement as well as compensatory education for L.N.

## **PROCEDURAL HISTORY**

G.N. is the mother of L.N. and filed a petition for due process on or around June 12, 2025. With the consent of the parties, a mediation session was held on August 18, 2025, which did not result in a resolution. The contested case was transmitted to the Office of Administrative Law (OAL), where it was filed on August 19, 2025. Numerous prehearing conferences took place in an effort to amicably resolve the matter, although the parties ultimately did not reach a resolution. The hearing took place on January 21, 2026.

At the hearing, the parties requested the opportunity to submit post-hearing briefs. The parties submitted post-hearing briefs by March 16, 2026, and the record closed at that time.

## **FACTUAL DISCUSSION AND FINDINGS OF FACT**

### **Background**

L.N. is a sixteen-year-old tenth-grade student enrolled in the South Amboy City school district. She is diagnosed with multiple disabilities; autism spectrum disorder (ASD), Learning Development (severe expressive language disorder), and Seizure Disorder (Epilepsy) and is eligible for special education services. L.N. moved into the South Amboy City school district in the spring of 2025. L.N. was registered in the district in April 2025. Prior to the move to South Amboy, L.N. resided in East Windsor Township, and through an IEP developed in that school district she was provided with an out-of-district placement at the Rock Brook School (RBS).

The district's child study team conducted meetings and proposed an IEP that allowed L.N. to complete the 2024–2025 school year at RBS, then transition to the South Amboy High School in September 2025 for the 2025–2026 school year. (R-10.) The proposed IEP placed L.N. in the multi-disability program and the following special education program and related services:

- Special Class Multiple Disabilities one time daily for 390 minutes;
- Speech Language Therapy: Individual, three times weekly for 25 minutes;
- Speech Language Therapy: Group (not to exceed five students), two times weekly for 25 minutes;
- Occupational Therapy (OT): Individual, one time weekly for 30 minutes;
- Physical Therapy (PT): Group, two times weekly for 30 minutes; and
- Counselling Services: Individual, one time weekly for 30 minutes.

L.N. had a known seizure disorder for which she was prescribed medication that is administered at home. The Board's school nurse had a Seizure Action Plan in place. L.N. is non-verbal, and the Board proposed the use of the following Augmentative and Alternative Communication devices (AAC): the Proloquo2go device, iPad Mini, and iPhone.

G.N. refused to approve the proposed IEP and instituted the within action.

### **Testimony**

#### **Lauren Goldenberg (nee Strumwasser)**

Lauren Goldenberg (Goldenberg) testified she is a school social worker/case manager for South Amboy Public Schools. She has been a school social worker for fifteen years, fourteen of which have been with South Amboy Public Schools. She holds a bachelor's degree from the University of Buffalo, a master's in social work from Monmouth University, and a supervisor/administrative degree from Montclair University. She is certified as a school social worker and as an administrator/supervisor. She has evaluated over one hundred students using the Behavior Assessment System for Children, Third Edition (BASC III) and provided counseling to at least fifty students. She is required to complete continuing education and attends special education law and program training annually.

Goldenberg was qualified as an expert school social worker.

Goldenberg testified that her duties include case management, writing IEPs, counseling, crisis management, and meeting with families. As a case manager, she reviews paperwork from transferring students, speaks with families, and contacts previous programs. Goldenberg testified that she became L.N.'s case manager in the 2024–2025 school year when the family registered in the district. She stated that the district was notified in March, and L.N. was then enrolled in April 2025. L.N. transferred from East Windsor, where she attended Rock Brook, an out-of-district placement, due to the lack of an appropriate program in East Windsor.

Goldenberg testified that upon L.N.'s enrollment and assignment to her, she reviewed multiple evaluations from East Windsor, including: a speech and language evaluation dated July 28, 2021, that demonstrated L.N. had significant language deficits; a bilingual educational evaluation dated October 8, 2021, which confirmed L.N.'s language and cognitive challenges; a bilingual psychological evaluation dated October 18, 2024, which confirmed L.N.'s full scale IQ of 34 (extremely low range); a Test of Non-Verbal Intelligence score of 69 (very poor range) that indicated limited verbal and non-verbal abilities; a physical therapy evaluation dated November 5, 2024, which recommended continued PT twice a week; an occupational therapy evaluation dated November 11, 2024, which recommended continued OT; an educational evaluation dated October 18, 2024, in which L.N. performed in the very low range across all areas; and a speech and language re-evaluation dated October 17, 2024, where receptive vocabulary was below average. L.N. required an AAC device for communication.

Goldenberg confirmed that these evaluations were current and valid, so the district did not conduct new assessments upon L.N.'s enrollment. Ms. Goldenberg testified that she also received and reviewed progress notes from RBS for both the 2023–2024 and 2024–2025 school years. Goldenberg observed L.N. at RBS in March 2025, noting L.N.'s use of AAC devices, need for reminders, and ability to follow visual cues. She was accompanied by the district's Board-Certified Behavior Analyst (BCBA), Corrine Duffy. Staff at RBS reported to Goldenberg that L.N. required assistance and used her AAC devices to communicate.

Goldenberg testified that at the May 14, 2025, IEP meeting held at Rock Brook, the district proposed that L.N. remain at Rock Brook for the rest of the 2024–2025 year, then transition to South Amboy’s Multiple Disabilities (MD) program with a Community Based Instruction (CBI) component for 2025–2026. The MD program was described as a self-contained class of seven students (L.N. would be the eighth) with a teacher, two paraprofessionals, and the transition coordinator. The program included academics, specials, lunch with general education peers, and community-based instruction four times a week.

The IEP also provided five speech sessions per week, two OT sessions, two PT sessions, and one counseling session, matching the services L.N. received at RBS. The goals and objectives were based on RBS staff input. L.N. would use an iPad with Proloquo2Go as her AAC device, and district staff were familiar with such devices. At the meeting, the parents expressed a desire to have L.N. remain at RBS, but the district believed its program could meet her needs in the least restrictive environment. Goldenberg noted that there were no typically functioning students at RBS for L.N. to socialize and generalize skills with, unlike the district’s program.

Goldenberg testified that in her professional and expert opinion, the district’s program was substantially similar to RBS and appropriate for L.N. based upon her review of L.N.’s records, observation of L.N. at Rock Brook, and substantial knowledge of the district’s program. Goldenberg also testified that she did not have concerns regarding L.N.’s transition to the district, as the program contained supports for L.N. to be successful and could help in that transition through the IEP and providing related services and being able to help her navigate her school day within her home community.

On cross-examination, Goldenberg confirmed the proposed class would have students with autism, multiple disabilities, and cognitive impairments. The district also has a behaviorist available, but no behavioral assessment has been carried out for L.N. at RBS or South Amboy. Goldenberg clarified that speech therapists were not in the classroom full-time but provided both pull-out and push-in services and that the high school had one nurse. Goldenberg also addressed questions about curriculum differentiation, seizure protocols, and staff training for epilepsy. She confirmed that all

staff receive seizure training and that the speech therapist could support students during lunch if needed

**Julio Lopez** (Transition Coordinator, South Amboy Public Schools)

Julio Lopez (Lopez) testified that he has twenty years of experience in education, with three years as a transition coordinator. He holds certifications in elementary education, special education, and administration. His role includes providing transition services for middle and high school MD classes and students with IEPs, including CBI and work-based learning programs. Lopez was qualified as an expert transition coordinator.

Lopez testified that South Amboy's high school MD transition program has six students (ages vary). Students over sixteen participate in work-based learning, going to community locations (ShopRite, Walmart, Target, Gateway Plaza) for job training and career exploration, accompanied by staff and therapists. The program emphasizes social skills, independence, and employability. Mr. Lopez stated that students go out four to five days a week, sometimes in small groups, for half the day. The bus driver coordinates transportation. Therapists (speech, OT, PT) and staff accompany students and provide support in the community.

Lopez testified that he was familiar with L.N., as he had met L.N.'s mother during a school tour and reviewed L.N.'s IEP. He would be present in L.N.'s classroom for more than half the day. He also observed RBS's program and noted similarities in some community outings but believed South Amboy's program was more appropriate as it offered more opportunities in L.N.'s home community. Lopez testified that South Amboy also offers an 18–21 program focused on work-based learning and community instruction, with Physical Education (PE) as the only academic subject. Students often transition from the high school MD program to the 18–21 program, maintaining continuity of staff and support.

Lopez testified that L.N. would benefit from the district's transition services and that the program could meet her needs. He believed RBS could not offer the same level of

community integration due to its location, and in his professional opinion, the district's proposed program was appropriate for L.N.

**Jenie Vargas** (Supervisor of Curriculum and Instruction, Rock Brook School)

Jenie Vargas (Vargas) is the Supervisor of Curriculum and Instruction for RBS. Vargas worked in New Jersey and California public schools and has been at RBS since 2021. Vargas testified that L.N. receives special education, five speech sessions per week (three individual, two group), OT, PT, specialized academic instruction, counseling, language lessons led by a speech pathologist in the classroom, social skills lessons, adaptive PE, and specials (dance, art, music, culinary arts). The speech therapist is embedded in the classroom and provides ongoing support, including during lunch and specials. Vargas testified that L.N.'s class has seven students, a special education teacher, a full-time speech therapist, a classroom teacher assistant, two one-on-one paraprofessionals, and a private duty nurse.

Vargas testified that L.N. has made progress, especially in communication, since coming to RBS. She stated that transitioning to a less restrictive environment should always be a goal, and RBS has had students successfully return to public schools. Vargas also admitted that the district program offered much of the same support and services as the RBS program, including an iPad with appropriate software, class size, staffing, and related services. Vargas also admitted that RBS was not the only setting that could address L.N.'s needs and admitted that she had never seen the district's proposed program and could not offer testimony on how the district implemented its program.

**Gloria Anderson** (Speech Language Pathologist, Rock Brook School)

Gloria Anderson (Anderson) testified she is the coordinator of clinical and instructional practices at RBS and was L.N.'s direct speech pathologist for a year. Anderson testified that L.N. has apraxia of speech and uses an AAC device (Proloquo2Go) as her primary communication mode. Her speech intelligibility is extremely impaired, and she has difficulty expressing and understanding language,

requiring ongoing support and modeling. Anderson explained that L.N. is a “multi-modal communicator” but is not yet able to use her device for all communication needs, especially for self-advocacy and pragmatic language.

Anderson described L.N.’s need for support during meals due to swallowing issues and her tendency to hyper-focus on preferred individuals, requiring a student support plan and staff vigilance. She described the use of video modeling, social stories, and pre-teaching to help L.N. navigate relationships and transitions. On cross-examination, Anderson admitted that she could not offer any opinion as to the appropriateness of the district’s program, as she had not visited it and only knew what was shared during the tour and at the hearing. Andersen also admitted that she did not attend the May 14, 2025, IEP meeting. Finally, Anderson confirmed that the district also offered the use of the AAC device for L.N.

## **Findings**

I **FIND** all of the witnesses that testified to be credible. Their testimony and opinions generally were not in conflict. Vargas and Anderson were familiar with L.N. and obviously had her best interests at heart. Goldenberg and Lopez testified effectively and outlined an overall educational program at South Amboy that is similar to the program at RBS. South Amboy High School has a greater student population than that of RBS, thus the concerns that L.N. may struggle in such an environment are real.

However, neither Vargas nor Anderson were familiar with the South Amboy program and provided no opinion as to the proposed IEP. Goldenberg and Lopez opined that the South Amboy program provided for the 2025–2026 school year was appropriate and similar to the East Windsor IEP and curriculum offered through RBS. I **FIND** that respondent met its burden of proof and persuasion, and I **FIND** that respondent’s proposed IEP for 2025–2026 school year is appropriate. I also **FIND** that while the size of the South Amboy High School is much larger than RBS, the multi-disability class size is comparable. I **FIND** that the staff-to-student ratio is not unreasonable. I **FIND** that the 2025–2026 IEP appears reasonably calculated to allow L.N. to make meaningful progress in the least restrictive environment.

### Petitioner's Allegations and Relief Sought

Petitioner alleges that the district's proposed IEP for the 2025–2026 school year denied L.N. FAPE, and therefore she should remain at RBS. However, petitioner cannot offer any criticism of the educational program proposed by the district. Petitioner claims that a move from the small campus setting at RBS to a larger campus with many more students can negatively impact L.N. and the progress she has made. Petitioner also broadly claims that the district does not offer the therapies or programs L.N. needs.

### **LEGAL ANALYSIS AND CONCLUSIONS**

This case arises under the Individuals with Disabilities Education Act (IDEA, the Act), 20 U.S.C. § 1401 et seq., which makes available federal funds to assist states in providing an education for children with disabilities. Receipt of those funds is contingent upon a state's compliance with the goals and requirements of the IDEA. Lascari v. Bd. of Educ. of Ramapo-Indian Hills Reg'l Sch. Dist., 116 N.J. 30, 33 (1989). As a recipient of federal funds under the IDEA, the State of New Jersey must have a policy that assures that all children with disabilities will receive FAPE. 20 U.S.C. §1412. FAPE includes Special Education and Related Services. 20 U.S.C. §1401(9); N.J.A.C. 6A:14-1.1 et seq. The responsibility to deliver these services rests with the local public school district. N.J.A.C. 6A:14-1.1(d). To meet its obligation to deliver FAPE, the school district must offer an IEP reasonably calculated to enable L.N. to make appropriate progress in light of her circumstances. Andrew F. v. Douglas Cnty. Sch. Dist., 580 U.S. 386 (2017).

The purpose of the IDEA is to ensure that all children with disabilities have access to FAPE that “emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.” 20 U.S.C. 1400(d)(1)(A). For a school district to provide FAPE to a disabled child under the IDEA, it must develop and implement an IEP—a “comprehensive statement of the educational needs of a handicapped child and the specially designed instruction and related services to be employed to meet those needs.” Sch. Comm. of Burlington v. Dep't of Educ. of Mass., 471 U.S. 359, 368 (1985). An IEP is to be developed by a district's

child study team in conjunction with the parents of the child. N.J.A.C. 6A:14-2.3; N.J.A.C. 6A:14-3.7(b).

In short, the Act defines FAPE as special education and related services provided in conformity with the IEP. See 20 U.S.C. § 1401(9). The Act, however, leaves the interpretation of FAPE to the courts. See Ridgewood Bd. of Educ. v. N.E., 172 F.3d 238, 247 (3d Cir. 1999). In Board of Education of the Hendrick Hudson Central School District v. Rowley, 458 U.S. 176, 203 (1982), the United States Supreme Court held that a state provides a handicapped child with FAPE if it provides personalized instruction with sufficient support services to permit the child to benefit educationally from that instruction. The Court reasoned that the Act was intended to bring previously excluded handicapped children into the public education systems of the states and to require the states to adopt procedures that would result in individualized consideration of and instruction for each child. Id. at 189.

The Act did not, however, impose upon the states any greater substantive educational standard than would be necessary to make such access to public education meaningful. Id. at 192. In support of this limitation, the Court quoted Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania, 334 F. Supp. 1257 (ED Pa. 1971) and 343 F. Supp. 279 (1972) (PARC), and Mills v. Board of Education of District of Columbia, 348 F. Supp. 866, 876 (DC 1972). Ibid. The Court reasoned that these two cases were the impetus of the Act; that these two cases held handicapped children must be given access to an adequate education; and that neither of these two cases purported any substantive standard. Id. at 192–93.

In addition, the Court noted that available funds need only be expended “equitably” so that no child is entirely excluded. Id. at 193. Indeed, the Court commented that “the furnishing of every special service necessary to maximize each handicapped child’s potential is . . . further than Congress intended to go.” Id. at 199. Therefore, the inquiry is whether the IEP is “reasonably calculated” to enable the child to receive educational benefits. Id. at 206–07.

The Third Circuit has since held that this educational benefit must be more than “trivial.” See Polk v. Cent. Susquehanna Intermediate Unit 16, 853 F.2d 171, 180 (3d Cir. 1988). Stated otherwise, it must be “meaningful.” Id. at 184. Relying on the phrase “full educational opportunity” contained in the Act and the emphasis on “self-sufficiency” contained in its legislative history, the Third Circuit inferred that Congress must have envisioned that “significant learning” would occur. Id. at 181–82. The Third Circuit also relied upon the use of the term “meaningful” contained in Rowley, as well as its own interpretation of the benefit the handicapped child was receiving in that case, to reason that the Court in Rowley expected the benefit to be more than “de minimis,” noting that the benefit the child was receiving from her educational program was “substantial” and meant a great deal more than a “negligible amount.” Id. at 182.

Nevertheless, the Third Circuit recognized the difficulty of measuring this benefit and concluded that the question of whether the benefit is de minimis must be answered in relation to the child’s potential. Id. at 185. As such, the Third Circuit has written that the standard set forth in Polk requires “significant learning” and “meaningful benefit”; that the provision of “more than a trivial educational benefit” does not meet that standard; and that an analysis of “the type and amount of learning” of which a student is capable is required. Ridgewood, 172 F.3d at 247–48. In short, such an approach requires a student-by-student analysis that carefully considers the student’s individual abilities. Id. at 248.

In other words, the IEP must confer a meaningful educational benefit in light of a student’s individual needs and potential. See T.R. ex rel. N.R. v. Kingwood Twp. Bd. of Educ., 205 F.3d 572, 578 (3d Cir. 2000).

Not only must an IEP be reasonably calculated to provide meaningful educational benefit, but it must also be provided in the least restrictive environment. See 20 U.S.C. § 1412(a)(5)(A). To the maximum extent appropriate, children with disabilities are to be educated with children without disabilities. Ibid. Thus, removal of children with disabilities from the regular education environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. Ibid. Indeed, this provision evidences a “strong congressional preference” for integrating children with disabilities in regular

classrooms. Oberti v. Bd. of Educ. of the Borough of Clementon Sch. Dist., 995 F.2d 1204, 1214 (3d Cir. 1993).

The Third Circuit has emphasized that just because a child with disabilities might make greater academic progress in a segregated special education classroom does not necessarily warrant excluding that child from a general education classroom or offering the same educational experience that is generally provided for nondisabled children:

Thus, a determination that a child with disabilities might make greater academic progress in a segregated, special education class may not warrant excluding that child from a regular classroom environment. We emphasize that the Act does not require states to offer the same educational experience to a child with disabilities as is generally provided for nondisabled children. To the contrary, states must address the unique needs of a disabled child, recognizing that that child may benefit differently from education in the regular classroom than other students. In short, the fact that a child with disabilities will learn differently from his or her education within a regular classroom does not justify exclusion from that environment.

[Id. at 1217 (citations omitted).]

Finally, the United States Supreme Court warned in Rowley that courts must be careful to avoid imposing their own preferred view of educational methods upon the states. Rowley, 458 U.S. at 207. In particular, the Supreme Court noted that the Act left the primary responsibility for formulating the educational program—and for choosing the most suitable educational method—to the child study team. Ibid. “In the face of such a clear statutory directive,” the Court stated, “it seems highly unlikely that Congress intended courts to overturn a State’s choice of appropriate educational theories . . . .” Id. on 207–08. Therefore, the Rowley Court concluded that questions of methodology are for resolution by the states once the requirements of the Act have been met. Id. at 208.

Finally, a program and placement do not turn on the intensity of the services or the superiority of the program. Calisle Area School v. Scott P., 62 F.3d 520, 535 (3d Cir. 1995). Despite a parent’s best intentions in attempting to seek the optimal placement of his or her child, the standard is not what is optimal, but what is appropriate. Ibid. A

program is appropriate if it confers some educational benefit; it need not be the superior alternative. Ibid. The Act does not require more. Ibid. In short, an IEP must be designed to confer some educational benefit in the least restrictive educational environment. Ibid.

Petitioner asserts that the IEP offered by the district for the 2025–2026 school year does not offer FAPE and seeks to have the IEP amended to include an out-of-district placement at RBS.

Concerning petitioner’s request for an out-of-district placement, this is not a unilateral placement matter. My task is to determine whether the current IEP and programs offered by the district offer FAPE, not to determine whether an unspecified out-of-district program or placement would be an appropriate placement for L.N.

Here, the credible evidence establishes that the proposed IEP for the 2025–2026 school year offers FAPE. Even if it is determined that the district denied L.N. FAPE, it would be inappropriate for me to order the district to place the child out-of-district, especially since there has been no determination that the district is unable to provide L.N. with an appropriate program. While it may be that RBS could provide a more intensive service, and may even be an optimal placement for L.N., the standard is not what is optimal, but what is sufficiently appropriate to confer some educational benefit in the least restrictive educational environment.

Applying the law to the credible evidence, I **CONCLUDE** that South Amboy has provided L.N. FAPE during the 2025–2026 school year. I further **CONCLUDE** that petitioner has failed to establish a need for compensatory education.

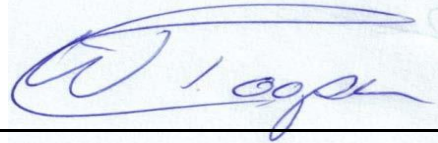
### **ORDER**

Based on the foregoing, I hereby **ORDER** that petitioner’s due process petition is **DISMISSED** with prejudice.

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.

March 27, 2026 \_\_\_\_\_

DATE



\_\_\_\_\_  
**WILLIAM T. COOPER III, ALJ**

Date Received at Agency \_\_\_\_\_

Date Mailed to Parties: \_\_\_\_\_

WTC/gd

## **APPENDIX**

### **Witnesses**

#### **For Petitioner:**

Jenie Vargas  
Gloria Anderson

#### **For Respondent:**

Lauren Goldenberg  
Julio Lopez

### **Exhibits**

#### **Joint Exhibits:**

None

#### **For Petitioner:**

None

#### **For Respondent:**

- R-1 East Windsor BOE Speech Evaluation 7/28/21
- R-2 East Windsor BOE Educational Evaluation 10/8/21
- R-3 East Windsor IEP 5/23/23
- R-4 2023–2024 Progress Report
- R-5 Independent Psychological Evaluation 10/18/24
- R-6 East Windsor BOE Physical Therapy Evaluation 11/5/24
- R-7 RBS Occupational Therapy Evaluation 11/11/24
- R-8 RBS Progress Report ESY 2025
- R-9 RBS Progress Report 11/25
- R-10 South Amboy IEP 5/14/25
- R-11 L.N. Transcript
- R-12 C.V. of Lauren Goldenberg (Nee Strumwasser)

R-13 C.V. Julio Lopez

R-14 C.V. Alain Mollinedo

R-15 East Windsor Educational Evaluation 10/24

R-16 East Windsor Speech Evaluation 10/24