



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

**FINAL DECISION**

OAL DKT. NO. EDS 00385-26

AGENCY DKT. NO. 2026-40246

**A.M. ON BEHALF OF J.M.,**

Petitioner,

v.

**LACEY TOWNSHIP BOARD OF**

**EDUCATION,**

Respondent.

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**A.M.**, petitioner, on behalf of minor child, J.M., pro se

**Isabel Machado**, Esq., for respondent (Machado Law Group, attorneys)

Record Closed: March 9, 2026

Decided: March 24, 2026

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

**STATEMENT OF THE CASE**

Petitioner J.M., an eleven-year-old student receiving special education services, has missed eighty-four occupational and speech-language therapy sessions. Respondent, the Lacey Township Board of Education (Board), has agreed to provide J.M. with all the missed therapy sessions as compensatory education, giving petitioner A.M. the relief sought in her petition. Is J.M.'s petition moot? Yes. An action is moot when a

controversy no longer exists and the relief sought has been obtained. Redd v. Bowman, 223 N.J. 87, 104 (2015).

### **PROCEDURAL HISTORY**

On January 8, 2026, A.M., on behalf of minor child J.M., filed a petition for due process hearing with the New Jersey Department of Education, Office of Special Education (OSE), under N.J.A.C. 6A:14-2.7. On February 5, 2026, the parties appeared for mediation but were unsuccessful. On February 9, 2026, 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 February 11, 2026, I held an initial prehearing conference to discuss the case. During the prehearing conference call, the Board advised of its intent to file a motion for summary decision on the grounds that there was no dispute of material fact, as the parties had agreed on the amount of compensatory education owed to J.M., and the motion was filed that day. On February 12, 2026, petitioner filed her opposition brief. On February 13, 2026, petitioner filed a clarification of relief requested. On February 20, 2026, respondent filed its reply to petitioner's opposition, and petitioner filed a sur-reply to respondent's motion for summary decision. On February 27, 2026, respondent filed a response to petitioner's sur-reply. On March 2, 2026, petitioner filed a supplemental submission. On March 3, 2026, and March 4, 2026, respondent filed supplemental submissions.

On March 5, 2026, I held a conference call to clarify the issues and determine the need for oral argument on the motion for summary decision. The parties stated that they agreed on the amount of compensatory education owed by respondent to J.M. Both parties declined oral argument on the motion for summary decision.

On March 8, 2026, petitioner submitted supplemental opposition and correspondence. On March 9, 2026, respondent submitted a reply to petitioner's supplemental opposition and correspondence.

### **FINDINGS OF FACT**

Based on the motion papers submitted in support of and in opposition to the motion for summary decision, including the certification of Joseph Bond, I **FIND** the following as **FACT**:

J.M. is an eleven-year-old student eligible for special education and related services under the classification of autism.

Following several behavioral incidents during the 2024–2025 school year, J.M. was placed at Regional Day School, where J.M. has been enrolled since September 4, 2025.

The parties agree that the following compensatory education is owed to J.M. and will be provided by the Lacey Township Board of Education during the 2026–2027 school year:

1. Sixty individual occupational therapy sessions of thirty minutes each.
2. Seventeen individual speech-language therapy sessions of twenty-five minutes each.
3. Seven group speech-language therapy sessions of twenty-five minutes each.
4. The sessions must be provided during the instructional school day, summer, or after school, and shall not interfere with J.M.'s recess or lunch.

Petitioner has obtained the relief sought by her due process petition.

## CONCLUSIONS OF LAW

This case arises under the Individuals with Disabilities Act (IDEA), 20 U.S.C. 1401–1482, and 34 C.F.R. § 300.500 et seq. (2025). Petitioner, A.M., on behalf of her minor child, J.M., seeks an order requiring the Board to provide compensatory services in the form of therapy sessions to J.M. that he missed during the 2023–2025 school years. The Board does not dispute that J.M. is owed the compensatory services and has agreed to provide the sessions to J.M. However, the parties cannot agree on the terms of a settlement agreement that are unrelated to J.M.’s compensatory education.

Since both parties agree on the compensatory-education hours owed to J.M., the Board filed a motion for summary decision asserting that the issues raised in the request for due process are moot.

An action is moot when the decision sought “can have no practical effect on the existing controversy.” Redd v. Bowman, 223 N.J. 87, 104 (2015). For reasons of judicial economy and restraint, it is appropriate to refrain from decision making when an issue presented is hypothetical, judgment cannot grant effective relief, or the parties do not have a concrete adversity of interest. Anderson v. Sills, 143 N.J. Super. 432, 437 (Ch. Div. 1976). Courts “will not entertain cases when a controversy no longer exists and the disputed issues have become moot.” De Vesa v. Dorsey, 134 N.J. 420, 428 (1993).

A review of the due process petition, and the statements and briefs of both parties as to their agreement on the compensatory education owed to J.M., leads to the conclusion that no issue remains to which a judgment can grant effective relief. The parties not only agree that J.M. is owed numerous compensatory speech and occupational therapy sessions but also agree on the number and type of sessions owed. The Board has agreed to provide J.M. with the requested missed therapy sessions to be commenced as soon as possible and for them to be completed by the end of the 2026–2027 school year. Thus, no justiciable controversy remains. Therefore, I **CONCLUDE** that petitioner’s due process petition is moot and that respondent’s motion for summary decision must be granted.

**ORDER**

I **ORDER** that the issues petitioner, A.M., raised on behalf of minor child, J.M., against respondent, the Lacey Township Board of Education, in her petition for due process hearing are moot, and that this case is **DISMISSED WITH PREJUDICE**.

I further **ORDER** that within thirty days, the Board is to provide J.M with the following compensatory special education services, which are to be completed by the end of the 2026–2027 school year, unless the parties agree to an extension of time in writing:

1. Sixty individual occupational therapy sessions of thirty minutes each;
2. Seventeen individual speech-language therapy sessions of twenty-five minutes each; and
3. Seven group speech-language therapy sessions of twenty-five minutes each.

The sessions must be provided during the instructional school day, summer, or after school, and must not interfere with J.M.'s recess or lunch.

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 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.

March 24, 2026 \_\_\_\_\_



**CLAUDIA L. MARCHESE, ALJ**

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

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

CLM/kl