



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 02640-26

AGENCY DKT. NO. 2026-40459

S.C. ON BEHALF OF J.C.,

Petitioner,

v.

PINELANDS REGIONAL

BOARD OF EDUCATION,

Respondent.

S.C., petitioner, pro se, did not appear

Amy Houck-Elco, Esq., for respondent (Cooper Levenson, attorneys)

Record closed: April 16, 2026

Decided: April 22, 2026

BEFORE **ELAINE B. FRICK**, ALJ:

STATEMENT OF THE CASE

Petitioner parent S.C., on behalf of her minor child student, J.C., filed a due process petition seeking home instruction or placement of J.C., an eighth-grade student, in the Junior High School building, instead of the Senior High School building, where his classroom is located as specified in his individualized education program (IEP). Respondent, the Pinelands Regional School District (District), opposes the petition,

asserting that it is delivering a free and appropriate public education (FAPE) to J.C. through the IEP, which places the student in his appropriate classroom located in the Senior High School building, across the street from the Junior High School building. Petitioner parent has failed to appear three times for the scheduled proceedings for her due process petition. The case shall be dismissed and the file returned to the transmitting agency.

PROCEDURAL HISTORY

On February 13, 2026, petitioner submitted a due process application and an emergent relief request to the New Jersey Department of Education, Office of Special Education (OSE). The emergent relief request regarding stay-put was transmitted to the OAL, where it was filed on February 13, 2026, under OAL docket number EDS 02631-26. The parties resolved the stay-put issue after personally appearing on March 3, 2026, and agreed to the stay-put placement, which was memorialized in an order entered on March 4, 2026, by the undersigned Administrative Law Judge (ALJ).

The due process petition was transmitted to the OAL after the expiration of the resolution period. The case was filed at the OAL on March 17, 2026, to be heard as a contested case. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13.

A telephonic conference/hearing was first scheduled for March 24, 2026. Petitioner failed to appear. The telephonic proceeding was rescheduled for April 6, 2026, and petitioner failed to appear. The telephonic proceeding was rescheduled for April 16, 2026, and petitioner failed to appear.

FINDINGS OF FACT

The following are determined to be the **FACTS** in this case:

S.C. filed an emergent relief application and a due process petition on February 13, 2026, with the OSE. The emergent relief application was transmitted on February 17, 2026, to the OAL and scheduled for oral argument in person at the OAL Atlantic City

location on March 3, 2026. Notice of the emergent proceeding issued to S.C. via the email address she provided in her submission to the OSE. On March 2, 2026, S.C. sent documentation in support of her emergent relief application to the OAL and the District's attorney via email from her email address where the notice of the proceeding was sent.

S.C. appeared in person at the OAL Atlantic City location on March 3, 2026, for the scheduled emergent proceeding. The parties agreed that J.C.'s stay-put placement would be home instruction, pending the outcome of the underlying due process petition. An order memorializing the stay-put placement was entered on March 4, 2026, under OAL docket number EDS 02631-26.

The underlying due process petition was thereafter transmitted by the OSE to the OAL on March 17, 2026, due to the expiration of the resolution period for the petition. The due process petition seeks homebound instruction for the student, or placement of J.C. at the Junior High School building, rather than the Senior High School building, which is located across the street.

J.C. is in his eighth-grade year for this 2025–2026 academic school year. The child study team (CST) proposed placement of J.C. in the Behavioral Disorder/Emotional Regulation Impairment (BD/ERI) program. As confirmed in the agreed-upon stay-put placement order, there was a BD/ERI classroom located in the Junior High School building for the 2024–2025 academic school year. Due to shifts in the student-population needs, there are three BD/ERI classrooms at the Senior High School, with approximately ten students per room, for the 2025–2026 school year. There are students from eighth grade through twelfth grade receiving academic services in the BD/ERI classrooms. There is no BD/ERI class physically conducted in the Junior High School building for the 2025–2026 school year.

S.C. confirmed during the emergent proceeding that she is not contesting the IEP programming for J.C. to be in the BD/ERI class. She just wants J.C. to physically attend school in the Junior High School building for the remaining portion of the 2025–2026 school year, and if not, then he should remain on homebound instruction.

When S.C.'s due process petition was transmitted to the OAL on March 17, 2026, the case was scheduled for an initial telephonic conference/hearing on March 24, 2026, at 9:30 a.m. The notice of the proceeding, with the dial-in information, was forwarded to S.C. from the OAL by email, using the same email address she reported in her due process filings and was used previously to notify her of the emergent proceeding. On March 24, 2026, the District's attorney and the director of Special Services were dialed in for the telephonic proceeding. S.C. failed to appear.

The telephonic proceeding was rescheduled for April 6, 2026, at 3:00 p.m. Notice was issued to S.C. from the OAL using the same email address for her. On April 6, 2026, the District's attorney and the director of Special Services were dialed in for the telephonic proceeding. S.C. failed to appear.

The telephonic proceeding was rescheduled a third time, for April 16, 2026, at 9:30 a.m. Notice of the proceeding issued to S.C. from the OAL via email and via ordinary mail to her home address on file. The notice included confirmation that if S.C. did not appear for the proceeding her case may be dismissed. The District's attorney also issued an email communication to S.C. confirming the rescheduling of the proceeding and indicating that her case would be administratively dismissed if she failed to appear again. The District's attorney also mailed the communication via ordinary mail to S.C.'s home address.

On April 16, 2026, the District's attorney and the director of Special Services were dialed in for the telephonic proceeding. S.C. failed to appear.

The ordinary mail sent to S.C. by the OAL with the notice of the telephonic proceeding has not been returned to the OAL and is presumed to have been delivered. The email was delivered to S.C. The District's attorney confirmed that her ordinary-mail communication to S.C. confirming this third scheduled proceeding has not been returned as undelivered.

S.C. has failed to communicate any explanation to the OAL within twenty-four hours of April 16, 2026, regarding her nonappearance. Having failed to appear for a third

time for the scheduled telephonic conference/hearing at the OAL, with no explanation of her nonappearance, I **FIND** that S.C. has abandoned her due process petition for relief and no longer wishes to proceed to a hearing on the merits of her petition.

CONCLUSIONS OF LAW

If a party fails to appear at a scheduled proceeding in the OAL, the ALJ “shall hold the matter for one day before taking any action.” N.J.A.C. 1:1-14.4(a). If the ALJ does not receive an explanation for the party’s nonappearance within one day, the ALJ shall direct the Clerk of the OAL to return the file to the transmitting agency. Ibid.

S.C. has failed to appear on three occasions in the OAL, after receiving appropriate notice of the dates, times, and dial-in information for the telephonic proceedings scheduled for her due process petition. I **CONCLUDE** that S.C.’s failure to appear and failure to communicate any explanation as to her nonappearances represents an abandonment of her due process petition and the case shall be dismissed. I **CONCLUDE** that the Clerk shall return the file to the transmitting agency.

ORDER

It is **ORDERED** that the Clerk shall return this file to the transmitting agency, due to petitioner’s failure to appear for scheduled proceedings at the OAL.

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 Programs.

April 22, 2026
DATE



ELAINE B. FRICK, ALJ

Date Received at Agency _____

Date Mailed to Parties: _____

EBF/dc