

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**CHAMBERS OF
CHRISTINE P. O’HEARN
UNITED STATES DISTRICT JUDGE**

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July 22, 2026

VIA CM/ECF

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On behalf of Defendant.

LETTER ORDER

Re: *D.T. v. Lawnside Board of Education Members, et al.*
Civil Action No. 23-02172

Dear Counsel:

This matter comes before the Court on a Motion for Summary Judgment on the Administrative Record (“Motion”) filed by Plaintiffs D.T., individually and on behalf of L.T. (“Plaintiffs”), challenging the January 19, 2023 Final Decision of the Administrative Law Judge (“ALJ”). (ECF No. 106). The Court did not hear oral argument pursuant to Local Civil Rule 78.1. For the reasons set forth below, Plaintiffs’ Motion is **GRANTED IN PART** and **DENIED IN PART**, and the matter is **VACATED IN PART** and **REMANDED** to the ALJ for further proceedings consistent with this Letter Order.

I. Background¹

L.T. is a twelve-year-old student enrolled in the Lawnside School District who has been diagnosed with Down syndrome and autism. (Def.'s SOMF, ECF No. 129-1 at ¶¶ 2, 5). He has significant verbal, nonverbal, and self-help limitations. (*Id.* at ¶ 3). His mother, D.T., brings this action individually and on his behalf against the Lawnside Board of Education (the "District"), alleging violations of the Individuals with Disabilities Education Act ("IDEA") during the 2017–18, 2018–19, 2019–20, 2020–21, and 2021–22 school years.

Specifically, for the 2017–2018 school year—at which time L.T. was three years old—L.T. received no educational placement. (Pls.' SOMF, ECF No. 126 at ¶ 3). After D.T. initiated the evaluation process, the District placed him in Head Start for the 2018–2019 school year but did not provide special education services, despite evaluations conducted around that time documenting substantial developmental and language delays. (*Id.* at ¶¶ 4–6, 8).

L.T. was then placed on an individualized education program ("IEP") for the 2019–2020 school year, which provided for assistive-technology support, a shared aide, behavioral consultation, and speech-language, occupational, and physical therapy. (*Id.* at ¶ 13). However, when schools closed in March 2020 because of the COVID-19 pandemic, L.T. began receiving remote instruction and virtual related services instead. (*Id.* at ¶¶ 14, 30). This continued until the District began providing certain related services in person in September 2020, added in-home paraprofessional assistance in January 2021, and returned L.T. to full-time in-person instruction in April 2021. (Pls.' SOMF, ECF No. 126 at ¶¶ 30–31, 40; Def.'s SOMF, ECF No. 129-1 at ¶ 9). The District did not amend L.T.'s IEP to address remote instruction, assess whether he could benefit from that format, or provide the 420 minutes of daily instruction required by his IEP.² (Pls.' SOMF, ECF No. 126 at ¶¶ 36–38).

For the 2021–2022 school year, the District placed L.T. in a second-grade multiple-disabilities class and provided for a personal aide, occupational therapy, physical therapy, and individual and group speech-language services. (Def.'s SOMF, ECF No. 129-1 at ¶ 12). Nevertheless, the 2021–2022 IEP reduced several services from the prior year. (Pls.' SOMF, ECF No. 126 at ¶ 18). D.T. objected to the proposed program, requested an out-of-district placement, and later sought independent evaluations, which the District agreed to fund. (Pls.' SOMF, ECF No. 126 at ¶¶ 17, 19; Def.'s SOMF, ECF No. 129-1 at ¶¶ 18, 21). Those evaluations documented continuing behavioral, developmental, and communication deficits, including findings that L.T.'s IEP did not adequately identify his present levels of functioning, contained goals that were not

¹ The facts set forth herein are undisputed unless otherwise noted. To the extent Defendant purports to deny a fact without citing to any portion of the record, that fact is deemed admitted under Local Civil Rule 56.1. Any remaining factual disputes are immaterial to the Court's legal analysis.

² Although Defendant purports to deny the final fact by citing Administrative Record Volume 6 at pages 159–61, those pages do not support its denial. (*See* AR 1700–02). Accordingly, the Court deems the fact admitted under Local Civil Rule 56.1(a).

measurable, and that he remained in the first percentile for auditory comprehension and expressive communication. (Pls.’ SOMF, ECF No. 126 at ¶¶ 20–22). Against that backdrop, D.T. initiated the administrative proceedings that ultimately gave rise to this action.

II. Procedural History

On December 28, 2021, D.T. filed a due process petition against Defendant concerning the educational services provided to L.T. (AR 607). The Administrative Law Judge issued a Final Decision on January 19, 2023, denying relief for the school years preceding 2021–2022, but finding that the 2021–2022 IEP failed to provide L.T. a free appropriate public education (“FAPE”) and awarding limited compensatory relief. (AR 525–591). Plaintiffs commenced this action on April 18, 2023, seeking review of the adverse portions of that decision, (ECF No. 1), and filed a Second Amended Complaint on February 3, 2025, (ECF No. 60). On December 19, 2025, Plaintiffs filed the present Motion for Summary Judgment on the Administrative Record. (ECF No. 106). Defendant filed opposition on January 31, 2026, (ECF No. 118), and Plaintiffs filed their operative reply on March 30, 2026, (ECF No. 129; *see also* ECF No. 132).

III. Legal Standard

Courts “shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” FED. R. CIV. P. 56(a). However, the standard governing a district court’s review of a state administrative decision under the IDEA differs from that applicable to an ordinary motion for summary judgment. *M.A. ex rel. G.A. v. Voorhees Twp. Bd. of Educ.*, 202 F. Supp. 2d 345, 359 (D.N.J. 2002) (citation omitted), *aff’d*, 65 F. App’x 404 (3d Cir. 2003). When reviewing an ALJ’s decision under the IDEA, the Court conducts a “modified de novo review,” giving “due weight” to the underlying administrative proceedings. *S.H. v. State-Operated Sch. Dist. of Newark*, 336 F.3d 260, 270 (3d Cir. 2003) (quotation marks and citation omitted). The factual findings made during the administrative proceedings are considered “prima facie correct,” and, if the Court departs from those findings, it must explain its reasons for doing so. *Id.* Questions of law, however, are reviewed de novo. *M.I. ex rel. M.I. v. N. Hunterdon-Voorhees Reg’l High Sch. Dist. Bd. of Educ.*, No. 20-870, 2021 WL 1720853, at *4 (D.N.J. Apr. 30, 2021) (citation omitted). Applying these standards, the Court may make findings based on the preponderance of the evidence and grant such relief as it deems appropriate, including reimbursement for a private educational placement, compensatory education, and attorneys’ fees. *Id.*

The Third Circuit has recognized a district court’s authority to remand an IDEA matter to the administrative hearing officer for further proceedings, particularly where clarification or further development of the administrative record is necessary. *Evan H. ex rel. Kosta H. v. Unionville-Chadds Ford Sch. Dist.*, No. 07-4990, 2008 WL 4791634, at *2 (E.D. Pa. Nov. 4, 2008) (citing *Carlisle Area Sch. v. Scott P.*, 62 F.3d 520, 526 (3d Cir. 1995)). That authority is consistent with the principle that reviewing courts may not “substitute their own notions of sound educational policy for those of the school authorities,” *Bd. of Educ. v. Rowley*, 458 U.S. 176, 206 (1982), and generally lack the “specialized knowledge and experience” necessary to resolve “persistent and difficult questions of educational policy,” *id.* at 208 (quoting *San Antonio Indep. Sch. Dist. v.*

Rodriguez, 411 U.S. 1, 42 (1973)). Accordingly, where the administrative decision does not adequately explain its factual or legal findings, remand may be appropriate to permit meaningful judicial review. *Randolph Twp. Bd. of Educ. v. M.T.*, No. 22-01762, 2024 WL 2130719, at *8 (D.N.J. May 13, 2024) (citing *Upper Freehold Reg'l Bd. of Educ. v. T.W.*, 496 F. App'x 238, 244–45 (3d Cir. 2012); *Livingston Bd. of Educ. v. D.A.*, No. 17-8802, 2021 WL 3706723, at *5 (D.N.J. Aug. 20, 2021)). Remand may likewise be warranted where the hearing officer applied an incorrect legal standard. *Evan H.*, 2008 WL 4791634, at *2 (citing *Blount v. Lancaster-Lebanon Intermediate Unit*, No. 03-579, 2003 WL 22988892, at *6 (E.D. Pa. Nov. 25, 2003)).

IV. Discussion

First, Plaintiffs contend that the District violated the IDEA during the 2017–2018 and 2018–2019 school years, as well as the portion of the 2019–2020 school year preceding December 28, 2019. Specifically, Plaintiffs argue that the District failed to identify and serve L.T. when he was three years old; later placed him in Head Start, a general-education program that allegedly did not provide appropriate special-education services; and thereafter continued to misclassify and inadequately evaluate him and to provide an inappropriate IEP and insufficient related services. The ALJ declined to consider claims arising before January 2020 as time-barred, and Plaintiffs challenge that ruling under the IDEA's "knew or should have known" ("KOSHK") standard. (Pls.' Mot., ECF No. 106-3 at 8–14; Reply, ECF No. 129 at 7–10). Second, Plaintiffs argue that L.T. was denied a FAPE during the portion of the 2019–2020 school year beginning with the COVID-19 school closures and throughout the 2020–2021 school year because the District failed to implement his IEP adequately and remote and hybrid instruction were not appropriate in light of his individualized needs. The ALJ denied compensatory education for that period after concluding that the District "did its best" under unprecedented circumstances. (Pls.' Mot., ECF No. 106-3 at 14–20; Reply, ECF No. 129 at 10–14). Third, Plaintiffs challenge the adequacy of the relief awarded for the 2021–2022 school year. Although the ALJ found that the District failed to provide L.T. a FAPE during that year and awarded some compensatory relief, Plaintiffs contend that the remedy was insufficient and was not properly calculated to redress the educational deprivation. (Pls.' Mot., ECF No. 106-3 at 20–37; Reply, ECF No. 129 at 14–19). For the following reasons, the Court finds that the ALJ applied the wrong legal standard to Plaintiffs' claims concerning the COVID-19 remote and hybrid instruction period. Accordingly, the Court vacates that portion of the Final Decision and remands the matter for reconsideration under the proper IDEA standard.

The IDEA requires participating states to provide every eligible child with a FAPE. 20 U.S.C. § 1412(a)(1)(A). A FAPE consists of special education and related services that are provided in conformity with the child's IEP. 20 U.S.C. § 1401(9)(D). To satisfy that substantive obligation, a school district must offer an educational program "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." *Endrew F. ex rel. Joseph F. v. Douglas Cnty. Sch. Dist. RE-I*, 580 U.S. 386, 399 (2017). Where, as here, a parent contends that the services actually delivered materially departed from the child's IEP, the school district must show that any deviations were not substantial or significant failures—that is, that they did not amount to a meaningful failure to implement the IEP and did not deny the child a meaningful educational benefit. *Melissa S. v. Sch. Dist. of Pittsburgh*, 183 F. App'x 184, 187 (3d Cir. 2006) (citing *Houston Indep. Sch. Dist. v. Bobby R.*, 200 F.3d 341, 349 (5th Cir. 2000)). A meaningful

failure occurs when the services provided fall “significantly short of the services required by the child’s IEP.” *L.B. v. Edison Bd. of Educ.*, No. 21-20164, 2024 WL 261234, at *4 (D.N.J. Jan. 24, 2024) (quoting *Van Duyn v. Baker Sch. Dist.* 5J, 502 F.3d 811, 822 (9th Cir. 2007)). Thus, to defeat an implementation claim, a school district generally must establish that: “(1) the failure to implement [a substantial or significant provision of the IEP] was not a ‘complete’ failure; (2) the variance from the special education and related services specified in the IEP did not deprive the student of a FAPE; and (3) the provision of special education and related services made meaningful progress toward the achievement of the specific goals stated in the IEP.” *Id.* (alteration in original) (quoting *Leighty v. Laurel Sch. Dist.*, 457 F. Supp. 2d 546, 554 (W.D. Pa. 2006)). Consistent with that objective inquiry, the Third Circuit has cautioned that a child’s entitlement to special education may not be “abridged because the district’s behavior did not rise to the level of slothfulness or bad faith.” *M.C. ex rel. J.C. v. Cent. Reg’l Sch. Dist.*, 81 F.3d 389, 397 (3d Cir. 1996). In New Jersey, the school district bears the burden of proof and production on that question. N.J.S.A. § 18A:46-1.1.

Turning to the COVID-period claims, Plaintiffs have the better argument that the ALJ did not apply the proper legal standard. The ALJ found that, after schools closed in March 2020, L.T. received remote instruction and related services; that the District began permitting him to attend in-person related-service sessions in September 2020; that an in-home paraprofessional began assisting him during morning remote instruction in January 2021; and that all instruction and therapies returned to an in-person format in April 2021. (AR 580–81). Based principally on those efforts, the ALJ concluded that “the District did its best, under unprecedented times, to address L.T.’s needs” and therefore “took steps necessary and appropriate to deliver FAPE.” (AR 588). She accordingly denied compensatory education for the entirety of the period from March 2020 through the end of the 2020–2021 school year. (*Id.*).

The Court does not minimize the extraordinary challenges school districts faced during the COVID-19 pandemic or the measures the District undertook to provide L.T. with some in-person services before the District fully reopened. But whether the District “did its best” does not answer the question presented under the IDEA. The ALJ was required to determine whether the District substantially implemented the material provisions of L.T.’s IEPs during the remote and hybrid period, whether any departures from the prescribed instruction and related services deprived him of a FAPE, and whether the services actually provided enabled meaningful progress toward his IEP goals. *See L.B.*, 2024 WL 261234, at *4. The Final Decision failed to undertake that analysis. It does not determine, for example, whether the reduced instructional time and altered delivery of related services constituted substantial or significant failures; whether the absence of an in-home aide until January 2021 materially limited L.T.’s access to instruction; whether the variance between the services required by his IEPs and those actually delivered denied him a meaningful educational benefit; or whether his progress, lack of progress, or regression demonstrated meaningful advancement toward the specific goals set forth in his IEPs. Accordingly, the ALJ erred by applying some lesser standard and treating the District’s “best efforts” as dispositive without making the findings necessary to determine whether L.T.’s IEPs were materially implemented, whether any deviations denied him a FAPE, and whether the services provided enabled meaningful progress toward his IEP goals. *Compare L.B.*, 2024 WL 261234, at *5 (affirming a COVID-period FAPE determination where the ALJ made specific findings, grounded

in progress notes, service logs, and reports, that the student received special education and related services, made educational progress, and experienced only *de minimis* losses in IEP services), with *Zion M. ex rel. Gabrielle M. v. Upper Darby Sch. Dist.*, No. 21-2941, 2023 WL 6299091, at *11 (E.D. Pa. Sept. 27, 2023) (rejecting the hearing officer’s reliance on pandemic-related difficulty and the district’s “best efforts” to excuse an untimely evaluation, and concluding that the delay constituted a procedural violation of the IDEA).³

That conclusion does not, however, establish that L.T. was necessarily denied a FAPE during the COVID period or entitle Plaintiffs to the specific compensatory-education award they request. Deciding whether the combination of remote instruction, partial in-person therapies, in-home paraprofessional assistance, and the eventual return to full in-person instruction provided L.T. an educational program appropriate to his unique needs requires factual findings and educational judgments the ALJ did not make under the correct standard. The administrative record also contains competing evidence regarding the services delivered, L.T.’s response to those services, and his educational progress. Because the Court lacks such expertise and thus should not resolve those disputed and educationally technical questions in the first instance, *see Rowley*, 458 U.S. at 206, remand is therefore appropriate. *See Shane T. ex rel. Cathy K. v. Carbondale Area Sch. Dist.*, No. 16-964, 2017 WL 4314555, at *19 (M.D. Pa. Sept. 28, 2017) (remanding unresolved factual and educational issues after correcting hearing officer’s legal error); *Randolph Twp. Bd. of Educ.*, 2024 WL 2130719, at *12 (remanding where “the ALJ’s failure to adequately explain his factual findings or legal conclusions” left the court unable to conduct a meaningful review).

Accordingly, the portion of the Final Decision addressing the period from March 2020 through the end of the 2020–2021 school year is vacated and remanded. On remand, applying the District’s burden under N.J.S.A. § 18A:46-1.1, the ALJ shall determine whether the District substantially implemented the material provisions of L.T.’s IEPs during the relevant period. Specifically, the ALJ shall determine whether any failure to implement a substantial or significant provision of the IEPs was complete, whether any variance between the instruction and related services prescribed and those actually provided deprived L.T. of a FAPE, and whether the services delivered enabled him to make meaningful progress toward the specific goals identified in his IEPs. In conducting that analysis, the ALJ should address the amount, nature, and delivery format of the instruction and related services L.T. received; the effect of remote and hybrid delivery in light of his individualized needs; his progress or regression during the relevant period; and the impact of the in-person services and in-home paraprofessional support provided by the District. The pandemic conditions and the District’s responsive efforts may be considered as relevant context, but they do not replace the required implementation and FAPE analysis. If the ALJ concludes that the District denied L.T. a FAPE for any portion of the relevant period, the ALJ shall

³ *Zion M.* concerned a procedural evaluation violation and ultimately concluded that the plaintiff had not established that the violation resulted in a denial of FAPE. 2023 WL 6299091, at *11. The Court relies on it only for the narrower proposition that COVID-related difficulty and a district’s “best efforts” do not displace the legal standard governing the asserted IDEA violation.

determine what individualized compensatory education, if any, is necessary to remedy the resulting educational deprivation.

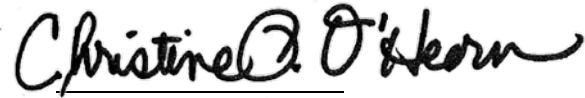
Because the Court concludes that remand is warranted for the ALJ to reconsider Plaintiffs' COVID-period claims under the correct legal standard, the Court does not reach Plaintiffs' alternative arguments concerning the IDEA's KOSHK limitations trigger⁴ or the adequacy and calculation of the compensatory-education remedy awarded for the 2021–2022 school year. Those issues are reserved without prejudice pending the ALJ's further findings and conclusions on remand.

V. Conclusion

For the foregoing reasons, Plaintiffs' Motion for Summary Judgment on the Administrative Record, (ECF No. 106), is **GRANTED IN PART** and **DENIED IN PART**, and this matter is **VACATED IN PART** and **REMANDED** to the ALJ for further proceedings consistent with this Letter Order.

⁴ Although the Court does not reach Plaintiffs' challenge to the ALJ's application of the IDEA's KOSHK limitations trigger, it is not persuaded by Plaintiffs' contention that the absence of an express KOSHK finding necessarily requires resolution of the limitations issue in their favor based on the District's burden of proof. (Pls.' Mot., ECF No. 106-3 at 8–14; Reply, ECF No. 129 at 7–10). The record contains uncontested evidence from which the ALJ could find that D.T. knew or should have known of the alleged violations arising before December 28, 2019. *See G.L. v. Ligonier Valley Sch. Dist. Auth.*, 802 F.3d 601, 614 (3d Cir. 2015) (holding that the limitations period begins when the parent actually discovered, or a reasonably diligent parent would have discovered, the facts constituting the alleged violation); *McLean v. Eastampton Sch. Dist.*, No. 19-11009, 2020 WL 728816, at *4 (D.N.J. Feb. 13, 2020) (looking for clear district action or inaction sufficient to alert a reasonable parent that the child would not be appropriately accommodated); *Est. of S.B. ex rel. Bacon v. Trenton Bd. of Educ.*, No. 17-7158, 2018 WL 3158820, at *7 (D.N.J. June 28, 2018) (rejecting a later discovery date where the parents' own chronology showed earlier knowledge of the child's disability-related needs and the district's alleged failure to provide instruction); *Maggie J. ex rel. Richard J. v. Donegal Sch. Dist.*, No. 20-2782, 2021 WL 2711531, at *9 (E.D. Pa. June 30, 2021) (upholding a finding that the parents had near-contemporaneous knowledge of the district's actions and inactions such that application of the two-year statute of limitations was appropriate). Nevertheless, because the ALJ did not expressly identify the relevant discovery date for the Child Find theory, the Head Start/FAPE theory, or Plaintiffs' claims arising during the portion of the 2019–2020 school year preceding December 28, 2019, (*see* AR 587), and because that determination may require findings concerning D.T.'s knowledge of the particular actions forming the basis of each claim, the Court encourages the ALJ on remand to make an explicit KOSHK finding as to each theory.

SO ORDERED.

A handwritten signature in black ink, reading "Christine P. O'Hearn". The signature is written in a cursive style with a horizontal line underlining the name.

**CHRISTINE P. O'HEARN
UNITED STATES DISTRICT JUDGE**