



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

**DECISION APPROVING  
SETTLEMENT**

OAL DKT. NO. EDS 10218-10

AGENCY DKT. NO. 2010 15884

**D. B. o/b/o M.B.,**  
Petitioner,

v.

**SEA GIRT BOROUGH  
BOARD OF EDUCATION,**  
Respondent.

---

**Ira M. Fingles, Esq.,** for petitioner (Hinkle, Fingles & Prior, attorneys)

**Eric L. Harrison, Esq.,** for respondent (Methfessel & Werbel, P.C., attorneys)

Record Closed: October 29, 2010

Decided: November 5, 2010

**BEFORE ISRAEL D. DUBIN, ALJ:**

This matter arises under the Individuals with Disabilities Education Improvement Act (IDEIA), 20 U.S.C.A. §1400 et seq. The fundamental dispute relates to D.B.'s disagreement with the program and placement the Board has proposed for her daughter, S.M., an eleven-year-old girl who is eligible for special education and related services, having been diagnosed with auditory process disorder, learning disabilities and adjustment order.

D.B. filed her request for a due process hearing with the Department of Education, Office of Special Education Programs, on May 13, 2010, and following successful mediation sessions on July 28 and September 20, 2010,<sup>1</sup> the matter was transmitted to the Office of Administrative Law where it was filed on October 29, 2010, for the entry of an order approving the child's placement at the Cambridge School. I have reviewed the record and the terms of settlement set forth in the attached Settlement Agreement and I find:

1. The parties have voluntarily agreed to the settlement as evidenced by their signatures or their representatives' signatures on the attached document.
2. The settlement fully disposes of all issues in controversy between them and is consistent with the law.

Therefore, I **ORDER** that the parties comply with the settlement terms and that these proceedings be concluded.

This decision is final pursuant to 20 U.S.C.A. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2009).

November 5, 2010

DATE

Israel D. Dubin

ISRAEL D. DUBIN, ALJ

/lam

<sup>1</sup> The parties reached an agreement at mediation that could not be written by the mediator because it involved placement in a school that is not approved by the Department of Education.

HINKLE, FINGLES & PRIOR  
ATTORNEYS AT LAW

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HILLARY D. FREEMAN\*\*  
EVELINA E.G. PADILLA\*\*Δ

\* NJ BAR  
+ PA BAR  
† FL BAR  
Δ NY BAR

October 29, 2010

**VIA FAX AND REGULAR MAIL**

Honorable Israel D. Dubin, ALJ  
Office of Administrative Law  
P.O. Box 049  
Trenton, New Jersey 08625-0049

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OCT 29 5 18 36  
STATE OF NEW JERSEY  
OFFICE OF ADMIN LAW

Re: M.B. v. Sea Girt Board of Education  
Agency Ref. No. 2010-15884

Dear Judge Dubin:

Enclosed is a fully executed Stipulation of Settlement. I assume this obviates the need for a conference call this afternoon. I appreciate the Court's consideration in this matter and wish your Honor the best of weekends.

Very truly yours,

  
Ira M. Fingles

IMF/mlc

cc: Athina Lekas Cornell, Esq. (via fax and reg. mail)

Eric L. Harrison, Esq. (via fax and reg. mail)

[REDACTED]

**LINDABURY, McCORMICK, ESTABROOK & COOPER**  
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 P.O. Box 2369  
 Westfield, New Jersey 07091  
 (908) 233-6800  
 Attorneys for Respondent, Sea Girt Board of Education

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 OFFICE OF ADMIN. LAW

D.B. o/w/o M.B.

Petitioners,

-vs-

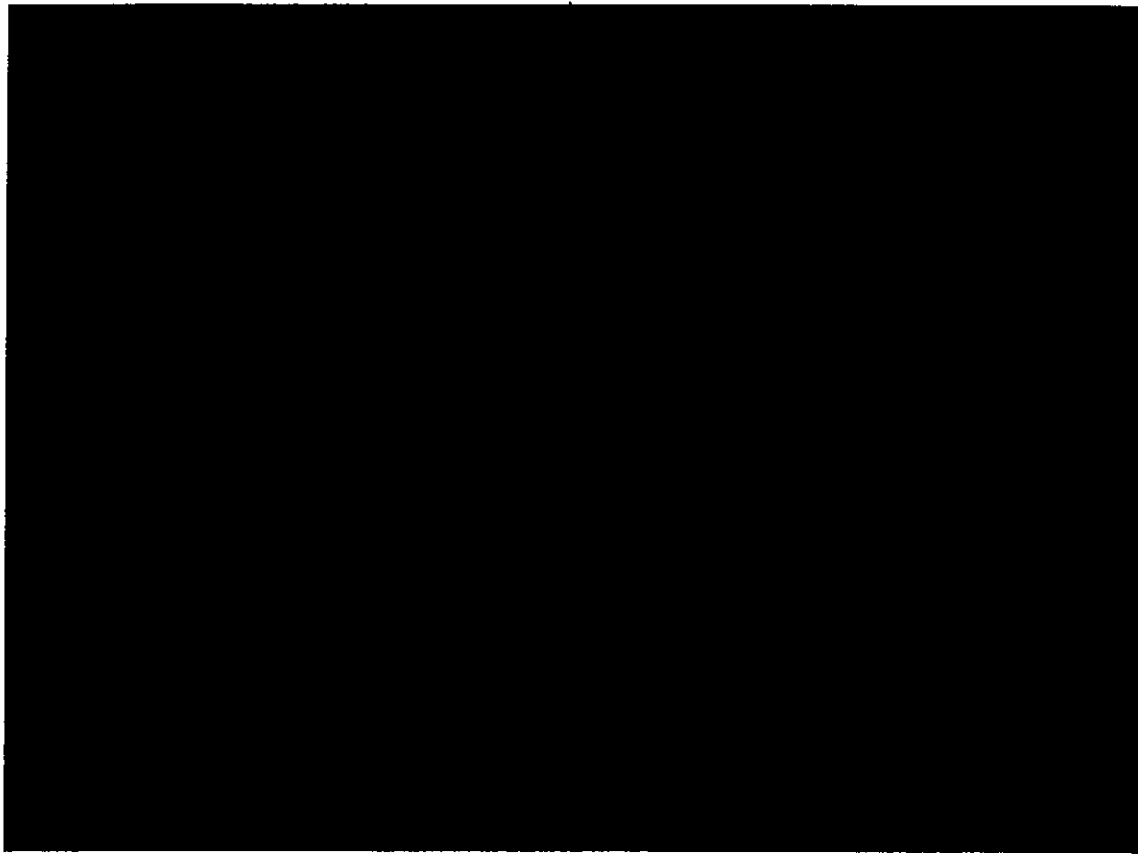
SEA GIRT BOARD OF EDUCATION

Respondent.

: STATE OF NEW JERSEY  
 : DEPARTMENT OF EDUCATION

: DOCKET NO.  
 : AGENCY REF. NO.: 2010-15884

: STIPULATION OF SETTLEMENT



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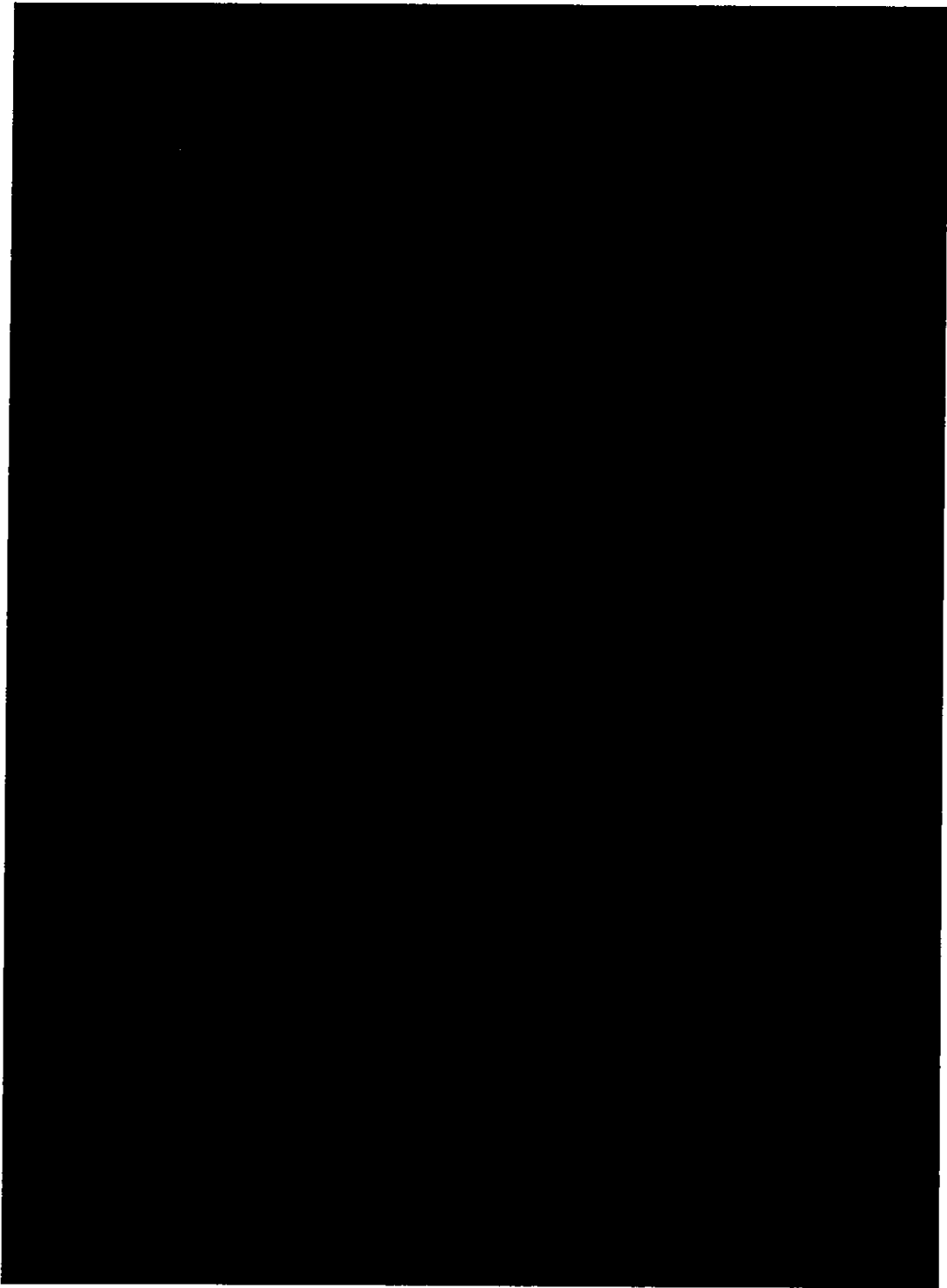
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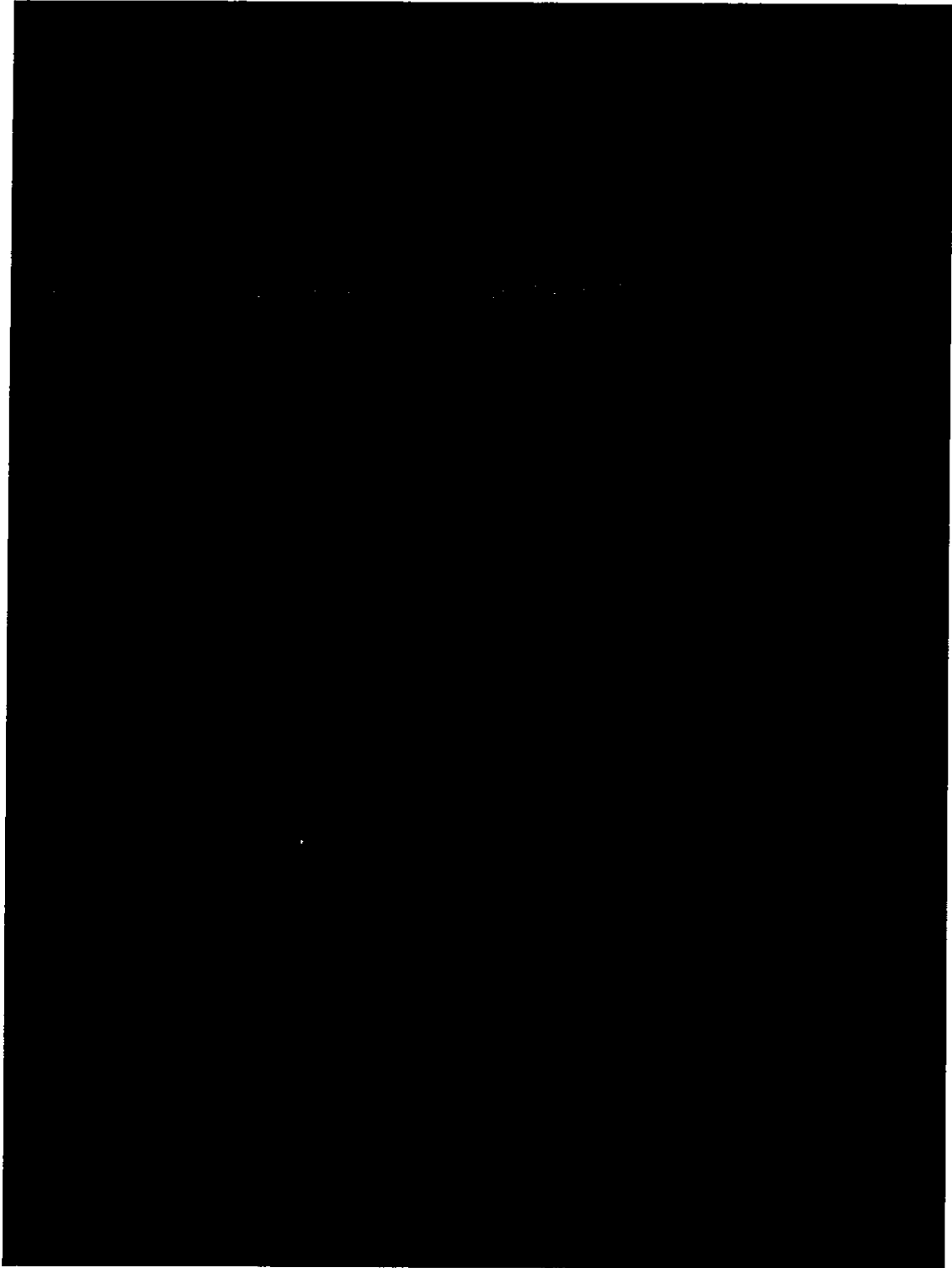
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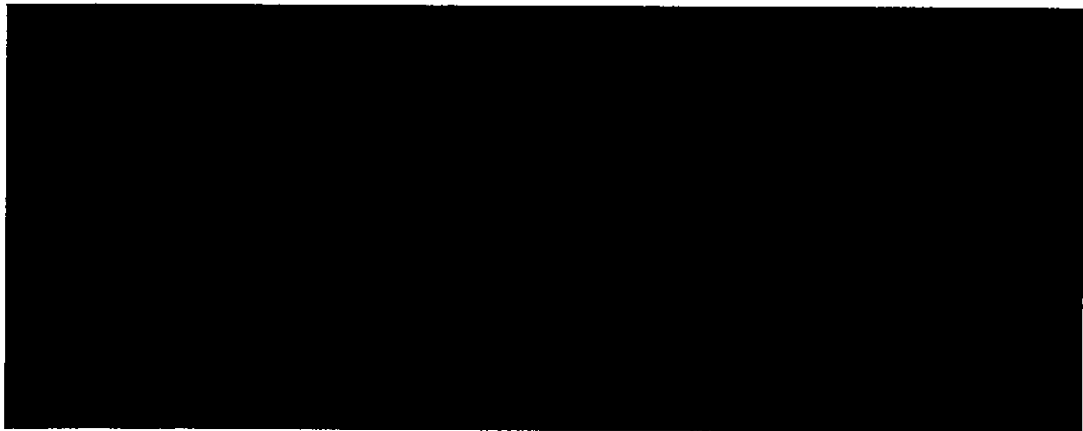
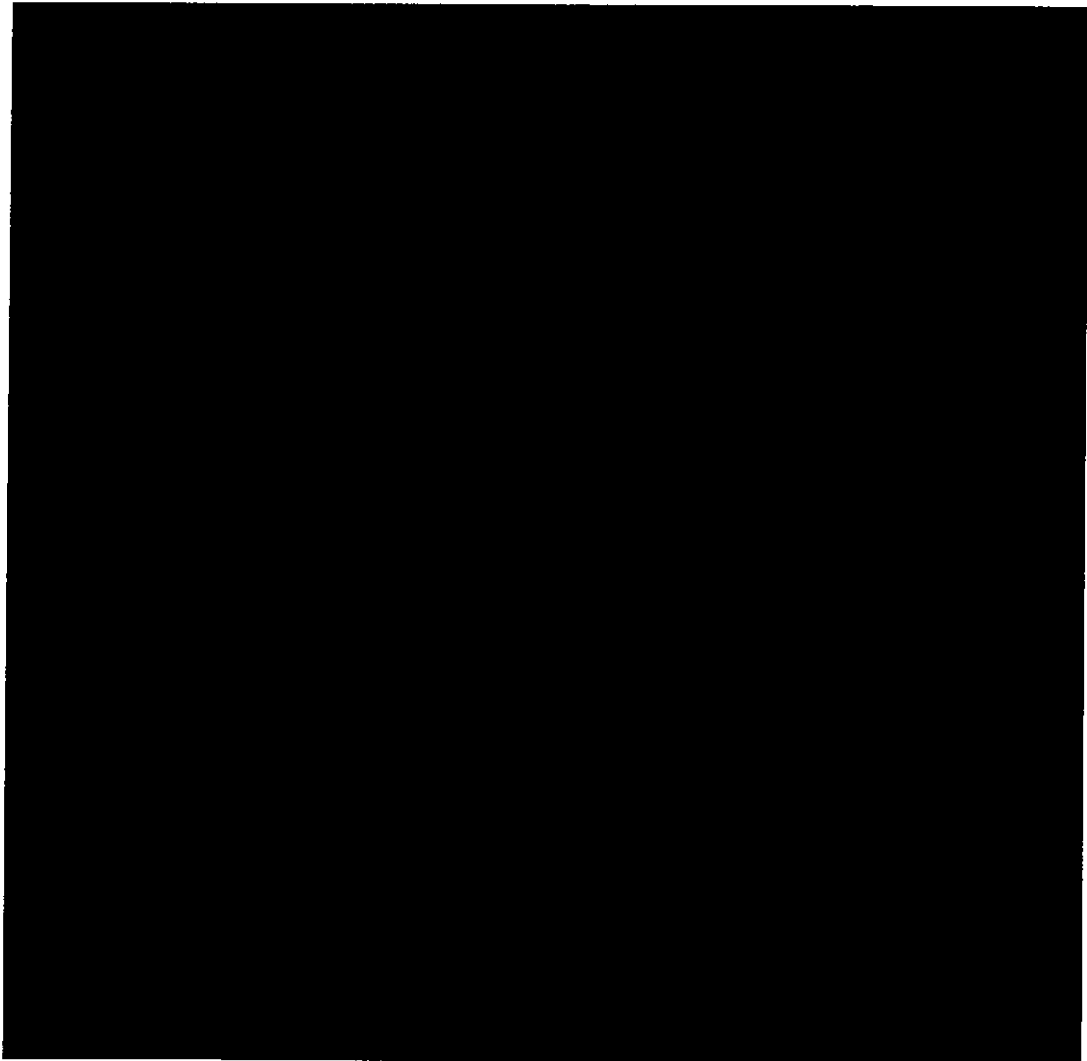
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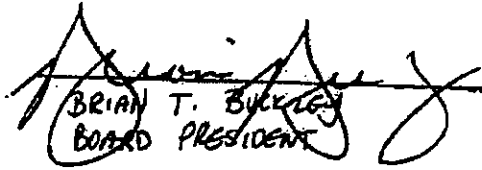
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ON BEHALF OF THE SEA GIRT BOARD OF EDUCATION

  
 BRIAN T. BUCKLEY  
 BOARD PRESIDENT

Date: 10/26/10





**SEA GIRT BOARD OF EDUCATION**

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EXTRACT from the minutes of a regular meeting of The Board of Education of the Borough of Sea Girt in the County of Monmouth, New Jersey held on October 26, 2010 at 7:30 o'clock p.m.

PRESENT: Mr. Brown, Dr. Cavallo, Mr. Herzog, Mrs. Prior, Dr. Buckley

ABSENT: None

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The following is a true excerpt from the October 26, 2010 meeting of the Sea Girt Board of Education:

"Mr. Brown moved to approve the following:

Be it resolved, the Sea Girt Board of Education, upon the recommendation of the Superintendent of Schools, approves the Stipulation of Settlement regarding Agency Ref. 2010-15884 for school years 2009-2010; 2010-2011 and 2011-2012 in the amount not to exceed \$50,000 in total tuition, legal costs and transportation.

Mrs. Prior seconded and the motion carried on a roll call vote:

AYES: Mr. Brown, Mr. Herzog, Mrs. Prior, Dr. Buckley

NAYS: None

ABSENT: Dr. Cavallo"

NOTE: Dr. Cavallo left the meeting prior to the passage of this resolution.

*Eileen F. Ertle*

Eileen F. Ertle  
School Business Administrator

10/27/10

Date