



*State of New Jersey*  
OFFICE OF ADMINISTRATIVE LAW

**FINAL DECISION -**  
**EMERGENT RELIEF**

OAL DKT. NO. EDS 03609-23

AGY REF NO. 2023/35755

**L.B. ON BEHALF OF C.B.,**

Petitioner,

v.

**ROSELLE BOROUGH BOARD OF EDUCATION  
AND WESTBRIDGE ACADEMY,**

Respondent.

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**Lisa M. Quartarolo**, Esq., for petitioner

**Rita Barone**, Esq., for respondent, Roselle Borough Board of Education  
(Flanagan Barone O'Brien, attorneys)

**David B. Rubin**, Esq., for respondent, Westbridge Academy

Record Closed: May 9, 2023

Decided: May 9, 2023

**BEFORE THOMAS R. BETANCOURT**, ALJ:

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

Petitioner filed a motion for emergent relief with the Office of Special Education (OSE) in the New Jersey Department of Education (DOE)<sup>i</sup>. The contested matter was transferred to the Office of Administrative Law (OAL), pursuant to N.J.A.C. 1:6A-12.1, where it was filed on May 1, 2023.

The motion for emergent relief seeks, inter alia, an order returning C.B. to Westbridge Academy from which he was removed on or about April 20, 2023.

The matter was originally scheduled for oral argument on Petitioner's motion for emergent relief on May 9, 2023, and adjourned to May 10, 2023 at the request of counsel. On May 9, 2023, counsel for Respondent Roselle Borough Board of Education advised the undersigned that an Interim Settlement Agreement had been reached resolving all the issues in the emergent application.

This case arises under the Individuals with Disabilities Education Act, 20 U.S.C.A. §§1400 to 1482. The parties have voluntarily agreed to resolve all disputed matters raised in the request for emergent relief.

I have reviewed the terms of the Interim Settlement Agreement and I **FIND**:

1. The parties have voluntarily agreed to the interim 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 the parties raised in the application for emergent relief and is consistent with the law.

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

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<sup>i</sup> The underlying due process petition remains at OSE for scheduling of mediation as requested by the parties.

This decision on application for emergency relief shall remain in effect until the issuance of the decision on the merits in this matter. The hearing having been requested by the parents, this matter is hereby returned to the Department of Education for a local resolution session, pursuant to 20 U.S.C.A. § 1415 (f)(1)(B)(i). 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.



May 9, 2023  
DATE

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**THOMAS R. BETANCOURT, ALJ**

Date Received at Agency

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Date Mailed to Parties:

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