

Special Education Due Process

Reflection 2: ML and ML obo LL v Middletown Township BOE

What the Case Is About

The case of *M.L. and M.L. on behalf of L.L. v. Middletown Township Board of Education* focuses on deciding the right educational setting for six-year-old L.L. who has bilateral sensorineural hearing loss and Becker's muscular dystrophy. The Summerfield Program hosted L.L. as its initial placement while Neptune Township had to terminate their deaf education teaching abilities. Middletown District developed a new IEP to place L.L. within its multiple disabilities classroom of the district (RABIN et al., 2023). The parents applied for emergency intervention demanding a certified teacher of the deaf home instruction.

What Did the Parents Want?

The parents required immediate short-term educational services from a qualified sign-language-proficient teacher of the deaf to teach L.L. from home. The main focus of the parents was that L.L.'s educational requirements and communication needs were not properly addressed through the district's new in-district special placement option. The parents who sought additional language services for their child believed a general special education classroom with only 90 minutes per week of access to a teacher of the deaf would cause language skills to deteriorate during an essential period of child development (Rozalski et al., 2021).

What Was the Outcome?

The parents desired immediate relief from the Administrative Law Judge but their petition was rejected. Applying *the Crowe v. DeGioia* four-prong test, ALJ determined that the parents lacked evidence for both irreparable harm and settled legal rights along with the lack of merit in their case and unbalanced equities. According to the judge's decision, the thirty-hour education

schedule coupled with teacher of the deaf access from the district eliminated the requirement for service interruption (Rashid & Wong, 2022). This case was referred back to the Department of Education for resolution.

Was the School in Violation of FAPE?

The evidence that was presented did not provide any certain conclusion regarding whether or not there had been a violation against the standard of Free Appropriate Public Education (FAPE) from the school. Though the parents did not approve the new placement, believing it to be inappropriate, the judge did find that the program would include educational continuity and services as customized by the Child Study Team (RABIN et al., 2023). Without expert testimony or evidence that proves how the district's program does not meet the needs of L.L., a violation of the FAPE cannot be established (*Endrew F. v. Douglas County School District*, 2017). In this case, the court ruled that the IEP proposed by the district complied with this obligation at least until the due process hearing (Rozalski et al., 2021).

Why Did You Pick This Case?

I have selected this case as it reflects the intricate roles that educational placement decisions have to play in the lives of individuals who have been double disabled with hearing and physical impairment. It uncovers how quickly districts must work around losing personnel while remaining compliant with the mandates of IDEA. It emphasizes the burden put on parents seeking interim relief and how expert evidence substantiates claims of educational harm (RABIN et al., 2023). In addition, it presents a reality check regarding procedural safeguards and legal frameworks that families must navigate when contesting IEP decisions.

References

- RABIN, J. N., Sharon DeVito, Schure, J., & Methfessel & Werbel, P.C. (2023). FINAL DECISION DENYING EMERGENT RELIEF. In *OFFICE OF ADMINISTRATIVE LAW*. <https://www.nj.gov/education/legal/specialed/2023/jan/2023-35305ER.pdf>
- Rashid, S. M. M., & Wong, M. T. (2022). Challenges of Implementing the Individualized Education Plan (IEP) for Special Needs Children with Learning Disabilities: Systematic Literature Review (SLR). *International Journal of Learning Teaching and Educational Research*, 22(1), 15–34. <https://doi.org/10.26803/ijlter.22.1.2>
- Rozalski, M., Yell, M. L., & Warner, J. (2021). Free appropriate public education, the U.S. Supreme Court, and developing and implementing individualized education programs. *Laws*, 10(2), 38. <https://doi.org/10.3390/laws10020038>