

N.J. school district facing discrimination claim involving boy with autism

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A federal judge has ruled that the parents of a boy with autism have a right to sue the Harrison Township School District for allegedly discriminating against their son and preventing him from attending school in a neighboring district.

Late last month, U.S. District Court Judge Noel L. Hillman upheld the majority of claims brought by the boy's parents — including wrongfully segregating the boy in a preschool class with only disabled students.

The boy — of Mullica Hill, and identified in court documents only as A.S. — is also diagnosed with epilepsy, hearing impairment and attention deficit hyperactivity disorder (ADHD).

The parents of the boy [filed a lawsuit three years ago](#) after the district in 2010 placed him in a preschool class solely with disabled students. Soon after, the school district declassified his disability status and found him ineligible for special-education services.

The parents maintained that their child was capable of learning in classrooms with non-disabled students, but with supplementary aids and support services.

Under federal law, students with disabilities are entitled to be educated in integrated classrooms with non-disabled students, unless it is found the disabled student would not benefit in those classrooms.

The parents eventually removed A.S. from the Harrison preschool and enrolled him in Cherrywood Academy and Private Preschool in Camden County. The parents sought reimbursements for out-of-pocket tuition copays and transportation expenses, which totaled nearly \$4,000.

While a judge ordered the district to reimburse the family for these expenses, the parents later alleged that Harrison refused to pay for his education at Cherrywood. In this new ruling, Judge Hillman found that Harrison denied covering costs for Cherrywood and "discriminated against A.S. because of his disability."

Dr. Margaret Peretti, superintendent of Harrison Township School District, declined to comment on the case.

According to its website, Harrison Township School District spends roughly \$1.6 million on special education instruction every year.

Jamie Epstein, a Cherry Hill-based attorney representing the boy, said he felt the judge's ruling was correct.

"I think it was a fair decision, and most of our claims will go forward," Epstein said.

He later said, "A school does not have the right to exclude (students) because of a disability."

Epstein said many parents are not aware that children with disabilities are entitled to learn in integrated classes with non-disabled students.

"They learn more being around non-disabled peers who are role models for learning and interacting," he said.

Eventually, the parents and the school district came to an agreement that the boy would be educated in

a school outside the district in East Greenwich Township.

But, according to court documents, East Greenwich ultimately did not admit the boy after an email exchange between officials from the East Greenwich and Harrison school districts.

According to Epstein, neither Harrison Township nor East Greenwich school districts picked up the boy for his first day at the East Greenwich school. Harrison later told the boy's parents that their son was not only barred from attending the school in East Greenwich due to his disability, but additionally that his right to special education was revoked.

According to the ruling, a Harrison school official emailed the East Greenwich School District and "for no apparent reason" informed them about the ongoing litigation, Hillman found. Soon after, East Greenwich Township denied the boy's enrollment.

The judge further upheld the parents' claim that Harrison took "adverse action" by wrongfully informing East Greenwich of the ongoing litigation "essentially enticing East Greenwich to deny" the boy's placement at the school.

Dr. James J. Lynch, superintendent of East Greenwich Township School District, did not return a call for comment.

Epstein said the parents are demanding a jury trial to settle damages in the case. A date has not yet been scheduled.