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Mullica Hill family sues Harrison school district for disabled boy's 'special instruction'

By [Andy Polhamus/South Jersey Times](#)

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HARRISON TWP. — A Mullica Hill family is suing the Harrison Township School District over an alleged violation of the Individuals with Disabilities Education Act.

The suit appeals an earlier decision from October 2013 that the district did not owe a 6-year-old disabled boy, identified by the initials A.S., compensatory education for a period when he was not enrolled in special education.

The school board, administration and child study team are all named as defendants.

A.S. suffers from autism, epilepsy and hearing impairment, among other disabilities. The boy's parents have already successfully obtained an order for the district to pay expenses for sending their son to a private pre-school in 2013. Still, the family's attorney, Jamie Epstein, said Tuesday that the boy's parents are seeking compensatory education in the form of additional special instruction for "lost time" for when he was not in the special education program.

Epstein said another issue at hand was that the student did not need to be in a separate class from his peers in order to receive the additional help he needed. The fact that A.S. spent the second half of the day in a private pre-school with non-disabled students, Epstein argued, demonstrated that he was fit to stay in a regular classroom provided he had extra help.

"He was capable of being educated with non-disabled children," Epstein said.

"There are some children that are so impaired they have to be in a self-contained special education classroom. But for the majority of children, that's not the only option."

Brett Gorman, Harrison Township's district counsel, declined to comment on the case.

Contact staff writer [Andy Polhamus](#) at [856-686-3729](tel:856-686-3729) or apolhamus@southjerseymedia.com