

IN THE UNITED STATES DISTRICT COURT
FOR THE THIRD CIRCUIT

NO. 02-2609

M.A., a minor child, by
his parents, G.A. and E.A.;

G.A.; E.A.,
Appellants

v.

VOORHEES TOWNSHIP BOARD OF EDUCATION

On Appeal from the United States District Court
for the District of New Jersey
(D.C. No. 01-cv-02595)
District Judge: Jerome B. Simandle

Argued: April 8, 2003
Before: BECKER, *Chief Judge*,* BARRY and BRIGHT,** *Circuit Judges*.

(Filed: May 16, 2003)

HERBERT D. HINKLE, ESQUIRE (Argued)
2651 Main Street, Suite A
Lawrenceville, New Jersey 08648
Attorney for Appellants

HOWARD S. MENDELSON, ESQUIRE (Argued)
David & Mendelson, L.L.C.

1 * Judge Becker completed his term as Chief Judge on May 4, 2003.

1 ** Judge Myron H. Bright, Senior Judge of the United States Court of Appeals for the
2 Eighth Circuit, sitting by designation.

20 Brace Road, Suite 112
Cherry Hill, New Jersey 08034

Attorney for Appellee

BENCH OPINION

BECKER, *Circuit Judge*.

The panel has carefully considered the entire record and the briefs of the parties and the opinion of Judge Simandle. We agree that Mr. Mendelson has correctly stated the standard of review which is deferential and clearly erroneous. We are satisfied that Judge Simandle's findings of fact are not clearly erroneous. We are also satisfied that he has committed no error of law. Accordingly, the judgment of the District Court will be affirmed. We find the claim for compensatory education and a request for a guardian *ad litem* advanced in appellants' brief to be without legal merit and the mandate of this Court shall issue forthwith. We direct Mr. Mendelson to contact the administrators at Bancroft and Sawtelle/Collingswood where he has represented that there is an opening and inform them that the panel requests that those openings be kept under the parents of M.A. have had an opportunity to consider admission there. The panel also requests the school to communicate with Dr. Holmes at Eden to discuss the possibility of an opening there. All of which should be done before the end of this week. That constitutes the opinion and judgment of the Court.

TO THE COURT:

Please file the foregoing opinion.

/s/ Edward R. Becker
Circuit Judge

