

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 08290-13

AGENCY DKT. NO. # 2013/19620

D.H. AND J.H. O/B/O L.H.,

Petitioners,

v.

MOUNT OLIVE TOWNSHIP

BOARD OF EDUCATION,

Respondent.

Beth Callahan, Esq., for petitioner (Callahan & Fusco, attorneys)

Robin S. Ballard, Esq., for respondent (Schenck, Price Smith & King, attorneys)

Record Closed: June 26, 2014

Decided: August 11, 2014

BEFORE **CARIDAD F. RIGO**, ALJ:

STATEMENT OF THE CASE

Petitioners D.H. and J.H., the parents of L.H., filed a petition with the State of New Jersey Department of Education - Office of Special Education seeking to have their hearing impaired child attend school for six hours a day, five days a week as opposed to respondent district's proposal of 2.5 hours a day. In the alternative, petitioners request that the student be placed at Lake Drive Academy.

PROCEDURAL HISTORY

On May 8, 2013, petitioners filed the petition with the New Jersey Department of Education-Office of Special Education. On June 17, 2013, the matter was transmitted to the Office of Administrative Law (OAL) for a hearing. Initially petitioners represented themselves then on or about October 2013, they retained counsel. A hearing was scheduled for October 4, 2013 however the matter was converted to a pre-hearing status conference. Hearings were held on January 13, 21, 31, March 28, and May 8, 2014.

ISSUES

Did the March 13, 2013, IEP covering the 2013-2014 school year provide L.H. with a free and appropriate public education (FAPE)? Was it designed to give L.H. meaningful educational benefits? Should L.H. receive compensatory education?

FACTUAL DISCUSSION

Background

L.H. was born on February 2, 2010. L.H. has bilateral moderate conductive hearing loss due to bilateral atresia. L.H. has been wearing a soft band BAHA since before she was seven-months-old. Her family and all practitioners have been using Total Communication with her that is a combination of using spoken language with sign language, to communicate with her.

L.H. was found eligible for Early Intervention Services at 6.5 months of age by the New Jersey Early Intervention System in September 2010. As of her early intervention service plan L.H. received Speech Therapy, Developmental Intervention, Occupation and Physical Therapy as well as Teacher of the Deaf services. L.H. received early intervention services from the Mountain Lakes Early Intervention Program specifically, the Sound Start Program in the Ivy Nursery. L.H. was enrolled in the Ivy Nursery from 9:00 a.m., until 3:00 p.m., five days a week; this was an all inclusive full day program for hearing impaired toddlers. She began this program when she was approximately two-years-old.

L.H. was evaluated by the New Jersey Specialized Child Study Team, for the hearing-impaired, this was done at the request of the Mt. Olive School District Child Study Team. As a result of The New Jersey Specialized Study Team evaluations a series of recommendations for L.H. were made.

L.H. was found eligible for special education services by the Mt. Olive Township School Child Study Team due to her hearing impairment. The District proposed an Individualized Education Plan (IEP) offering a two and a half hour a day program with support from a teacher of the deaf. The program was to run from March 18, 2013 to March 17, 2014. Petitioners disagreed with the proposed IEP and seek a full day program from the district or placement in the hearing impaired program at Lake Drive School. Parents claim the IEP is insufficient and inappropriate for L.H. Lake Drive School is a public school located in a different school district.

SUMMARY OF TESTIMONY AND EVIDENCE

Robert Greene

Robert Greene is employed by the Mt. Olive School District as a school psychologist and pre-school case manager. His duties include participating in the child study team determining what if any evaluations and assessments a pre-schooler or may need in developing an Individual Education Plan (IEP). At the time Greene testified he was serving forty-eight students as their pre-school case manager. Greene is the student's case manager until the student transitions out of pre-school. Greene's resume is in evidence marked R-14.

Greene said that his initial contact regarding L.H. was on or about October 22, 2012, when he received a letter from the parents, Exhibit R-3. As a result of that initial contact respondent performed an Initial Evaluation Determination Plan (IEDP) in December 2012. As a result of the IEDP, L.H. was assessed for Speech/Language and Social. Through Greene's testimony, the results of the Speech and Language assessment were introduced. Exhibit R-5.

The Speech and Language assessment was done on January 30, 2013, states that with respect to receptive language L.H. relied on speech supported by sign language in order to understand information. Her primary mode of expressive communication is by spoken English occasionally supported by sign language. Her speech production skills at the single word level were age appropriate. L.H.'s connected speech ability demonstrates a greater number of errors. Her spontaneous utterances are often unclear, making it difficult to understand her. She has a low speaking volume. L.H.'s speech patterns can be indiscernible and negatively influence her intelligibility. If she repeats her message she will use sign to aid in understanding.

L.H.'s performance on the Pre-School Language Scale indicates she is within the average range with receptive and expressive language skills compared to her peers. L.H. demonstrated the ability to respond to questions correctly showing that she had the required critical thinking skills. The majority of the errors L.H. made were related to sentence structure and the ability to string words into an age appropriate sentence. L.H.'s attention span and deliberation was noted to be above average for her age level.

Overall, the assessment stated that L.H. has the requisite skills that indicate she can attain communicative success, if she has the appropriate listening technology, a supportive family and early and appropriate interventions for her hearing loss. However, although L.H. has many positive necessary factors to achieve communicative success at the time she was evaluated she presented with speech skills below age level expectations regarding speech intelligibility and mean length of utterances (MLU).

It was clear in the report that the examiner was concerned that given the relationship between speech intelligibility and the development of encoding and spelling abilities coupled with a below age level mean length of utterances.

The report also stated that L.H.'s age places her within the critical language learning period.

Greene furthered that besides the Speech and Language assessment referenced above, exhibit R-5, his team also considered the general recommendation as submitted

by the New Jersey Specialized Child Study Team on February 13, 2013, Exhibit R-6. The report recommends that L.H. be enrolled in a specialized pre-school for children who are deaf/hard of hearing, such as the program she was attending at Lake Drive. They recommended a program for L.H. that offered her a teacher of the deaf, communication strategies supported by sign language, speech/language therapy with a therapist who has experience working with students who are deaf/hard of hearing, and the opportunity to socialize with her peers who also have hearing loss.

Greene furthered that on March 13, 2013, the district submitted an Eligibility Classification Conference Report finding L.H. eligible for special education and related services based on her being hearing impaired due to bilateral atresia. Greene stated that the program they proposed for L.H. was to be delivered in a self-contained special education classroom; the proposal was a half day program of 2.5 hours per school day. The pre-school disabled program included students with other disabilities. L.H. was assigned an itinerant teacher of the deaf for two hours a day. She would have Speech and Language in a small group for thirty minutes per school day. The program also offered an extended school year (ESY).

Greene testified that the parents did not agree with the IEP of March 2013 but they did agree with the child's classification. Initially the parents did not sign off on the IEP however in mid-May 2013, the parents signed it. L.H. started the in district program at the Mt. View School in May 2013. Greene stated the child attended the program consistently. He said on average there are five to nine students in the class. The IEP was placed in evidence and marked R-8 and R-9.

Greene furthered that he observed L.H. sporadically from May until early Summer. He noted that initially L.H. was shy and withdrawn. However, most recently he noted that L.H. is more active and she participates in circle time and is more socially active. Greene stated the parents have not brought any concerns to his attention.

On cross-examination Greene testified that he has no specific training in children with hearing impairments. He said there is no pediatric audiologist on staff in the district. He said that L.H. attends the afternoon program and that there are a total of ten

to eleven students with a maximum of twelve students attending that program at any one time.

Greene testified that the recommendations outlined in the March 2013, IEP were based on the statements made by the specialists. He said the teacher of the deaf had not spent any time with L.H., in fact, none of the teachers that had made recommendations in the IEP had spent any time with L.H. And, no one from the Lake Drive School had attended the IEP meeting of March 2013.

On cross-examination it was brought to Greene's attention that the goals and objectives included that L.H. would be able to increase her understanding and use of spoken or signed words to eighty percent accuracy but none of her teachers were actually proficient in sign language. See Exhibit R-9, page 9.

Melissa Marino

Melissa Marino is employed by the District as a language and speech pathologist to children from ages 3 through high school. She is a certified Speech and Language Pathologist and in Clinical Competency. Her current duties include evaluation, diagnosing and providing speech and language therapy. She can provide speech and language assessments, articulation assessments and auditory reasoning and processing skills. She can administer any test that tests a child's ability to speak and process language. Her current case load has twenty-two children that include pre-school age students to 5th graders. She had experience in working with children from low to severe hearing loss. She has learned sign language. She is fifty percent deaf. She has never worked in a school for the deaf. She is not certified in sign language. She has treated six children with hearing impairments, three currently and L.H. is one of those three. She has evaluated two students. Her resume is R-17.

According to Marino she was aware and agreed with the evaluations stating that L.H. was at the average range on her total language scores. And, she agreed with the recommendations outlined in R-5. Specifically, Marino stated that L.H. should receive short, frequent speech and language therapy sessions with a focus on L.H.'s

articulation, listening, vocabulary, language reception, language expression and phonemics.

Marino stated that L.H. used a BAHA hearing assistance device that is used to aid hearing through bone conduction. She was present at the March 2013 IEP meeting. Marino explained that “flexible” location in L.H.’s IEP means any setting or location where the teaching opportunity arises.

Marino opined that the IEP offers L.H. with a free and appropriate public education (FAPE). She opines that L.H. gets more time with a teacher of the deaf than is normally offered. She has L.H. four times a week.

Marino testified that on L.H.’s first day of school she was quiet, her father was with her and he was very supportive. Marino witnessed her father signing with L.H. as well as her regular teacher. She observed L.H. responding appropriately.

According to Marino she no longer uses sign language with L.H. because L.H. no longer needs it. Marino stated that initially L.H. spoke in one, two and three words and she was very quiet requiring a maximum of support. However, now L.H. can repeat five to seven words, is active in social play and communicates all of her wants and needs. L.H. now requires moderate to mild support. L.H. now requires verbal reminders as opposed to tactile reminders that she needed initially. L.H. has shown tremendous growth in social interactions. In class L.H. can communicate with peers, is happy, excited and follows the class routine. L.H. may need re-wording or repeating. L.H. can control the volume of her BAHA device.

Marino furthered that L.H. can now follow multiple steps directives and is beginning to ask “wh” questions.

Marino stated regression is the loss of a skill but she has not seen any regression in L.H.

Marino said L.H. did not require sign language. And, that she made progress in language and in recalling vocabulary.

In September 2013, she did a functional assessment of L.H. See Exhibit R-10. Marino observed L.H. on July 18, 2013 in an ESY classroom. She observed L.H. participate by only using verbal communication, she did not observe L.H. using or needing to use sign language. She observed L.H. respond appropriately to requests and activities. Marino said she observed L.H. remain focused and on task despite distractions. She noted L.H. has made excellent progress in increasing the volume of her voice. L.H. has shown improvement with her comprehension skills and vocabulary.

Marino testified that the skills that she is working with L.H. are a bit more advanced for her age level. Marino noted that L.H. can discriminate speech from noise.

Marino said ages 3 to 5 is prime time to teach language skills and that L.H. is getting this instruction.

Marino explained that L.H. exhibits the critical thinking skills that are being taught. Marino gave the example of the time when L.H.'s cubby had things belonging to another student and L.H. reported the situation to the teacher.

Marino said in her class one word responses are not allowed.

Marino stated in her functional assessment report that L.H. still had significant weakness in her articulation skills, at that point L.H. was having problems with the "s" sound.

Marino stated she communicates with the parents regularly through the communication log book. See Exhibit R-11.

Marino does not agree that L.H. should be placed with other hearing impaired students because L.H. would not be hearing appropriate sounds and speech. Marino

opines that L.H. does not need to be in a totally deaf environment. According to Marino L.H. can function and should be taught to learn in a non-deaf classroom.

Under cross-examination Marino testified that she has twenty-two students in her case load with four students that are hearing impaired. Seventy-five percent of the time she works with L.H. in a group; the group consists of L.H. plus two others. She works with L.H. four times a week. Marino said she was the one that wrote the Goals and Objectives of the IEP. See Exhibit R-9 pages 11, 12, 13 and 15.

It was brought out during cross-examination that one of the goals and objectives was that L.H. will be able to use spoken or signed words to communicate her ideas, knowledge and emotions in a variety of social and academic settings, eighty percent of the time (8 out of 10 times). However, Marino acknowledged that she did not sign with L.H. and that she never told the parents that she would use sign language with L.H. Marino stated that L.H. does not need sign language to communicate.

Marino acknowledged that she has worked with L.H. since May 13, 2013, yet she has not completed a progress report as shown and required in the IEP. She said the parents are aware of their child's progress through the communications log that is sent home. See Exhibit R-11.

Marino stated she agrees with the contents of the report from the New Jersey Specialized Child Study Team dated January 30, 2013, Exhibit R-5. That report opines and recommends that L.H. be in a full day program with children who are hearing impaired. However, Marino disagrees with that recommendation, because the report does not specifically say L.H. needs a full day program. Marino also disagrees that L.H. needs a teacher that can sign language on a regular full time basis. According to Marino L.H. does not need that exclusivity because L.H. does not live in a hearing impaired environment; by that she meant that at home L.H. lives in a typical hearing home.

The report, R-5 also recommends that a visual phonics program be used to increase L.H.'s access and sound awareness skills developing her phonological abilities

facilitating reading, writing and speech. Marino stated she does not use this program but uses a prompt phonics program that is similar but is a tactile method, meaning she directs L.H. with her hands how to form her mouth to make the sounds. Marino acknowledged that there is no audiologist in the room to make sure the accommodations in the classroom are appropriate and there are no interfering sounds such as the air conditioner, heat etc. Marino said there was no need for an audiologist because she spoke with a teacher of the deaf.

Marino said she has a language sample of L.H. that was taken in July but she has not taken a language sample since. Language samples are recordings. Marino stated the mean length of utterances (MLU) is measured by taking language samples but she has not taken any language samples. Marino acknowledged that she had no way of documenting whether or not L.H. has improved with her MLU since being in the program. Marino also acknowledged that knowing L.H.'s MLU and if she has improved is very important. An MLU tells the teacher if L.H. is producing an appropriate number of words for her age, it is a form of measuring progress.

Marino stated that she has been working with L.H. in making the "s" sound and that she can make those sounds but not consistently enough.

Marino has used sign language with L.H. on occasion.

Denise Van Glahn

Denise Van Glahn is employed by the Mt. Olive School District as a pre-school teacher for the disabled. She has been teaching for twenty-four years. She is certified as a special education teacher for the pre-school disabled and two continuing education units in sign language. At the time of her testimony she was involved in developing the goals and objectives in the IEPs. She has had one student in her class with hearing impairments and L.H. is her now her second. Her resume is Exhibit R-15.

Van Glahn teaches two sections of the pre-school disabled class, a morning and afternoon. L.H. is in her afternoon section from 12:20 to 2:50 p.m. In L.H.'s section

there are nine students and a total of three adults in the classroom. The three adults consist of herself, a teacher of the deaf and a speech and language teacher.

Van Glahn related that in May 2013, when L.H. initially came she was extremely shy and not very verbal with some non-compliance behavior. L.H. sits on the side of the class formation but up front close to her and the sound system. Van Glahn stated that in the beginning communication was by sign language but later she determined that it was not good because L.H. did not sign and L.H. could understand when spoken to. She said not all lessons are taught in a large group, she has small groups and individualized instructions. L.H. responds well in the large group instruction sessions. Basically, L.H. always has two teachers attending to her, she has the speech and language teacher and the teacher for the deaf.

According to Van Glahn, L.H. has made tremendous progress, L.H. now smiles and laughs. L.H. shows an understanding of what she is asked to do. She is engaging with her peers. L.H. raises her hand to participate. And, even if L.H. is incorrect in a response she tries again. L.H. now responds in more than a few words.

Van Glahn testified that she does not use sign language with L.H. because L.H. did not use sign language back and L.H. was able to understand spoken language. Van Glahn said her classroom is very language based. Van Glahn testified that she read L.H.'s IEP and then she designs the lessons makes modifications, if needed and follows through to achieve the goals and objectives of the IEP. She always makes sure that L.H.'s FM is working and that L.H. has the BAHA on. She uses a multi sensory approach to teach L.H.

Van Glahn testified that she works with L.H. in developing her critical thinking skills by proposing an abstract type of question and L.H. raises her hand and gives her a correct response. She has also showed L.H. pictures and L.H. has responded accurately to those pictures showing she can understand an abstract concept. She gave the example of showing L.H. a picture of a helicopter and then asking her to point to other things that fly. Van Glahn opines that L.H. is doing well with her kindergarten readiness skills.

Van Glahn testified that L.H. performs very well academically and socially. At snack time she socializes with her peers. Overall, she opines that L.H. is doing very well.

Under cross-examination Van Glahn stated that there are no typically developing students in the class for L.H. to model herself. Van Glahn acknowledged that she does not have any specific training in teaching children who have hearing impairments. She said she did not make any curriculum modifications for L.H. geared towards her hearing impairment.

Van Glahn acknowledged that she wrote L.H.'s goals and objectives shown on the IEP marked R-9 but that she did those goals and objectives without the parents input and after she met L.H. Van Glahn explained that sometimes she is told to put the goals and objectives in an IEP after she has had the child in her class for several weeks and has made her own assessment of the child. She acknowledged that she did not have any input from the parents or anyone else or reviewed any of the assessments of the child study team. Van Glahn acknowledged that she made her own informal assessments. And, that when she documented that L.H. had met the goals and objectives in her IEP she did so without the input of L.H.'s teacher of the deaf or the speech and language teacher.

Van Glahn stated under cross examination that it was important for L.H. to acquire auditory listening skills so she can listen to learn and learn to listen. She admitted that that goal was not in the IEP.

Van Glahn had no documentation to support her opinion that L.H. had lengthened her MLU.

Van Glahn testified that she has no documentation for how many words L.H. now uses nor how has her language expanded. She does not have any documentation to support that L.H. has met the goals and objectives of her IEP.

Van Glahn said she does not collaborate with the teacher of the deaf on lessons for L.H.

Van Glahn said L.H. can count 1 through 10, recognizes the alphabet if in capital letters, knows her colors and shapes. However, L.H. has difficulty in grasping abstract concepts and she has not grasped the concept of one to one correspondence in counting. She tries to teach her those abstract concepts by using a multi disciplinary approach. She acknowledged that this is an important skill L.H. has to learn in pre-school.

Van Glahn testified that all of the children in her class have a language need but that L.H. is the only child that is auditorily impaired. She said there are no typically developing children in her class.

Van Glahn furthered under cross examination that L.H. is not on the same social level or has the same level communication skills as a typically developing child of her age. Van Glahn then specified that L.H. has articulation problems, language problems and has difficulties with MLU.

Jennifer Loverich

Jennifer Loverich is a teacher of the deaf and the hearing impaired. Her work experience is primarily with Mt. Olive school district. Loverich provides in class support, pull out services and consults with teachers to help them teach children with hearing impairments. She teaches children and teaches the children to use hearing equipment. She can use sign language. Loverich was qualified as an expert as a teacher of the deaf, without objection.

Loverich testified that she met L.H. in May 2013, but she had reviewed the child's packet of information in December 2012. She participated in evaluation planning meeting that recommended L.H. undergo audiological and education evaluations. See Exhibit R-4. She learned that L.H. had mild to moderate hearing loss. She said that at the time L.H. was taught using a total communication approach.

Loverich stated that she was aware that an audiologist recommended that L.H. wear a BAHA at all times. According to Loverich a BAHA was a bone implanted hearing aid and that L.H. uses one of those. Loverich said that she was also aware that a medical procedure was planned for L.H. when she was 6 or 7 that would open her ears and if successful, she will be a normal hearing child.

Loverich said she was told that L.H. did not have any intellectual or cognitive deficit.

Loverich furthered that she recommended that L.H. have two hours of teacher of the deaf services with sign language support and one on one instruction. Loverich said L.H. should also have her own personal FM system to reduce background noise. And, that the teacher should use a microphone directly connected to L.H.'s BAHA.

During playtime Loverich said she helps L.H. communicate with her peers and when L.H. is working alone she helps her one on one. Loverich opined that the IEP for L.H. was appropriate. She also said that L.H. receives preferential seating closest to the teacher. According to Loverich L.H.'s listening environment is constantly being evaluated.

Loverich said that the first day she was with L.H. she was shy and reserved. At that time L.H. was not wearing the BAHA, this was in May 2013, and that L.H. was using sign language. Loverich opined that sign language did not benefit L.H. Loverich said L.H. was barely looking at her. According to Loverich L.H.'s use of sign language did not increase her expressive language.

Loverich testified that L.H. had good cognitive skills, good basic pre-school foundation but she did not interact much with her peers, L.H. was quiet in the beginning. However, Loverich said that now L.H. is very communicative, initiates play and knows the names of her classmates.

Loverich said L.H. has supports in the classroom in that the teacher passes around the microphone, and for 2 hours of her 2.5 hours of her school day she has a teacher of the deaf. She testified that L.H. responds all of the time and she often responds spontaneously and accurately.

Academically, L.H. is above average and she is exceeding in her pre-school foundation skills. Socially L.H. engages in cooperative play. Loverich said emotionally L.H. is happy, has good self esteem and is not self conscious of her hearing disability.

According to Loverich L.H. has progressed socially in that she offers comments, has longer utterances, repeats five to seven words whereas before she would repeat three words. L.H. has improved in her articulation. Loverich said L.H. has made progress in her expressive language, her vocabulary has expanded and uses words in a more functional manner. L.H. has progressed in her receptive language because in the beginning L.H. was only able to follow 1 step directions and now she responds to 2 and 3 step directions. Because she is in class everyday with L.H. she has been able to observe the changes. Loverich said she collaborates everyday with L.H.'s special education teacher. Loverich said she prepared the report in evidence marked R-13.

Loverich said L.H. at all times has the opportunity to ask questions.

Loverich testified that she does not agree with petitioner's expert report regarding the experts observations, recommendation and conclusions.

Loverich testified that L.H.'s program works on her auditory skills. Loverich disagrees with petitioner's expert that says L.H. has an MUL (mean length of utterances) of 2.8; Loverich opines that L.H. has more than that. Loverich said L.H. is always using spontaneous utterances and that L.H. is generally one of the first student to respond. According to Loverich L.H. is receiving more one on one instruction than other students.

Loverich said L.H. is a speaking child, she is culturally normal so L.H. does not need to be with other hearing impaired children. It is not necessary for L.H. to be

educated in a deaf environment. Loverich opines that L.H. does not need a full day pre-school that she does not need so much time. Loverich stated that L.H. is exceeding her auditory skills. L.H. needs work with her language and that L.H. is not behind one year, L.H. is at the normal range.

Under cross-examination Loverich admitted that she had no data or documentation to support any of her findings. She could not say how the parents know that L.H. had stopped using sign language because she never documented that or the work she did with L.H. to the parents.

Loverich acknowledged that she is not trained in doing MLU, but she stated that she does a lot of work with speech and language teachers. She stated that she keeps a note pad at all times when working with L.H. but she has not shared the information contained in that notepad with the parents.

Loverich acknowledged that she determined that she would stop signing with L.H. but she never told the parents that she had stopped using sign language with L.H.

Loverich on cross-examination said that L.H.'s articulation is on point and that she understands eighty percent of what L.H. says. She admitted that she never saw L.H. before the IEP meeting and making the recommendations she did at that initial IEP meeting. She acknowledged that she is not using a specific auditory curriculum.

Loverich admitted that no progress reports were issued for L.H. from May through January from the speech therapist. She has not tested L.H.

On re-direct, Loverich said that the parents never contacted her and they never communicated with her through the communications log book. And, that the parents have not been to school to observe L.H. in class. She reiterated that she opined that it was not necessary to use auditory curriculum to make progress.

Nancy Schumann

Nancy Schumann is the petitioner's expert in speech and language therapy for children with hearing impairments. She was qualified as an expert in the use of speech and language therapy to educate children with hearing impairments. Schuman stated she has spent over thirty years working with children with hearing loss. She said she has worked with 175 to 200 hearing impaired children, has worked for public schools and has a private practice.

Schumann explained what a BAHA is. A BAHA is a Bone Anchored Hearing Aid. She said L.H. uses a soft band BAHA that is external and removal as opposed to an internal titanium implant. Schumann stated that L.H. has been diagnosed with a moderate/moderately severe hearing loss, a medical diagnosis of bilateral aural atresia/microtia.¹ She explained that L.H.'s BAHA vibrates the bone in her head that then signals the cochlea² to respond to a sound that then stimulates the auditory nerve.

Schumann testified that on November 21, 2013, she went to the Mountain View School of the Mount Olive School District and observed L.H. in her pre-school disabled class. She observed that L.H. was one of nine children in the class. L.H. was in the afternoon session for 2.5 hours. The class she observed consisted of the class teacher, Ms. Van Glahn, Jennifer Loverich L.H.'s teacher of the deaf and two other adults assigned to other students. L.H. was the only child wearing amplification for a hearing loss.

Schumann noted that during large group session L.H. was attentive to the lessons, responded when called upon and voluntarily raised her hand one time to respond to a question. She observed L.H. and two other students in a small group session taught by Van Glahn, with Loverich sitting next to L.H. She noted that L.H. responded to directions and answered questions when presented with pictures.

Schumann said that L.H.'s current environment was not optimum for L.H. It does not give L.H. the maximum opportunity to access the information that is being taught.

¹ Bilateral Aural Atresia/Microtia means the underdevelopment of the middle ear and canal. www.Medical-Dictionary.the freedictionary.com.

² Cochlea is a spiral tube forming part of the inner ear, which is the essential organ of hearing. www.Medical-Dictionary.the freedictionary.com.

Schumann said optimum environment means checking L.H.'s hearing aids to make sure the device is picking up the correct sounds, pitches and volume of typical speech. She said this should be checked daily if not several times a day, making sure L.H. is getting the sounds. She said the LING-6 sound test tests to see if L.H. is hearing all of the sounds. The LING-6 test is a quick auditory test that indicates that the device is working properly and L.H. has access to the sounds. She also said the classroom has to be checked and cleared of all extraneous noise because extraneous noises can interfere.

Schumann said she never saw a staff person checking to see if L.H. was indeed hearing what she was supposed to.

The acoustics of the classroom must be checked. She thought L.H.'s classroom was noisy in that the HVAC system made noises. Schumann said she asked if the room had been evaluated by an educational audiologist for noise levels and she was told that it had not. Schumann said that should be done because an educational audiologist would be able to point out the noises in the classroom and determine if the classroom is acceptable for learning for a hearing impaired student. According to Schumann doing that kind of an evaluation is the only way to find out if the classroom environment is optimal for L.H.

Schumann testified as to the curriculum for a hearing impaired child, called auditory training. Auditory training is a systemic approach to developing auditory skills. She said auditory skill training develops the necessary listening skills in the child so the child can detect sound, discriminate between similar sounds, identify the sounds and comprehend the sounds. After acquiring those skills you can then begin to teach the child speech sounds. Schumann stated that it is a systemic approach to teaching the differences between sounds and training the brain to hear those differences. She said this is a skill that has to be taught in order for a hearing impaired child to succeed in social conversation.

Schumann distinguished between a typically hearing child and a hearing impaired child by stating that a typically hearing child learns auditory skills by life. A typically hearing child acquires skills through incidental hearing and listening and can

generally acquire a lot of skills and knowledge without direct instruction. However, for a hearing impaired child there is no sure way that incidental hearing or knowledge is going to happen or even that a verbal message has not been compromised by either the equipment or the environment.

Schumann furthered that a child like L.H. must be taught to make an association between sounds and objects. She said a child like L.H. needs to be taught to identify a sound then shown to compare and contrast those sounds so the child learns to hear the differences. She said this process is called learning to listen so that they can listen to learn. Schumann said this is an auditory skills curriculum. She stated she did not see this curriculum being taught in L.H.'s classroom. She said she did not see any lessons taught in the classroom that were directly dealing with L.H.'s hearing impairment. She said she did not see whether or not L.H. was actually getting the sounds that the teacher was saying. She testified that in the speech language therapy class she did not see the teacher checking to see if L.H. was hearing what was being said in group sessions or what she was supposed to be hearing.

Schumann said she did not see any auditory training with L.H. during her observation.

Schumann explained that development of auditory skills is a systemic approach where you measure what was presented and how it was perceived and registered by the child. Once you see that the child got it, you can then go to the next level of skills.

Schumann emphasized that at no time did anyone check to see if L.H. was indeed hearing what she was supposed to.

Schumann testified that she observed L.H. in group circle and the teacher was speaking using the FM system but according to Schumann that is not auditory training. She said that it was auditory presentation but there was no measurement of whether or not L.H. was getting the information and it was not addressing a specific skill. She said that was auditory exposure. Schumann said auditory exposure is not enough to

establish auditory skills. The exposure must allow for comprehension through audition, exposure alone is not enough.

Schumann testified that a teacher for the hearing impaired child must make sure that L.H. can hear the sounds and check to make sure that it was heard, not just that L.H. figured out what was said because she knows the class routine or she follows the other students.

Schumann testified that the next few years are critical for L.H. to learn. She said the first five years of L.H.'s life are critical for language and listening development. She specified that L.H.'s brain now is ripe for her to be taught the auditory skills so she can develop language, reading and writing skills. According to Schumann teaching L.H. auditory skills once a week is not enough. She stated L.H. should have auditory training consistently.

Schumann said she spoke with and observed Ms. Marino, the speech therapist and she noted that she was not using an auditory skills curriculum. Schumann testified that auditory skill development is key to acquiring a higher level of language and for closing the gap between L.H.'s language and chronological age.

Schumann said L.H.'s articulation was not age appropriate. L.H.'s expressive and receptive language was not age appropriate. L.H.'s utterances were inappropriate.

Schumann said she saw Loverich checking L.H.'s hearing aids and observed her in close proximity to L.H. at all times. She saw Loverich direct questions to L.H. and repeat things for L.H. However, she did not see Loverich working with L.H.'s auditory skills. She did not see Loverich modify the lessons for L.H.

Schumann testified that during her observation of L.H. in class she did not see L.H. go up to a classmate and initiate a conversation with a peer. She saw L.H. playing by herself. All contact that she observed L.H. having with a peer was prompted by the teacher.

Schumann stated that she observed a group speech session wherein Marino was working on the “S” and “SH” sounds. Schumann commented that the “S” and “SH” sounds were not age appropriate for L.H. because typical children don’t grasp those sound differences until they are 6.5 or 7 years old. And secondly, Marino did not check if L.H. heard those sounds or could hear the differences in the production of those sounds. Schumann said that there is no doubt that L.H. needs to have vocabulary and articulation addressed but before that can be done L.H. needs to have audition checked.

Schumann explained that L.H.’s mean length of utterances (MLU) were below age level. Although, L.H.’s latest MLU was higher than it was it still was not as high as it should be. She said the higher MLU shows that not much progress was made in the time she was attending the District’s school. She said that the MLU she took on the day of her observation was below age level. She also said that it is important to document L.H.’s MLU’s but that she never saw anyone documenting L.H.’s MLU’s nor was she shown any such documentation.

Schumann noted that every child in L.H.’s class had an IEP. She opines that L.H. should be in a class with typically developing children because L.H. needs to facilitate speech with her peers. She said there are programs that are focused on children with hearing impairments that also give them the chance to be educated with typical peers, programs that spend part of the day with typical children and part with hearing impaired children.

Schuman said she did not see any of the goals and objectives in L.H.’s IEP being addressed.

Schuman disagrees with L.H.’s IEP that says L.H. should meet a goal to eighty percent accuracy; Schumann does not think that is enough and it should be to ninety percent, because with a hearing impaired child you want to make sure she hears what is being taught. She said with a hearing impaired child you must take into account that they may miss some nuances and subtleties of many sounds.

Schumann opined that L.H. needs more time with direct 1:1 instruction. She saw no 1:1 instruction on a daily basis with a teacher of the deaf. She opines that L.H. needs a full day program because L.H. needs repetition and reinforcement. She stated that L.H.'s educational needs cannot be addressed in a half day program. L.H. needs the 1:1 instruction in addition to the regular pre-school program to reinforce the skills taught. Schumann said a three-year-old can handle a full day program. And, most programs for the hearing impaired are self-contained and are full day programs. She said everything L.H. needs cannot be addressed in a half day program. Schumann furthered that she did not see any specific teaching accommodations for a hearing impaired child like L.H. She said the auditory skills must be incorporated into the regular classroom routines as well as in the small group and in the 1:1 sessions.

Schumann said she did not see any auditory feedback work with L.H.

Schumann said she saw the child speaking and not signing and she saw L.H. responding.

Schumann said that incidental hearing is not a given with a hearing impaired child. Redundancy is a must with a hearing impaired child.

Schumann said that when she observed L.H. she was not functioning expressively and receptively on age level as a three-year-old should.

Schumann opines that it is critical at this time of L.H.'s language learning, that her expressive language and auditory skills are addressed in a setting specially designed for children with significant hearing impairment. The setting needs to provide her with typically developing peers with exposure to other children that use hearing amplification apparatus. L.H. currently has a significant language gap between her and her same age peers in pre-school. She said she does not see L.H. improving and as a result of the MLU's she opines that L.H. has not made any improvements since being at Mt. Olive.

Schumann stated that if L.H. continues in this program L.H. will not be ready for first grade, she does not believe the program that is being offered to L.H. is appropriate. Schumann opined that if L.H. continues in the present program she will not be ready to enter a typical class in kindergarten or first grade. Schumann feels that L.H. is not making and has not made significant progress in the last year sufficient enough so that she is prepared to enter a typical class with typical peers.

Schumann's other concern with the present and proposed IEP is that her current teachers cannot truly know if L.H. is hearing what she is supposed to. The current teachers and staff are not measuring or monitoring if indeed L.H. is hearing, understanding and processing the skills she is being taught. Schumann did acknowledge that no one can ever really know what a hearing impaired child hears but every effort must be made to assure oneself that a child is hearing what they are supposed to hear. Schumann opines that although L.H. is cognitively and intellectually intact and has the willingness to learn she will not be ready for first grade if she continues in the current program.

Under cross examination Schumann admitted that she never tested L.H., she only reviewed documents that informed her opinions. Schumann also acknowledged that L.H. has no cognitive impairments or issues.

Schumann under cross-examination noted that L.H.'s pre-school language score was within the average range. She also noted that L.H. sat in the front of the class during structured lessons, free play.

Schumann noted that she observed some students signing during a song. She saw L.H. use signing in a song but the signing was not appropriate. She noted that L.H. participated in small and large group instruction. She did not observe any problems L.H. had hearing instructions qualifying her answer by saying that L.H. knew the routine and could have been following the other students. She noted that all children in L.H.'s class have speech issues.

D.H.

D.H. is the father of L.H. D.H. explained that L.H. was born with closed and deformed ears. He said he knew within five minutes of her birth that L.H. had this disability. L.H. has bilateral microtia and atresia. D.H. stated that he is with L.H. most of the day, he is the primary caretaker. It is an intact family and L.H. has an older sibling. L.H. is the only one with a hearing impairment.

He said L.H. first received services at age six months from the New Jersey Early Intervention Program. She received speech and occupational therapy at home for almost one year.

D.H. stated that he found out about the Lake Drive School through one of the therapist that was working with L.H. L.H. went to the Lake Drive School by age 2. According to D.H. the Lake Drive is a school for children with hearing impairments. It is a school that has a full day pre-school program. L.H. was in school with typically developing children as well as with children that also had hearing impairments. At Lake Drive, L.H. received 1:1 speech classes and those classes were recorded so he could see what they did. L.H.'s program was six hours per day. As a two-year-old he said L.H. had no problems with that length of a day. She was at Lake Drive until age 3.

D.H. testified that his first contact with the Mt. Olive School District was in early 2013. He said the meeting was basically an investigatory one in that they discussed transitioning and the process. He said he agreed to have the specialized state child study team conduct an evaluation. He said he was very satisfied with the state's evaluation. He furthered that the District developed an IEP for L.H. wherein L.H. would be in a 2.5 hour a day special education pre-school program at the Mountain View School in the district. The class would have typical hearing students as well as students with various types and degrees of speech and language deficits.

According to D.H., L.H. would receive speech therapy in a group, L.H. would have a teacher of the deaf. D.H. stated that his main concern was the length of L.H.'s day. He did not think 2.5 hours a day was enough. He felt a 5 to 6.5 hour day was needed in order to accomplish all that L.H. needed. He said he asked why not a full day

but he was never given an answer. D.H. said that Kayleigh Cassidy, who had been working with L.H. at Lake Drive since August of 2012, strongly recommended L.H. be in a full day program as well as Dr. Brodtkin, the audiologist.

D.H. said he initially did not sign the IEP, exhibit R-8. However, he later signed it because L.H. was not getting any education. L.H. had been out of school for three months and something was better than nothing. L.H. started the district school within the week of his signing the March 18, 2013 – March 17, 2014 IEP. She started in May 2013.

D.H. said that Lake Drive recommended using sign language with L.H. He said he was surprised to find out, on the first day of the instant hearing in January 2014, that no one at the district school was signing with L.H. He testified that he thought all of L.H.'s teachers were using sign language with L.H. because it had been stated in the IEP. D.H. said he had explained to the district personnel L.H. was in a total communication program at Lake Drive and at home. He said on the first day of school at Mt. Olive when he brought L.H. in he was signing with her. He said that at no point did anyone from the district tell him they were not using sign language with L.H. D.H. said that L.H. is still using sign language.

L.H. was in the District's extended school year (ESY) program in 2013.

D.H. said L.H. needs help with audition hearing, which he basically explained was the ability to hear herself talk. D.H. testified that L.H. is not hearing certain definite sounds. D.H. said it is hard to know if L.H. is or is not hearing subtle sounds. D.H. explained how he generally communicates with L.H. He said that when L.H. misses a sound he gets directly in front of her so she sees his mouth move. And, she then tries to respond with what she thinks is being said and he in turn figures out what she is missing, then she in turn understands what she is missing. He said it is a back and forth thing. He specified that L.H. first needs to understand that she is not hearing a sound to then begin the process of correcting the problem. D.H. admitted that ninety percent of his communication with L.H. is not through sign language but when he is stuck he does use sign language. He said he has to correct L.H.'s articulation

numerous times an hour because if he does not L.H. believes she is pronouncing words correctly.

D.H. testified that he did not feel Van Glahn understood what L.H. was hearing or not hearing.

D.H. said that he was not kept abreast of what progress or lack of progress L.H. was making in school. He did not know what kind of auditory training skills were being done with L.H. at the District school. He said communication between school and home was lacking. He said he expressed this concern to the District but nothing has been done. He furthered that when L.H. was in Lake Drive he received daily communications and spoke with L.H.'s teacher on a daily basis. This way, he was able to work at home on the same things L.H. was doing in school. D.H. said since L.H. started the District's program in May 2013, he has received only one progress report and he received that in November 2013. He received the reports from Marino, the speech therapist, and from Loverich, the teacher for the deaf when he started this litigation although the reports are dated September 2013.

D.H. opines that L.H. is not making any progress, he thinks she is stagnant. He believes the District is not meeting L.H.'s needs. He believes L.H. was closing the gap between herself and her typically developing peers when she was at Lake Drive. But now, that gap is widening. He believes L.H. is stagnant in her current program.

D.H. said they hired Nancy Schumann to get an expert's advice and opinion on what is going on with L.H. and the District. He agrees with the recommendations for L.H. that were outlined by Schumann, and the New Jersey State Child Study Team.

Under cross-examination L.H. said that the speech therapist gave him her contact information but he did not call or visit her. He went to school and observed L.H. in class three times and it was in the beginning of L.H.'s attendance at Mountain View.

D.H. acknowledged that although he never agreed to the goals and objectives as outlined in the IEP he never objected to them. He never asked to change any of the objectives.

D.H. said on the first day of school that he took L.H. in he was using sign language with her.

D.H. said L.H. was doing better with the “s” and “sh” sounds. He disagrees with L.H.’s ability to rote count, that she does not use or need to sign and that she would not be successful in a mainstream program. He also does not think L.H. can tell the difference between lower and upper case letters.

FINDINGS OF FACT

I **FIND** that L.H. is a four-year-old girl found to be eligible for special education and related services because she is auditorily impaired. L.H. has moderate/moderately severe hearing loss because she was born with a bilateral aural atresia/microtia. L.H. uses a BAHA Divino hearing aid that is a bone anchored hearing aid based on bone conduction. It is an external aid that is removal.

I **FIND**, L.H. has been involved with Early Intervention Program and received services through them since approximately six-months-old. Initially, L.H. received services at home and then through the Early Intervention Program she was enrolled at the Ivy Nursery at the Lake Drive School in Mountain Lakes, New Jersey in September 2010. She attended Lake Drive five days a week from 9 a.m. to 3 p.m., a full day program. L.H. had been using Total Communication which is a combination of using spoken language with sign language to communicate with family and at school. L.H. attended Lake Drive School prior to attending Mountain View School.

I **FIND** that at the request of the respondent, L.H. was evaluated by the New Jersey Specialized Child Study Team on or about February 2013. They evaluated L.H. on speech and language. Respondent requested information regarding assistive technologies for the classroom environment, as well as recommendations for

communication across all settings. The reports and recommendations are in evidence and marked Exhibits R-5 and R-6.

I **FIND** this is a critical language learning period L.H. This period forms the basis for her further development of language, speech, listening, and pre-literacy skills.

I **FIND** L.H.'s speech is somewhat difficult to understand. Receptively her speech needs to be supported by sign language further supported by visual cues. L.H. needs to use sign language as a bridging technique to support auditory information.

Having heard the testimony of all the witnesses and having read Exhibits R-5 and R-6, I **FIND** that L.H. uses speech, occasionally supported by sign language. That her speech ranges from somewhat intelligible to difficult to understand, especially when the context is unknown. And, receptively L.H. relies on her spoken language supported by sign language. The report says L.H. has an increase in her understanding of information when speech and sign language were used simultaneously. It was recommended that the use of **sign language** continues to be used to further develop her language, speech, listening and **pre-literacy** skills. The report stated that sign language and spoken language can support each other in the learning process. [Emphasis supplied by this ALJ].

I **FIND** that respondent did not use sign language to support expressive speech while teaching L.H.

The report also recommends that respondent check L.H.'s auditory environment including L.H.'s BAHA using the Ling 6 Method. I **FOUND** no evidence through the testimony of respondent's witnesses that L.H.'s auditory environment was checked using the Ling 6 Method or any other method.

I **FIND** that L.H. was not in a learning to listen environment.

I **FIND** the plan for L.H. to be in a half day program is woefully insufficient especially during this critical time in her development of language.

I **FIND** that the March 3, 2013, IEP was inappropriate and failed to offer L.H. a free and an appropriate public education because it did not provide a meaningful educational benefit.

I **FIND** that L.H. is not being taught to listen to learn.

LEGAL DISCUSSION

To ensure that children with disabilities are provided with education opportunities, Congress enacted the Individual with Disabilities Education Act (IDEA), 20 U.S.C.A. § 1400-1487. The IDEA provides participating states federal funds to educate disabled children, conditioning such funding on compliance with federal goals and procedures. Hendrick Hudson Dist. Bd., of Education v. Rowley, 458 U.S. 176, 179_(1982). New Jersey is a participating state and has enacted legislation and regulations codified at N.J.S.A. 18A:46-1 to -46 and N.J.A.C. 6A: 14-1.1 to 10.2, both consistent with the IDEA's goals and purpose.

IDEA ensures that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepares them for further education, employment and independent living, and ensures that the rights of children with disabilities and parents of such children are protected. 20 U.S.C.A. § 1400 (d)(1)(A), (B); N.J.A.C. 6A:14-1.1. A child with a disability means a child with intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities, and who by reason thereof, needs special education and related services. FAPE is available to all children with disabilities residing in this State between the ages of three and twenty-one, inclusive. 20 U.S.C.A. § 1412(a)(1)(A), (B).

Once it has been determined that a child is eligible for special education and related services an Individualized Education Program (IEP) is prepared. An IEP is a written statement for each child with a disability that is developed, reviewed and revised in accordance with IDEA. An IEP must be developed to establish the rationale for the student's educational placement and to serve as a basis for that individual student's program implementation. N.J.A.C. 6A: 14-1.3, 3.7. A school district must have an IEP in effect for every student who is receiving special education and related services from the district. FAPE requires that the education offered to the child must be sufficient to "confer some educational benefit upon the handicapped child," but it does not require that the school district maximize the potential of disabled student commensurate with the opportunity provided to non-disabled student. Rowley, supra., 458 U.S. at 200, 102 S.Ct. at 3048, 73 L.Ed. 2d at 708. Hence a satisfactory IEP must provide "significant learning" and confer "meaningful benefit." T.R. v. Kingwood Twp. Bd. Of Educ., 205 F.3rd 572, 578 (2000), M.E. v. Ridgewood Board of Education, 172 F.3rd 238 (3rd Cir. 1999). In order to conclude that an IEP provides FAPE, it must be calculated to confer not "trivial educational benefit," but "meaningful educational benefit."

Petitioners contend that the District's IEP for L.H. denied her FAPE, because it did not provide L.H. with a meaningful education where L.H. would acquire significant learning. The District argues that the IEP as implemented provided L.H. with significant learning and L.H. received educational benefits.

Students who are deaf or have a hearing impairment have significant obstacles to overcome in order to have access to a free, appropriate, public education that meets their unique educational needs, particularly their communication and related needs.

In this particular matter, as in most, the credibility and persuasiveness of the testimony is of paramount concern. While I found all of the witnesses who testified credible, I was most persuaded by the testimony of Nancy Schumann. I found persuasive the manner in which she testified. Her testimony was clear, precise and it made sense. After listening to her on both direct and cross-examination and comparing her responses to those of the other witnesses, I found that no one knew more than she about deaf education for L.H., at least of those connected with this hearing.

I was also persuaded by the written report of the District's consultant the New Jersey Specialized Child Study Team, evaluation services for students who are deaf or hard of hearing. The report clearly recommends and outlines what and how to teach L.H. They recommended that L.H. be enrolled in a specialized preschool program for children who are deaf/hard of hearing. They recommended a communication strategy that was supported by sign language and the opportunity for L.H. to socialize with peers who also have hearing deficits.

CONCLUSION

Based on all of the above, I **CONCLUDE** that the IEP developed for L.H., at most provides her with trivial educational benefit. The district has not proven by a preponderance of credible evidence that it can and has provided L.H. with a meaningful education.

Although I **FOUND** and **CONCLUDE** that the District's program does not and did not provide L.H. with FAPE, I am at a loss in making a determination or a finding as to placement. Petitioners ask this court to place L.H. at Lake Drive School however, the record does not reflect any direct evidence about the Lake Drive program or its appropriateness for L.H. The record is clear and I so **found** that L.H. attended Lake Drive School. And, the New Jersey Specialized Child Study Team recommends that she be placed in a specialized preschool program for children who are hearing impaired but it does not specifically state the Lake Drive School. Therefore, I cannot determine if indeed L.H. should be placed at the Lake Drive School or in any other school. I only **CONCLUDE** that the District's program is an inappropriate placement.

ORDER

Therefore, it is hereby **ORDERED** that L.H.'s IEP be revised to reflect a full day five day a week program;

And, it is further **ORDERED** that the IEP be revised to specify and include all of the recommendations for teaching L.H. that were outlined by the New Jersey Specialized Child Study Team;

And, it is further **ORDERED** that the IEP be revised to include the recommendations for classroom accommodations as outlined by the New Jersey Specialized Child Study Team;

And, it is further **ORDERED** that within three weeks from the issuance of this Order, a meeting shall be scheduled at a mutually agreed upon time and place to discuss the implementation of this Order, and such meeting shall be attended by those individuals specified in N.J.A.C. 6A:14-2.3 et seq.;

And, it is further **ORDERED** that all attendees at such meeting shall have the opportunity to participate in a full and meaningful discussion. And, such discussions shall include placement.

This decision is final pursuant to 20 U.S.C.A. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2012) and is appealable by filing a complaint and bringing a civil action either in the Law Division of the Superior Court of New Jersey or in a district court of the United States. 20 U.S.C.A. § 1415(i)(2); 34 C.F.R. § 300.516 (2012). 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.

August 11, 2014

DATE

CARIDAD F. RIGO, ALJ

Date Received at Agency:

August 11, 2014

Date Mailed to Parties:

lr

APPENDIX

WITNESSES

For Petitioner:

Nancy Schumann
D.H.

For Respondent:

Robert Greene
Melissa Marino
Denise Van Glahn
Jennifer Loverich

EXHIBITS

For Petitioner:

- P-1 Resume of Nancy V. Schumann
- P-2 Report of Observation by Nancy Schumann of November 21 and December 12, 2013.
- P-3 Audiology Evaluations and Amplification Check by Kenneth A. Bodkin, dated August 22, 2013
- P-5 Progress Report printed October 27, 2013
- P-6 Correspondence

For Respondent:

- R-1 Pediatric Audiological Evaluation dated March 22, 2012
- R-2 Annual Review/Transition Report from Mountain Lakes Early Intervention Program dated August 2, 2012
- R-3 Letter from Petitioners to Child Study Team dated October 22, 2012 (received December 3, 2012)
- R-4 Initial Identification/Evaluation Team Meeting Written Notice of Evaluation/Consent to Evaluate dated December 18, 2012

- R-5 Speech and Language Diagnostic Report dated January 30, 2013 and Recommendations dated February 12, 2013 prepared by Melissa Phillips, M.A. CCC-SLP of New Jersey Specialized Child Study Team
- R-6 General Recommendations dated February 13, 2013, prepared by New Jersey Specialized Child Study Team
- R-7 Eligibility/Classification Conference Report dated March 13, 2013
- R-8 Individualized Education Program (IEP) for L.H. dated March 13, 2013
- R-9 Signed IEP for L.H.
- R-10 Speech and language Update prepared by Melissa Marino dated September 19, 2013
- R-11 Communication Log between parents and District
- R-13 Teacher of the Deaf Update dated September 25, 2013
- R-14 Resume of Robert Greene
- R-15 Resume of Denise Van Glahn
- R-16 Resume of Jennifer Civitarese-Loverich
- R-17 Resume of Melissa Marino