State of New Jersey

OFFICE OF ADMINISTRATIVE LAW

DECISION

SUMMARY DECISION

OAL DKT. NO. EDS 2756-14

AGENCY DKT. NO. 2014-20624

M.C. AND G.C. ON BEHALF OF T.C.,

Petitioners,

v.

EWING TOWNSHIP BOARD OF EDUCATION,

Respondent.

Adam Wilson, Esq., for petitioners (Hinkle, Fingles & Prior, PC, attorneys)

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

Record Closed: September 8, 2014 Decided: September 12, 2014

BEFORE **ROBERT BINGHAM II**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

On December 27, 2013, petitioners filed for due process seeking transportation as a related service, compensatory education and reimbursement for expenses. They assert that their son, T.C., requires transportation home from extracurricular activities at his out-of-district placement, New Hope Academy ("New Hope"), in order to receive both a free and appropriate public education ("FAPE") under the IDEA and an equal opportunity for participation in district-run extracurricular activities under Section 504 of

the Rehabilitation Act ("Section 504") and the Americans With Disabilities Act ("ADA"). Petitioners also allege that the respondent ("the District") committed various procedural violations under the IDEA. The Department of Education's Office of Special Education transmitted the matter to the Office of Administrative Law (OAL), where it was filed on March 6, 2014.

On May 28, 2014, respondent filed a motion for summary decision, asserting that petitioners seek transportation as a preference rather than a necessity because there has been no determination that T.C. requires participation in extracurricular activities at New Hope in order to receive an educational benefit. Respondent further argues that by offering T.C. participation in extracurricular activities in-district (and related transportation), it has afforded him an equal opportunity to participate as his nondisabled peers.

On June 9, 2014, petitioners filed a response and a cross-motion for summary decision. They responded that a hearing is needed to determine whether the extracurricular activities are necessary to providing T.C. with FAPE, and their cross-motion asserted that summary decision should be entered in their favor under Section 504 and the ADA. On June 27, 2014, the District replied that a hearing is unnecessary because petitioners have not sufficiently demonstrated a material issue of fact as to whether after-school transportation services are necessary to provide T.C. with FAPE.[1]

On July 10, 2014, at oral argument, petitioners were granted leave to assert their cross-motion for summary decision, over respondent's objection, and respondent was granted an opportunity to submit a written response. Thus, on July 25, 2014, respondent filed its written opposition, arguing that petitioners' cross-motion under Section 504 must fail, both legally and because there is a factual dispute as to whether respondent provides transportation to all students who participate in extracurricular activities.[2] The last prehearing conference was held on September 8, 2014.

[1] The District objected to petitioners' cross-motion as untimely and thus did not argue the issues raised therein at that time.

[2] The District also argues that petitioners have requested individualized transportation for select activities on certain days that do not comport with the District's late-bus schedule, that petitioners had requested

FACTUAL DISCUSSION

Based upon a review of the pleadings, and the parties' written submissions and attached exhibits, and drawing all reasonable inferences in favor of each respective non-moving party, for purposes of summary decision only, I **FIND as FACT** the following.

T.C. is currently a fifteen-year-old student who is eligible for special education and related services through the District under the category of multiply disabled. (Pet. Cert. of G.C., R-A.)[3] Based upon his disability, T.C. is also eligible for protection under Section 504 and the ADA. In the fall of 2011 and at petitioners' request, respondent placed T.C. at the New Hope Academy ("New Hope"), a private school located in Yardley, Pennsylvania. He attended the ninth grade there during the 2013–14 school year. (Resp. Cert. of Rosso-Ganna.)

T.C.'s IEP for the 2013–14 school year (R-A), dated April 15, 2013, includes social-skills goals and objectives, and it provides for supports of counseling services and a social-skills group (sixty minutes weekly). T.C.'s IEP does not provide for any particular transportation as a related service, though providing for a transportation aide, and the District transports him to New Hope in the morning and back home at the end of the school day. T.C.'s IEP also provides for him to participate in extracurricular activities in District schools, if he is not on disciplinary action. (Resp. Cert. of Rosso-Gana, R-A.) In that regard, respondent acknowledges an obligation to return him to the District for such participation.

On September 30, 2013, the petitioners requested late-bus transportation, specifically, a 5:00-p.m. pick-up from New Hope, to accommodate T.C.'s participation in play rehearsals. (Pet. Cert. of G.C., P-A.) On October 4, 2013, the District responded

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T.C.'s IEP be amended for provision of a late bus on "designated days," rather than to include transportation as a related service.

[3] For continuity and ease of reference, petitioners' exhibits are referenced as marked and respondent's exhibits will be referenced alphabetically rather than numerically, as follows: R-A (filed as Exhibit 1, May 28, 2014) and R-B (filed as Exhibit 1 on June 27, 2014).

that T.C.'s IEP does not mention any service requiring this type of specialized transportation, and that the District does not offer "courtesy" busing to any student for activities such as plays. (Pet. Cert. of G.C., P-B.) Petitioners responded that same day by requesting a meeting to review T.C.'s IEP.[4] By letter dated October 4, 2013, the District denied petitioner's request for an IEP meeting, stating that no concerns regarding T.C.'s educational program had been identified and, procedurally, the (late-bus transportation) issue referenced in email correspondence did not require a meeting. (Ex. R-B.)

On October 9, 2013, petitioners requested that the District consent to an amendment of T.C.'s IEP without an IEP meeting, pursuant to N.J.A.C. 6A:14-3.7(d), to "[a]dd the need for a late bus to pick up [T.C.] from school [New Hope] on designated days to allow him to participate in extracurricular activities." (Pet. Cert. of G.C., P-D.) By letter dated October 10, 2013, the District notified petitioners that it did not agree to the proposed amendment to T.C.'s IEP because no concerns had been raised (by either teachers or parents) regarding T.C.'s educational program. (Pet. Cert. of G.C., P-E.)

The District does operate a "Late Run" bus service, such as at Fisher Middle School, where the school "provides a Late Bus for students who have participated on [sic] an extracurricular activity (non-athletic) or have remained after school for extra help, test make-ups, etc. A special late bus pass is required for admittance to the late bus. Pick-up time is 4:15 p.m." (Pet. Cert. of G.C., P-H.)

By letter dated January 12, 2014, T.C.'s therapist, Stephen Soffer, Ph.D., indicated that, due to T.C.'s condition and its "significant impact on his social development," it is important for him to engage in activities that promote social development and build relationships with peers. (Pet. Cert. of G.C., P-F.) The letter further states that "[a]ctivities such as after-school clubs or organizations can be particularly helpful environments for [T.C.] to build social interactions." (Ibid.) Petitioner

[4] Petitioner G.C.'s email stated, "I am formally requesting a meeting to review [T.C.'s] IEP. Please arrange an appointment with me to properly document the need to provide this type of transportation which is not considered 'courtesy' as per the federal communication I shared with your team." (Pet. Cert. of G.C., P-B.)

G.C. believes that T.C. "benefits more from extra-curricular activities if he is able to participate in them with his school peer group," and thus she has not requested transportation to in-district activities. (Pet. Cert. of G.C.)[5]

Petitioners contend that T.C. needs to attend extracurricular activities specifically at New Hope, rather than those offered in-district, in order to afford him FAPE, because "[h]aving the extra-curricular activities after school at [New Hope] will provide the consistency and structure in terms of staff and peers that T.C. requires in order to make progress in light of his disabilities." (Petition, ¶11.) Petitioners also contend that respondent committed procedural violations by failing to include transportation as a related service in the IEP and by failing to conduct an IEP meeting after receiving a written request to review T.C.'s IEP. Petitioners further contend that under the ADA and Section 504, the District cannot deny late-bus service to T.C., who is placed out-of-district, while providing late-bus service for students participating in extracurricular activities in-district.[6] Petitioners finally contend that they are entitled to reimbursement for the cost of transporting T.C. after his extracurricular activities at New Hope.

Respondent asserts that petitioners seek transportation as a matter of preference or convenience rather than a necessity because there has been no determination that T.C. requires participation in extracurricular activities at New Hope in order to receive an educational benefit. Thus, a hearing is unnecessary, because petitioners have not sufficiently demonstrated a material issue of fact as to whether after-school transportation services are necessary to provide T.C. with FAPE. Respondent further argues that late-bus transportation is not available to all students in-district[7] and, in any event, by offering T.C. participation in extracurricular activities in-district (and related

[5] According to G.C., the District never offered transportation for in-district extracurricular activities.

[6] The Americans With Disabilities Act, 42 U.S.C.A. §§ 12101 to 12213, prohibits discrimination against all persons with disabilities, and applies to public agencies including schools as well as school-aged children. Title II of the ADA prohibits public entities from denying a disabled individual the benefits of services, programs or activities offered by the public entity. 42 U.S.C.A. § 12132.

[7] For instance, participants in athletic activities are not included. Further, a special pass is required for a student to take a late bus. (See Pet. Cert. of G.C., P-H.)

transportation), it has afforded him an equal opportunity to participate as his nondisabled peers. Petitioners, therefore, are not entitled to reimbursement.

LEGAL ANALYSIS AND CONCLUSION

Summary decision may be granted "if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law." N.J.A.C. 1:1-12.5(b). The standard for granting summary judgment (decision) is found in Brill v. Guardian Life Insurance Co. of America, 142 N.J. 520, 540 (1995) (citation omitted):

> [A] determination whether there exists a "genuine issue" of material fact that precludes summary judgment requires the motion judge to consider whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party, are sufficient to permit a rational fact-finder to resolve the alleged disputed issue in favor of the non-moving party. The "judge's function is not himself [or herself] to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial."

By way of further guidance,

> An issue of fact is genuine only if, considering the burden of persuasion at trial, the evidence submitted by the parties on the motion, together with all legitimate inferences therefrom favoring the non-moving party, would require submission of the issues to the trier of fact.
>
> [R. 4:46-2.]

The Brill standard contemplates that the analysis performed by the trial judge in determining whether to grant summary judgment should comprehend the evidentiary standard to be applied to the case or issue if it went to trial. While it is true that a judge is not to "weigh evidence and determine the truth of the matter," Brill, supra, 142 N.J. at 540, "there is in this process a kind of weighing that involves a type of evaluation,

analysis and sifting of evidential materials." Id. at 536. Thus, a judge is to scrutinize the competent evidential materials presented, in a light most favorable to the non-moving party, and consider whether a rational fact-finder could resolve the disputed issue in favor of the non-moving party. Id. at 540. "To send a case to trial, knowing that a rational jury can reach but one conclusion, is indeed 'worthless' and will 'serve no useful purpose.'" Id. at 541.

When a motion for summary decision is made and supported, the burden shifts to the adverse party to set forth, by affidavit, specific facts showing there is a genuine issue resolvable only by an evidentiary proceeding. N.J.A.C. 1:1-12.5(b). Given this burden shift, a party opposing a summary-judgment motion "who offers no substantial or material facts in opposition to the motion cannot complain if the court takes as true the uncontradicted facts in the movant's papers." Burlington Cnty. Welfare Bd. v. Stanley, 214 N.J. Super. 615 (App. Div. 1987). Failure of the opponent to make such a showing entitles the moving party to summary judgment. Brill, supra, 142 N.J. at 529. The Court's standard for summary judgment is thus designed to "liberalize the standards so as to permit summary judgment in a larger number of cases," due to the perception that we live in "a time of great increase in litigation and one in which many meritless cases are filed." Id. at 539 (citation omitted).

The Individuals With Disabilities Education Act (IDEA), 20 U.S.C.A. §§ 1401 to 1482, and State statutes, N.J.S.A. 18A:46-1 to -55, are designed "to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living." 20 U.S.C.A. § 1400(d)(1)(A). Special education and related services must be provided to children with disabilities in accordance with their IEP. 34 C.F.R. § 300.350 (2014). In defining the contours of a FAPE, the United States Supreme Court explained that an appropriate IEP does not need to maximize a student's potential or provide the best possible education at public expense, but instead must be "reasonably calculated to enable the child to receive educational benefits." Bd. of Educ. of Hendrick Hudson Cent. Sch. Dist. v. Rowley, 458 U.S. 176, 207, 102 S. Ct. 3034, 3051, 73 L. Ed. 2d 690, 712 (1982); see

also Munir v. Pottsville Area Sch. Dist., 723 F.3d 423, 426, 434 (3d Cir. 2013) (reaffirming the meaningful-educational-benefit standard).

Under the IDEA, "related services" include recreational activities where such activities are required to assist a disabled student in benefitting from special education. 20 U.S.C.A. § 1401(17) (emphasis added). New Jersey's regulations similarly provide that a student's IEP must contain a statement of "related services," which includes a statement of the program modification or supports for the student "to participate in extracurricular and other nonacademic activities; and [t]o . . . participate with other . . . nondisabled students." N.J.A.C. 6A:14-3.7. For participation in an extracurricular activity to constitute a "related service," a student's IEP team would have to determine that such participation was a necessary component of FAPE for that student and include participation as a specific component of the student's IEP. Letter to Anonymous, 17 IDELR 180 (17 EHLR 180) (OSEP 1990); see also Irving Indep. Sch. Dist. v. Tatro, 468 U.S. 883, 894, 104 S. Ct. 3371, 3378, 82 L. Ed. 2d 664, 674–75 (1984) (districts must provide only those services necessary to aid a handicapped child to benefit from special education); N. Allegheny Sch. Dist. v. Gregory P., 687 A.2d 37 (Pa. Cmwlth. 1996) (IDEA only requires transportation services where needed to address disabled child's educational needs rather than unrelated parental preferences).

Generally, extracurricular activities are not a necessary component of an appropriate education. Rowley, supra, 458 U.S. at 200–01, 102 S. Ct. at 3047–48, 73 L. Ed. 2d at 708 (guaranteeing only a "basic floor of [educational] opportunity"). In Rettig v. Kent City School District, 788 F.2d 328 (6th Cir. 1986), the court considered whether a more rigorous maximization standard for extracurricular activities than that provided for in Rowley was warranted. The court held that handicapped children are not entitled to each and every service available to non-handicapped children. "Rather, the applicable test under Rowley is whether the handicapped child's IEP, when taken in its entirety, is reasonably calculated to enable the child to receive educational benefits." Rettig, supra, 788 F.2d at 332.

Further, children with disabilities are protected from discrimination in elementary and secondary education under Section 504 of the Rehabilitation Act, 29 U.S.C.A. § 794.[8] Section 504 provides that "[n]o otherwise qualified individual with a disability . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." 29 U.S.C.A. § 794(a). Regulations implementing Section 504 require federally funded schools to provide non-academic and extracurricular services and activities in a manner that affords handicapped students an equal opportunity for participation in such services and activities. 34 C.F.R. § 104.37(a)(1) (2014); see also N.J.A.C. 6A:14-4.2(b) (mirroring the federal regulation); see also 34 C.F.R. § 104.4(b)(1)(i) (2014) (prohibiting federally funded entities from denying handicapped persons the opportunity to participate in or benefit from the aid, benefit or service). Similarly, the Americans With Disabilities Act (ADA), 42 U.S.C.A. §§ 12101 to 12213, prohibits discrimination against all persons with disabilities, including school-aged children, and it applies to public agencies and schools. Title II of the ADA prohibits public entities from denying a disabled individual the benefits of services, programs or activities offered by the public entity. 42 U.S.C.A. § 12132.

Section 504 entitles students to transportation from their out-of-district placement to the district school in order to participate in extracurricular activities to the same extent as their non-disabled peers, regardless of whether a student's IEP provides for extracurricular activities. See Bethpage (NY) Union Free Sch. Dist., 16 IDELR 1086 (1990). In Bethpage, the OCR took the position that even though participation in extracurricular activities was not part of the petitioner-student's IEP, the district was still required to provide him with a late bus to participate in those activities. However, "[a]lthough State and Federal regulations require school districts to provide children with disabilities an equal opportunity to participate in offered nonacademic and extracurricular activities . . . , this obligation does not extend to providing equivalent or alternative transportation simply because petitioner's existing after-school program, for

[8] Since Section 504 is an anti-discrimination statute, the United States Office of Civil Rights (OCR) has authority to exercise jurisdiction of complaints arising under the statute. Bd. of Educ. of New York, 16 EHLR 373 (OCR) 1990. In the case at bar, the petition for due process was filed with the New Jersey Department of Education pursuant to the special education regulations and the DOE's section 504 procedures. As per 34 C.F.R. 104.36, New Jersey has elected to use its special education procedures to resolve Section 504 complaints.

which transportation home is provided, is not suitable for the child's participation." In re Roslyn Union Free Sch. Dist., 274 A.D.2d 848, 850 (N.Y. App. Div. 2000) (citing Rettig, supra, 788 F.2d 328, and Rowley, supra, 458 U.S. at 200.) In Roslyn, the court determined that "because [the district] did not deny the child access to its [own] after-school program and was not required by IDEA, or any other statutory mandate, to provide an alternative program [at the out-of-district placement] which would be more beneficial to the child, it was error to require petitioner to pay a share of the cost of the alternative program chosen by the parents." Id. at 857.

In this case, there is no genuine issue of material fact. The purported factual issue regarding the need for extracurricular activities at New Hope is not genuine because the evidence submitted by the parties on the motion, together with all legitimate inferences favoring petitioners as the non-moving party, does not yield a conclusion that would require a hearing. Petitioner's contention in this regard hinges on Dr. Soffer's letter dated January 12, 2014, wherein he states that T.C.'s condition has a significant impact on his social development. Contrary to petitioners' mere assertion, Dr. Soffer does not opine that educational benefit to T.C. is dependent upon his ability to engage in activities that promote social development with his peers. Rather, he wrote, "It is important for him to be able to take advantage of any opportunity to engage in activities that promote social development and building relationships with peers." (P-F, emphasis added.) He stated that afterschool activities "can be" helpful in building "social interaction, problem solving, and social language skills." (Ibid.) Respondent correctly asserts that Dr. Soffer neither indicates any familiarity with T.C.'s educational programming, nor offers any connection whatsoever between participation in such activities and T.C.'s educational program. Moreover, he specifically referenced "any opportunity" to engage in such activities without regard to whether they were exclusive to New Hope. Thus, there can be no legitimate inference, and there is no reliable evidence in the record, that educational benefit to T.C. is dependent upon his participation in, and transportation from, extracurricular activities offered exclusively at New Hope.

The parties do not otherwise genuinely contest that T.C.'s IEP provided FAPE. Indeed, petitioner G.C. simply believes that T.C. "benefits more" from extra-curricular

activities at New Hope. As a matter of law, the District is required to offer an IEP that is designed to confer a meaningful educational benefit upon T.C. As stated above, an appropriate IEP does not need to maximize a student's potential or provide the best possible education at public expense, but instead must be reasonably calculated to enable the child to receive educational benefits.

There is also no genuine issue of material fact on the Section 504/ADA issue. Petitioners contend that respondent provides late-bus transportation from after-school extracurricular activities to in-district students. The District counters that late-bus transportation is not available to all students, citing participants in athletic activities, and that a special pass is required for a student to take a late bus. (Pet. Cert. of G.C., P-H.) But that distinction is immaterial because, though the District's policy provides a 4:15-p.m. late bus to qualifying students, the District does not provide any student with a 5:00-p.m. bus (or other special busing), as is sought by petitioners. This clearly indicates that petitioners are actually seeking an individualized benefit, as opposed to an equal opportunity.

Moreover, the District is offering T.C. the same opportunity and services that it offers its own students in-district. Petitioners rely upon Bethpage, but in that case, unlike here, the student's IEP did not provide for extracurricular activities in-district for which transportation was available. Petitioners also rely upon S.A. ex rel. L.A. and A.A. v. Monroe Township Board of Education, OAL Dkt. No. EDS 331-00, Order for Partial Summary Decision (May 8, 2001), but there, unlike here, the parents were not even apprised of the in-district extracurricular activities. On the other hand, T.C.'s IEP provides for participation in extracurricular activities in-district and, as in Roslyn Union Free, the District will provide the same late-bus transportation available to nondisabled peers to enable him to participate in those services. Thus, the District has not discriminated against T.C. on the basis of his disability or handicap.[9]

Finally, not all procedural violations deny FAPE. See 20 U.S.C.A. § 1415(f)(3)(E)(i). Such violations rise to the level of denying FAPE only if the

[9] Though not reflected in T.C.'s IEP, the District has submitted that it offers transportation to allow T.C. to participate in extracurricular activities within the District.

procedural inadequacies: (1) impeded the child's right to FAPE; (2) significantly impeded the parents' opportunity to participate in the decision-making process regarding the provision of FAPE to the child; or (3) caused a deprivation of educational benefits. 20 U.S.C.A. § 1415(f)(3)(E)(ii); 34 C.F.R. § 300.513(a)(2) (2014); N.J.A.C. 6A:14-2.7(k); C.H. v. Cape Henlopen Sch. Dist., 606 F.3d 59, 67 (3d Cir. 2010); G.N. and S.N. ex rel. J.N. v. Bd. of Educ. of Livingston, 52 IDELR 2 (3d Cir. 2009).

When a parent requests a change to a student's educational placement or the provision of FAPE, the district must acknowledge receipt by a written notice that describes and explains the district's action, as well as any options and factors considered by the board.[10] N.J.A.C. 6A:14-2.3(h)(5); N.J.A.C. 6A:14-2.3(g). And if an IEP meeting is required, in order to respond to the parental request, the meeting must be conducted and a determination made within twenty calendar days. N.J.A.C. 6A:14-2.3(h)(5)(i).[11]

Here, petitioners' request to review T.C.'s IEP only generally referenced the need for transportation, and in a prior communication petitioners had requested a specific individualized transportation schedule to accommodate T.C.'s extracurricular activities at New Hope. However, T.C.'s IEP does not prescribe extracurricular activities at New Hope and the District had not been presented with anything suggesting that he required such participation in order to achieve an educational benefit. Thus, petitioners did not appear to be raising an issue that would necessitate an IEP meeting, but, rather, their communications indicate that they were seeking individualized transportation for parental convenience. And, upon receipt of petitioners' request to review T.C.'s IEP, the District provided written notice that complied with the requirements of N.J.A.C. 6A:14-2.3(g). Further, as to petitioners' claim that lack of an IEP meeting as well as the absence of transportation as a related service in the IEP constituted procedural

[10] Also, a procedural safeguards notice should be attached.

[11] An IEP team shall meet annually or more often if necessary "to review and revise the IEP and determine placement." N.J.A.C. 6A:14-3.7(i). If, at any time between annual meetings, an IEP team member, including a parent, wishes to revise the IEP, that team member can request an IEP team meeting, and the IDEA sets forth detailed procedures governing the IEP revision process. See 20 U.S.C.A. § 1415; 34 C.F.R. §§ 300.320–324 (2014).

violations, petitioners have not demonstrated that either of the alleged failures impeded T.C.'s right to FAPE, or significantly impeded their opportunity to participate in the decision-making process, or caused a deprivation of educational benefits. Therefore, the District has not been shown to have committed a procedural violation that denied FAPE by either omitting transportation as a related service in the IEP, or failing to hold an IEP meeting at petitioners' request.

I therefore **CONCLUDE** that respondent is entitled to summary decision because petitioners have not sufficiently demonstrated a genuine issue of material fact regarding any necessity that T.C. attend extracurricular after-school activities exclusively at New Hope to achieve educational benefit, and by law petitioner is not entitled to transportation from the District as a related service relative thereto, or to reimbursement for their related transportation costs.

I further **CONCLUDE** that respondent rather than petitioners is entitled to summary decision on the issue of whether, under the ADA and Section 504, the District has provided equal access to educational services to T.C., considering his disability, because the District is extending to T.C. the same opportunity and services that it offers its own students in-district as required under those laws.

ORDER

Accordingly, I hereby **ORDER** that respondent's motion for summary decision is **GRANTED**; that petitioners' cross-motion for summary decision is **DENIED**; and that the due-process petition is hereby **DISMISSED**.

This decision is final pursuant to 20 U.S.C.A. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2014) 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 (2014). 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.

September 12, 2014
DATE

ROBERT BINGHAM II, ALJ

Date emailed to Parties: September , 2014

/bdt

APPENDIX

EXHIBITS

Petitioners:

P-A Email exchange between G.C. and Shari Barkin, September 30, 2013

P-B Email exchange between G.C. and Harold M. Louth, October 4, 2013

P-C Email exchange between G.C. and Harold M. Louth, October 4, 2013

P-D Email from G.C. to Harold M. Louth, October 9, 2013

P-E Letter to G.C. from Harry Louth, dated October 10, 2013

P-F Letter to To Whom It May Concern from Stephen L. Soffer, PhD, dated January 12, 2014

P-G Information regarding Late Bus Routes

P-H Fisher Middle School General Information

P-I

Respondent:

R-A IEP, dated April 15, 2013

R-B Letter from Harry Louth to G.C., dated October 4, 2013