



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**FINAL DECISION**

OAL DKT. NO. EDS 01478-22

AGENCY DKT. NO. 2022-33921

**TENAFLY BORO BOARD OF EDUCATION,**

Petitioner,

v.

**A.M. AND S.M. ON BEHALF OF I.M.,**

Respondent.

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**Stacey Cherry, Esq.** for petitioner (Fogarty and Hara, attorneys)

**Michael Inzelbuch, Esq.,** for respondent

Record Closed: March 18, 2022

Decided: March 21, 2022

BEFORE **ELLEN S. BASS**, Acting Director and Chief ALJ:

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

This matter arose with the February 22, 2022, filing of an expedited due process petition under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C.A. §1415 et. seq. by the Tenafly Boro Board of Education ("the Board"). The Board seeks an Order pursuant to N.J.A.C. 6A:14-2.7(o) directing that I.M., a student enrolled in its public schools, be placed in an alternative educational setting, as it contends that "maintaining the current

placement [for I.M.] is substantially likely to result in injury to [I.M.] or to others.” See: N.J.A.C. 6A:14, Appx. A, citing 20 U.S.C. §1415(k)(1)(3)(A).

### **PROCEDURAL HISTORY**

The contested case was transmitted to the Office of Administrative Law (“OAL”) on February 23, 2022. A hearing was conducted on March 18, 2022, at which time the record closed. The hearing was conducted via remote technology due to the Covid pandemic.

### **FINDINGS OF FACT**

This case presents a very narrow issue for determination; that is, whether maintaining I.M.’s placement in the mainstream pending classification by the Child Study Team (“CST”) is substantially likely to result in injury to him or others. In an effort to comply with the regulatory requirement that this matter be heard expeditiously, I conferred with counsel regarding the scope of their proofs. It was agreed that the documentary evidence supplied by both parties would be moved into evidence. It was further agreed that the conduct that gave rise to this petition was not in contention and accordingly, I **FIND** as follows:

I.M. is a ten-year-old fifth grade student who is not currently classified as eligible for Special Education Services. His parents have consented to a comprehensive evaluation, and the parties have represented that they will be meeting shortly as an IEP Team to determine eligibility and programming for I.M. I.M. does receive accommodations under a 504 Plan due to a diagnosis of Attention Deficit Hyperactivity Disorder (“ADHD”), to include a shared aide and school-based counseling services. A behaviorist provides consultative services.

During the 2020-2021 and 2021-2022 school years, I.M. has demonstrated a continuing pattern of inappropriate, negative, and threatening behaviors. Many incidents are recounted in the Board’s pleadings and in the accompanying documents. Examples cited by the Board follow; these are some of the most egregious examples, and the list is not exhaustive:

- In April and June 2021, I.M. engaged in rough physical contact with peers on school grounds, and hit a peer with a towel, made verbal threats toward teachers, made inappropriate comments toward female classmates, and used foul language repeatedly.
- On October 11, 2021, I.M. repeatedly threw a ball at a peer during recess and used foul language. He also punched two peers in the arm. When the principal sought to discuss his conduct, I.M. stated, “I haven’t even done what I planned to do yet. Why am I in trouble?”
- On October 21, 2021, I.M. tripped a peer during recess, and later poked a peer with a pencil repeatedly. He insulted peers verbally, calling them names such as “zit face” and “brace face.” He also insulted his teacher, calling her a “wisecrack.”
- That same day, I.M. arrived at counseling and stated, “this is BS, I’m not doing this.” Later that day, I.M. was engaging in inappropriate conduct in the hallway; when reprimanded by the counselor, he replied that he did not need to respect her.
- On October 25, 2021, during Spanish class, I.M. drew a picture of swords and wrote “Spanish sucks” and “why me?”
- On October 26, 2021, I.M. called a peer “buzz cut kid.” This resulted in a physical altercation, with I.M. pinning the peer to the bathroom wall, causing the peer to hit his head. I.M. continued to taunt the peer called him “scrawny and weak.”
- On November 3, 2021, I.M. left class twice without permission to use the shared bathroom, although he had been directed to use the nurse’s bathroom due to the prior incident.
- On November 16, 2021, I.M. engaged in conflict with a peer when he asked the peer to “cover for him” for not completing his homework; he cursed at and insulted the peer. He then stated to another peer that “I heard you know people with guns, where can I get a gun, I need a gun, I need it for [the peer who would not cover for him.]”
- On December 2, 2021, I.M. blamed his paraprofessional for being “red” on a behavior chart. When the paraprofessional explained that I.M. controls his own

behavior, he responded, "Imagine one person has a gun, imagine another person pulls the trigger, points the gun and kills – this person has control."

- On December 7, 2021, I.M. was being reprimanded for using the shared bathroom; he ran out of the principal's office and eloped. He called the principal a "jerk."
- On December 8, 2021, I.M. engaged in a physical altercation with his twin brother. Later that day, the crossing guard observed them running in the road, and not following safety rules.
- On December 15, 2021, I.M. eloped from a classroom shelter-in-place drill despite three clear directives from his teacher to remain in the classroom.
- On January 12, 2022, he told a peer, "You will not live to see another day." He called another student a "stupid fat idiot."
- On January 21, 2022, I.M. made verbal threats against two students, including "I'll slice your head off and shove it down your spine."
- On January 28, 2022, I.M. was disruptive in the cafeteria, screaming "suck my dick," and "suck it," while swinging his arms and thrusting his hips forward.
- On February 4, 2021, I.M. was removed from class after making inappropriate comments to a paraprofessional, demeaning her work and her salary, and stating that "people at Burger King" make more money than she does. He threatened to slash her tires.
- On February 10, 2021, I.M. threatened a classmate with going to his home and breaking a window; gave the middle finger to the paraprofessional; refused to wear his mask; and used profanities.

On two occasions, the gravity of I.M.'s conduct lead school personnel to direct that he receive mental health clearance to return to school. On June 9, 2021, professionals at Care Plus opined that I.M. was not a danger to himself or others, after school personnel expressed

concerns about drawings made by I.M. that included violent imagery. In the aftermath of the January 21, 2022, incident recounted above, professionals at Care Plus opined via letter dated January 24, 2022, that I.M. was not a danger to himself or others and could return to school.

As part of his CST evaluation, I.M. was assessed by Dr. Esther Fridman. Dr. Fridman is a Board-Certified Psychiatrist and was admitted at the hearing as an expert in Child and Adolescent Psychiatry. In December 2021, she was asked to evaluate I.M. but initially declined to do so, because the parents would consent only if the evaluation was recorded via video. This is not her practice. The parents relented, and the evaluation took place on February 17, 2022. Dr. Fridman considered it her role at that time to establish a diagnosis and make recommendations for medication and therapy, as needed; and to advise what, in her view, was the proper educational setting for I.M. To complete the evaluation, Dr. Fridman reviewed school materials and interviewed both parents and child. She conferred with the District Director of Special Services, who shared the District's concerns about I.M.'s behaviors. Since the District found some pictures that I.M. drew troubling, these were shared as well. Dr. Fridman specifically noted that she reviewed a social history, and a report from the McCarton Center. She reviewed Vanderbilt Scales completed by both school personnel and the parents. Dr. Fridman was advised that I.M. was extremely disruptive in school, and that from the vantage point of school personnel there was a sense of urgency.

Dr. Fridman indicated that the school rating on the Vanderbilt revealed that I.M. met the criteria for a diagnosis of ADHD and Oppositional Defiant Disorder ("ODD"). His parents saw him quite differently than school personnel, noting no concerning behaviors at home, and rating him in a fashion that reflected neither the signs of defiance nor attentional deficits.<sup>1</sup> At I.M.'s interview, which was conducted via Zoom, he presented as articulate and smart but also impatient and fidgety. It was he who abruptly ended the interview, by announcing "I have something to do." Dr. Fridman diagnosed I.M. as having ADHD combined type, and ODD. She stated that he is easily distracted and impulsive. Of greater concern to her, however, were his defiant behaviors and his disregard for authority figures. I.M. seemed to not understand how his actions affected others and felt blamed unfairly. She recommended

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<sup>1</sup> This was noteworthy and very troubling. I am fearful that the parents are neither accepting nor confronting the depth of their child's problems.

that he be placed in a therapeutic setting as this would best meet his educational needs and was his best chance for educational success.

Dr. Fridman advised that, at the time of her assessment of I.M., she was not asked to do a school clearance. But in critical testimony, she stated that had she felt in February 2022, that I.M. was a danger to himself or others, she nonetheless would have instructed I.M.'s parents to take him to the emergency room. It is thus clear to me, and I **FIND**, that on February 17, 2022, Dr. Fridman was not of the opinion that I.M. could not remain in his current school setting, notwithstanding her view that he was not well served there and needed more therapeutic support.

Subsequent to issuing her report, however, Dr. Fridman was given more information from the school district, and she stated that she initially was unaware of the scope and breadth of I.M.'s behaviors. It was noteworthy to her that he threatened peers, was physically aggressive, and completely disrespectful to authority. She pointed to the incident where he left a room on lock down, and another where I.M. left the building and eloped to home without permission. She concurred with the District's concern that even his non-physical behaviors, such as name calling, were demoralizing to the students and staff in the school environment.

When asked if she anticipated that I.M. would succeed in his current school placement, Dr. Fridman expressed that she did not. But when asked if he should immediately be placed on homebound instruction in light of all she had learned about I.M. and his behaviors, she indicated that only if that educational setting was "very temporary." She was asked to choose between continuing I.M. in school or placing him on homebound; with palpable reluctance, she said that she would choose homebound. Dr. Fridman indicated that I.M. was engaging in behaviors that could provoke a confrontational response from peers and thus, could inadvertently cause risk to them. And his own safety was at risk when he disregarded the direction of authority figures in school.

But when directly asked the question critical to the inquiry before me; that is, would continuing I.M. in school be substantially likely to result in injury to I.M. or others, Dr. Fridman hesitated and indicated that she did not know, and that she "could not predict the future." I thus **FIND** that Dr. Fridman did not opine that I.M. could not return to school. Likewise, I was

presented with no other opinion from a mental health professional that supported the Board's request for relief.

### **LEGAL ANALYSIS AND CONCLUSIONS OF LAW**

The Board has brought this petition pursuant to N.J.A.C. 6A:14-2.7(o), which provides for an expedited due process hearing where it believes that continuing a child in his current educational placement is "substantially likely to result in injury to the child or to others" in the school environment. Although I.M. is not yet classified, the Board correctly recognized that the rules and statutes governing change of placement and disciplinary action apply in equal measure to classified students and to students who are not yet classified where "the local educational agency had knowledge . . . that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred." N.J.A.C. 6A:14, Appx. A, citing 20 U.S.C. §1415(k)(1)(5)(A). Here, school personnel have sought to evaluate and classify I.M., and have "expressed concerns about a pattern of behavior demonstrated by [him]..." N.J.A.C. 6A:14, Appx. A, citing 20 U.S.C. §1415(k)(1)(5)(B)(iii).

I **CONCLUDE** that the proofs do not demonstrate that continuing to allow I.M. to attend school is substantially likely to result in injury to him or others in the school setting. I **CONCLUDE** that while the conduct at issue is most concerning, I received no expert support for the Board's request for relief. To the contrary, twice, in the aftermath of some of the most troubling conduct recounted by the evidence, mental health professionals directed that I.M. be returned to his classroom, and squarely answered the critical question of whether I.M. is a threat to himself or others in the negative. Dr. Fridman expressed concerns about I.M. and his behaviors but was similarly unable to ask me unequivocally to keep I.M. at home. And importantly, she appeared most uncomfortable with homebound instruction as an open-ended arrangement for this child. As am I.

In determining that I am unable to grant the relief sought by the Board, I am guided by the express statutory language contained at 20 U.S.C. §1415(k)(1)(3)(A). Our courts assume that the drafters of a statute intended to ascribe to words their ordinary meaning. Jablonowska v. Suther, 195 N.J. 91, 105 (2008). Moreover, and importantly, a court should strive for an interpretation that gives effect to all of a statutory provision, and does not render

any language inoperative, superfluous, void or insignificant. State v. Reynolds, 124 N.J. 559, 564, 592 A.2d 194 (1991). The standard that must be met under the statute is thus an intentionally difficult one, as it requires a showing that a child is “substantially” likely to harm himself or others if not removed from his school setting. And this, the record reflects, no mental health professional, Dr. Fridman included, is presently prepared to say.

The use of the word “substantially” and the high standard set by that language, harmonizes with the overriding statutory preference for educating I.M. in the “least restrictive environment.” 20 U.S.C. § 1412(a)(5)(A) mandates that

[t]o the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The law describes a continuum of placement options, ranging from mainstreaming in a regular public school as least restrictive to enrollment in a non-approved residential private school as most restrictive. 34 C.F.R. §300.115 (2018); N.J.A.C. 6A:14-4.3. One of the most restrictive options in the continuum is “[i]ndividual instruction at home or in other appropriate facilities, with the prior written notice to the Department of Education through its county office.” N.J.A.C. 6A:14-4.3(b)(9). I thus **CONCLUDE** that the law disfavors home instruction. And I **CONCLUDE** that consistent with this view of home instruction, the standard for relief under 20 U.S.C. §1415(k)(1)(3)(A) is a stringent one that cannot be met unless supported by expert opinion.

I am grateful that the parties intend to meet in the coming days as an IEP Team to discuss classification and placement for I.M. I implore the parents to cooperate fully with school personnel, and to collaborate in getting their son the help that he clearly sorely needs. They are cautioned not to interpret this decision as an expression of my belief that the concerns raised by school personnel are unreasonable; quite to the contrary. Indeed, without the proper interventions in place for I.M., it appears likely that the parties will be before this

forum again to address the issue of I.M.'s ability to safely continue to attend school. Dr. Fridman stated that she cannot presently predict the course of I.M.'s future conduct; I likewise cannot do so. But I wish to stress unequivocally that this decision should not be interpreted as precluding the Board from taken any action authorized by law moving forward that it deems necessary to preserve I.M.'s safety or that of the school community.

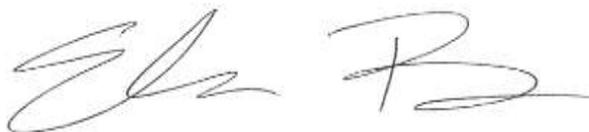
**ORDER**

Based on the foregoing, together with the record as whole, the petition of appeal is **DISMISSED WITHOUT PREJUDICE**. The parties are **ORDERED** to meet as an IEP Team to discuss eligibility and programming no later than ten calendar days from the date of this decision, and hopefully sooner. In the interim, I.M. should continue to be supported by an aide, school counselor, and a behaviorist while he is school.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2018) 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. § 1415(i)(2); 34 C.F.R. § 300.516 (2018). 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 Programs.

March 21, 2022

\_\_\_\_\_  
DATE



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**ELLEN S. BASS**, Acting Director and Chief ALJ

Date Received at Agency

March 21, 2022

Date Mailed to Parties:  
sej

March 21, 2022

## **APPENDIX**

### **WITNESSES**

**For Petitioner:**

Dr. Esther Fridman

**For Respondents:**

None

### **EXHIBITS**

**For Petitioner:**

- P-1 Intervention and Referral Services File, dated 9/23/21
- P-2 Section 504 Accommodation Plan, dated 10/4/21
- P-3 Internal Referral to Child Study Team, dated 10/25/21
- P-4 Invitation for initial Identification Planning Meeting Attendance Sheet, dated 10/20/21
- P-5 Initial Identification and Evaluation Planning Meeting Attendance Sheet, dated 11/8/21
- P-6 Initial Evaluation Plan, dated 11/8/21
- P-7 Emails between District and Parents Scheduling Additional Evaluation Planning Meeting, dated 12/7/21
- P-8 Invitation for Additional Evaluation Planning Meeting, dated 12/13/21
- P-9 Additional Evaluation Plan, dated 12/16/21
- P-10 Parents' Consent to Initial Evaluation Plan and Additional Evaluation Plan (with Conditions), dated 12/22/21
- P-11 Emails between Counsel with Signed Additional Evaluation, dated 1/17/22
- P-12 Letter to Parents Regarding Student's Behavior, dated 4/-/21
- P-13 Emails to Parents Regarding Students Behavior, dated 6/24/21
- P-14 Blank Behavior Chart dated 10/-/21
- P-15 Letter to Parents Regarding Student's Behavior; Internal Incident Reports; Marked Behavior Chart dated 10/11/21
- P-16 Internal Incident Report; Marked Behavior Chart, dated 10/21/21
- P-17 Emails between District and Parents Regarding Student's Behavior, dated

- 10/21/21
- P-18 Emails between Parents and District Regarding Student's Behavior, dated 10/25/21
- P-19 Behavior; Internal Incident Report; Suspension Report; Harassment, Intimidation, and Bullying File, dated 10/26/21
- P-20 Email to Parents Regarding Student's Behavior, dated 11/8/21
- P-21 Emails between District and Parents Attaching Consent Form to Communicate with Learner's Compass, dated 11/10/21
- P-22 Learner's Compass Crisis Intervention Plan
- P-23 Internal Incident Report; Email and Letter to Parents, dated 11/17/21
- P-24 Email to Parents Regarding Student's Behavior, dated 11/21/21
- P-25 Marked Behavior Chart; Marked Antecedent Behavior; Suspension Report, dated 11/29/21
- P-26 Email and Letter to Parents Regarding Student's Behavior; Suspension Report, dated 12/2/21
- P-27 Student Date Report; Marked Behavior Chart, dated 12/7/21
- P-28 Learner's Compass Behavior Intervention Plan, dated 12/8/21
- P-29 Emails between District and Parents Regarding Student's Behavior, dated 12/8/21
- P-30 Letter to Parents Regarding Student's Behavior; Suspension Report, dated 12/16/21
- P-31 Harassment, Intimidation, and Bullying File, dated 12/23/21
- P-32 Email from Peer's Parents to District Regarding Student's Behavior; Email and Letter to Parents Regarding Student's Behavior; Suspension Report; Harassment, Intimidation, and Bullying File, dated 1/11/21
- P-33 District's Request for School Clearance Following Behavioral Incident and School Clearance Report, dated 1/21/22
- P-34 Monthly Summary of Incidents Report, dated 10/7/21-1/28/22
- P-35 Email to Parents Regarding Student's Behavior; Suspension Report, dated 2/4/22
- P-36 Suspension Report, dated 2/10/21
- P-37 Email to Parents Regarding Student's Behavior; Internal Email Regarding Student's Behavior, dated 2/24/22
- P-38 Internal Email Regarding Student's Behavior, dated 3/3/21
- P-39 Email to Parents Regarding Student's Behavior, dated 3/4/21

- P-40 Email to Parents Regarding Student's Behavior, dated 3/10/21
- P-41 Email to Parents Regarding Student's Behavior, dated 3/11/21
- P-42 Student Conduct/Incident List, dated 10/11/21 – 12/7/21
- P-43 Miscellaneous Care Plus Assessment; Emails to Parents Regarding Student's Behavior; Internal Incident Reports; Student Drawing; Harassment, Intimidation, and Bullying File; Internal Emails Regarding Student's Behavior; Classroom Teacher Report, dated 10/6/20-1/28/22
- P-44 Letter from Teacher to Superintendent, dated 2/18/22
- P-45 Marked behavior Chart, dated 10/8/21-11/29/21
- P-46 Marked Antecedent Behavior Consequence Chart; Behavior Graph, dated 11/16/22-3/10/22
- P-47 Registered Behavior Technician Monthly Timesheet, dated 11/16/21-1/31/22
- P-48 Learner's Compass Functional Behavior Assessment Report, dated 2/4/22
- P-49 Social History Report, dated 2/7/22
- P-50 Occupational Therapy Evaluation Report, dated 2/16/22
- P-51 Student Records Provided to Psychiatric Evaluator, dated 2/11/22
- P-52 Psychiatric Evaluation Report, dated 2/17/22
- P-53 Learner's Compass Revised Functional Behavior Assessment Report with Parent Input, dated 3/4/22
- P-54 Section 504 Accommodation Plan with Behavior Intervention Plan, dated 3/4/22
- P-55 Psychology/Executive Functioning Assessment, dated 3/--/22
- P-56 DSM-V Oppositional Defiant Disorder
- P-57 DSM-V Attention Deficit Hyperactivity Disorder
- P-58 Curriculum Vitae – Dr. Esther Fridman
- P-59 Email from parents regarding student behavior, dated 11/10/21-2/28/22

For Respondent:

- R-1 February 28, 2022 - M. Inzelbuch's Esq. to ALJ Bass
  - Exhibit A: June 9, 2021 Heather Brown-Huston, LPC, Care Plus NJ Letter (NOT a danger to himself or others)
  - Exhibit B: January 24, 2022 Jeannie Kang-Suh, LPC, Care Plus NJ Letter (NOT a danger to himself or others)

- Exhibit C: Section 504 Accommodation Plan 2020-2021 DRAFT (September 29, 2020)
- Exhibit D: Section 504 Accommodation Plan 2021-2022 (September 23, 2021)
- Exhibit E: ABC Data Sheet December 7, 2021
- R-2 March 1, 2022 – M. Inzelbuch, Esq. to ALJ Bass
- Exhibit A: August 18/19, 2020 and September 2, 2020 Report of Charlotte Siska, Ms., School Psychologist & Cecelia McCarton, MD, The McCarton Center
- Exhibit B: December 22, 2021 Consent for Evaluation
- Exhibit C: Resume of Dr. Carol A. Fiorile, Ph.D., BCBA, SAS
- Exhibit D: Resume of Dr. Steven Dyckman
- Exhibit E: ABC Data Sheet February 16, 2022
- Exhibit F: Documentation that purports to be “Plans” as to behavior but **not** created based on an FBA
- Exhibit G: Differential Reinforcement of Other Behavior (DRO) provided by the District to Dr. Fiorile (but not the parents)
- R-3 March 1, 2022 – M. Inzelbuch, Esq. to ALJ Bass
- Exhibit A: Psychiatric Evaluation Summary of Dr. Steven Dyckman dated March 1, 2022
- R-4 March 7, 2022 – M. Inzelbuch, Esq. to ALJ Bass
- Exhibit A: Psychiatric Evaluation of District Psychiatrist Dr. Esther Fridman dated February 17, 2022 that fails to state that I.M. is a danger to himself or others
- Exhibit B: Behavior Intervention Plan dated February 4, 2022 that was **not** implemented as of March 7, 2022 and **not** provided to the parents until March 3, 2022.
- R-5 March 16, 2022 – M. Inzelbuch, Esq., to ALJ Bass
- Exhibit A: Independent Functional Behavior Assessment & Program Review of Dr. Carol A. Fiorile, Certified Special Education Teacher, BCBA-Doctorial, NYS Licensed Behavior Analyst dated March 16, 2022
- R-6 March 14/15, 2022 E-Mail Chain between Parents and Carly Francisco (District FBA) wherein parents immediately signed and returned the Behavior Intervention Plan after receiving same
- R-7 Section 504 Accommodation Plans:
1. March 4, 2022 (Revised Rec'd March 8, 2022)

2. March 4, 2022 (Revised Rec'd March 9, 2022
- R-8 Independent Functional Behavior Assessment & Program Review of Dr. Carol A. Fiorile, Ph.D., BCBA-D, SAS, LBA, dated March 16, 2022
- R-9 Curriculum Vitae of Dr. Carol A. Fiorile, Ph. D., BCBA-D, SAS, LBA
- R-10 March 1, 2022 Psychiatric Evaluation of Dr. Steven Dyckman
- R-11 Curriculum Vitae of Dr. Steven Dyckman
- R-12 NJ Care Plus Response to Subpoena for Records
- R-13 Report of the McCarton Center Der. Cecelia McCarton, The McCarton Center August 18, 2019, 2020 & September 2, 2020
- R-14 Bio of Dr. Cecelia McCarton
- R-15 Tenafly Pediatric Records (February 4, 2022
- R-16 March 1, 2022 (Initial)  
March 16, 2022 (2<sup>nd</sup> Request)  
Subpoena for Records to Dr. Esther Fridman
- R-17 March 16, 2022 Subpoena for Records to Dr. Steven Dyckman
- R-18 Miscellaneous Communication and Behavior Data Tina Staropoli and Parents
- R-19 Drawing referenced on Page 2 of Dr. Esther Fridman Report
- R-20 Behavior Graph December 14, 2021 to March 16, 2022 (not provided to the parents – the District provided to Dr. Carol Fiorile)
- R-21 March 16, 2022, Subpoena for Records to Dr. Carol A. Fiorile, Ph.D., BCBA-D, SAS, LBA
- R-22 March 17, 2022 Documents Demand to S. Cherry, Esquire
- R-23 March 17, 2022 S. Cherry, Esq. to MII with attachments
- R-24 March 17, 2022 MII to ALJ Bass with Psychiatric Evaluation of Dr. Steven Dyckman dated March 16, 2022
- R-25 Psychiatric Evaluation of Dr. Steven Dyckman dated March 16, 2022
- R-26 March 17, 2022 Response of Dr. Esther Fridman
- R-27 March 17, 2022 MII to ALJ Bass with Updated (to include data analysis)  
Independent Functional Behavior Assessment & program Review of Dr. Carol A. Fiorile, Ph.D., BCBA-D, SAS, NYS LBA dated March 17, 2022