



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

**FINAL DECISION**

**CHERRY HILL TOWNSHIP BOARD  
OF EDUCATION,**

Petitioner,

v.

**J.A. AND E.G. ON BEHALF OF J.A.,**

Respondents,

AND

**J.A. AND E.G. ON BEHALF OF J.A.<sup>1</sup>,**

Petitioners,

v.

**CHERRY HILL TOWNSHIP BOARD  
OF EDUCATION,**

Respondent

OAL DKT. NO. EDS 06242-2022

AGENCY DKT. NO. 2022-34592

OAL DKT. NO. EDS 06244-2022

AGENCY DKT. NO. 2022-34731

**(CONSOLIDATED)**

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**Jared Schure, Esq.** for petitioner/respondent, Cherry Hill Township Board of  
Education, (Methfessel & Werbel, P.A., attorneys)

**J.A.<sup>2</sup>, and E.G.,** petitioners/respondents, pro se, on behalf of J.A.

Record closed: May 15, 2024

Decided: July 1, 2024

BEFORE **CARL V. BUCK III**, ALJ:

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<sup>1</sup> Father and child have the same initials, "J.A.". For clarity they will be referred to as parent or father and child or student.

<sup>2</sup> J.A. is an attorney licensed to practice in the state of New Jersey. However, he does not practice in the Special Education field. He is acting only in his capacity as a parent.

Petitioner J.A. (petitioner or student or daughter) is a resident of Cherry Hill Township, Camden County. She attends high school in Cherry Hill under the Cherry Hill Board of Education (Board or District). Prior to spring 2022, students were eligible for special education and related services under the classification of “Specific Learning Disability”.

On or about April 1, 2022, (R-11), the Child Study Team (CST) proposed a formal reevaluation of student, and her parents assented. The CST completed a psychological evaluation on or about April 13, 2022, (R-13) and a learning assessment on or about April 20, 2022. (R-14.) After reviewing the evaluation reports and student’s functional performance in class, the CST recommended declassification of the student in May 2022. (R-15.)

The parents filed a petition for due process on June 13, 2022, (P-1) challenging the declassification. In addition, the parents made requests for items including, but not limited to, compensatory education, and independent evaluations. (R-1.)<sup>3</sup>

The Board filed a petition for due process seeking an order denying the petitioners’ request for independent evaluations.<sup>4</sup> Both matters were transmitted to the Office of Administrative Law as a contested case on July 27, 2022, and were consolidated on October 27, 2022. The matter was heard on February 22, 2023, February 23, 2023, and May 31, 2023. The record was closed after briefs were filed by the parties. The record was reopened for clarification on issues and reclosed on May 15, 2024.

## **BACKGROUND**

At the time of the declassification student was in ninth grade at Cherry Hill East High School. At the time of the hearing, she was in eleventh grade. Petitioners filed their claims in response to Respondent’s notification of J.A. no longer being eligible for special education services. Petitioner, in their appeal, requested the following services

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<sup>3</sup> This is OAL Docket No. EDS 06242-2022.

<sup>4</sup> This is OAL Docket No. EDS 06244-2022,

for the student:

1. Independent testing in the following areas:
  - a. Psychological and Development, Neuropsychological, Auditory Processing, Social Evaluation, Educational Evaluation, Full Dyslexia Screening and Evaluation, and Oral Reading Fluency.
2. Reimbursement and compensatory damages, attorney fees, for services not provided and not paid for by Respondent pursuant to J.A.'s right to a Free and Appropriate Public Education (FAPE).
3. Provisions of the following services:
  - a. Individual pull-out resource replacement reading with a certified specialist trained in a research based multi-sensory program for dyslexic students with J.A.'s unique needs. One time daily ninety minutes during school year.
  - b. Individual Tutoring after school reading with a certified specialist trained in a research based multi-sensory program for dyslexic students with J.A.'s unique needs.
    - i. Sixty minutes daily after school during school year.
  - c. Individualized Extended School Day with Trained Professionals after school with a certified specialist trained in a research based multi-sensory program for dyslexic students with J.A.'s unique needs.
    - i. Sixty minutes daily after school during the school year.

- d. Update of student's IEP with specific research-based Interventions, Metrics and goals that are consistent with Dyslexia.
- e. Quality Assurance/Monitoring that the IEP is being implemented as designed.
- i. Assignment of a case manager with certification training and understanding of Dyslexia.

### **TESTIMONY AND FINDINGS OF FACT**

**Stacey Butler** (Butler) is employed by the Board as a school psychologist and case manager. She is a State-certified school psychologist and was qualified as an expert in school psychology, case management of students with disabilities, learning disabilities, and special education. She testified to student's history as a classified student in the District.

Prior to the District's decision to declassify the student she was eligible for special education and related services under the classification category of "Specific Learning Disability". The basis for that classification was a CST finding in July 2019 that there was a severe discrepancy between her achievement and ability in basic skills, written expression, and reading fluency.

The District last proposed an IEP for the student on or about April 1, 2022, as part of the student's mandated annual review. During that review, the student's progress over the past year was reviewed. That IEP was based, in part, upon evaluations of the student from 2014, 2016 and 2019, all of which were out of date by April 2022 according to the New Jersey regulation mandating that new evaluations of classified students be conducted every three years. In the April 2022 IEP, none of the teachers who drafted present-levels progress statements recommended that J.A. continue to receive special education and related services, and none recommended accommodations that could only be provided to the student in an IEP as opposed to a 504 Plan or another form of general education intervention. The IEP contained a list of accommodations and supplementary

aids and services to be provided to the student. An IEP was not required in order for the student to receive any of these accommodations. The only “special education” this IEP prescribed was placement in an in-class resource classroom for Language Arts and a study skills class. Butler explained that those placements were put into the IEP because they were in the student’s IEP from a year prior and the District had not yet reevaluated the student to determine whether those placements remained appropriate. They were “carried over” for that reason.

After the District conducted new evaluations of J.A. in the spring of 2022, it held an eligibility meeting in late May 2022. At the meeting, no member of the CST voted “no” in determining that J.A. was no longer eligible for special education and related services. Pursuant to New Jersey’s special education regulations, for a student to be eligible for special education and related services, they must fit into a disability category, and their disability must impact their education, and that educational impact can only be redressed through special education. In Butler’s professional opinion, the CST’s decision to declassify the student was appropriate. Although the student’s psychological and learning evaluations indicated that a severe discrepancy existed in the area of oral reading fluency the CST determined that that discrepancy did not impact the student educationally and did not create a need for special education and related services.

Butler was questioned on the parent’s request for independent evaluations as follows; psychological, developmental, neurophysiological, auditory processing, social educational, dyslexia, and oral reading fluency. (P-1.) Specifically, why the District only ordered a psychological and learning evaluation. The District ordered these two evaluations to see if there continued to be a severe discrepancy present looking at the student’s overall ability, IQ score and compare that to the achievement scores in the setting composite areas in the letter to determine if there is a discrepancy. The District is typically looking to find a twenty-two-point discrepancy. Butler stated, in her professional opinion, that the evaluations prepared by the District at the time of the eligibility meeting were sufficient to make a classification decision. Butler also stated that in her professional opinion none of the independent evaluations the parents requested were necessary because the need for specialized educational services or an educational impact could be assessed from the information the District possessed.

On being question regarding evaluations requested by the parents Butler testified that if those valuations were completed all the yield some deficits her opinion as to classification would not change because “all students have weaknesses. However, there is not educational it requires specialized education services.”

Butler conducted a Weschler Intelligence Scale for Children test which looks at her IQ score as well as student and Butler’s checklist to see how the student was feeling about things. The evaluation showed that the student had a full-scale IQ of 107, placing her in the average range. The student scored in the high average or above average range on measures of verbal comprehension (above average), working memory (high average), visual-spatial reasoning, fluid reasoning, and processing speed (average). The student seemed to have a good sense of self awareness and understanding of her strengths and weaknesses in the things she wanted to work on. All of the evaluation’s nine recommendations could be implemented for the student without an IEP. The learning assessment of the student also militated in favor of declassification. (R- 14.)

Functionally, at the time the CST proposed declassifying the student, she was doing very well in all of her classes – all of which were at the accelerated or honors level – earning A’s and B’s. (R-16.) Student’s “English Language Arts 1A class during the 2021-2022 school year was also an accelerated-level class. That class was an in-class resource class, which means it was taught simultaneously by a general education teacher and a special education teacher but was a general education class taught at the accelerated level while following a general education curriculum. In Butler’s professional opinion, as of late May 2022 the student did not require continued placement in an in-class resource English Language Arts class, or a study skills class, because she had been maintaining A and high-B level grades in all of her academic classes, including English Language Arts, in which she had an A average, and in Study Skills, where she maintained a one-hundred all year. Whatever weaknesses the student may have had, it was clear that she was able to compensate for them in a general education environment and earn stellar grades in a high-level academic environment. (R-18.) Additionally, all of the modifications and accommodations that had been in the student’s IEP could easily be implemented by a general education teacher in the absence of an IEP. (R-11.)

Butler testified that, contrary to the parents' allegations, the parents and the student were afforded an opportunity to speak at the eligibility meeting and that none of the independent evaluations the petitioners seek is necessary because the District had sufficient evaluative information at its disposal to conclude that the student satisfied the first prong of the three-prong eligibility inquiry. In conjunction with this, the CST also had sufficient information to conclude that she did not satisfy the second or third prongs. Hypothetically, even if the District funded all of the independent evaluations the petitioners seek, and even if all of those evaluations revealed deficits, the student's declassification would still have been correct and appropriate due to a complete and indisputable lack of educational impact and need for special education.

Butler disagreed with the petitioners' allegation that the CST did not properly assess the student and that the evaluations it conducted were faulty and inaccurate. When Butler administered the psychological evaluation to the student, the student was cooperative and focused, the testing environment was good, and the student completed all tasks given to her. These factors indicated that the results of the psychological evaluation were valid. Butler also testified that, in her professional opinion, no reason existed to doubt the accuracy of the learning evaluation.

Butler was asked if she was familiar with dyslexia and "qualified to make programming recommendations for dyslexic students" as part of her job and she stated she is qualified. She was then asked about petitioners' expert report, a "Literacy Assessment" prepared by Ronda Lomborg (P-3) which was prepared in January 2023, eight months after the CST proposed to declassify the student. Petitioners did not forward it to the District until February 2023. In Butler's professional opinion, even if the CST had been afforded the opportunity to consider the report at the May 2022 eligibility meeting, the report would not have militated against declassification. Butler testified that the results of standardized testing do not always square with a student's performance in the real world of the classroom, where students use compensatory strategies to succeed in spite of their disabilities. This was especially true in J.A.'s case; regardless of what Lomborg's testing indicated, J.A. was very successful in her classes – all of which were honors-level and accelerated classes – at the time the CST proposed declassifying her.

She was questioned about issues such as the allegation that the student's parents pay for tutoring and that it takes an inordinately long time for the student to complete oh and whether or not that means she should have not. Response was "No, it would not mean that she would need to have an IEP. The amount of time spent at home with also, in part, be representative of the level of classes she's taking, and the amount of outside work expected with a schedule that includes multiple A level and honors level classes. We would anticipate that that would take a lot of work to maintain her grades, which are excellent."

In Butler's professional opinion, the petitioners' allegation that the student did not receive a free appropriate public education is not correct. Reviewing the student's record from the 2018-2019 school year through January 2023, the student achieved or made steady progress towards achieving the goals set forth for her in her IEPs and earned excellent grades in high-level courses – thereby negating any need for compensatory education. (R-22; R-10; R-21; R-6.)

On cross-examination, Butler testified that, in the student's Study Skills course in which she was placed by her IEP, the student worked independently to self-advocate and to visit her teachers for assistance. She could do the exact same thing in a general education study hall. She also testified that the District had no indication whatsoever that the student was unable to keep up with her reading and writing assignments.

On re-direct examination, Butler testified that, in her professional opinion, the non-evidentiary assertions of father that the student only did well in school because she had an IEP were meritless. J.A.'s teachers, and their supervisor, all reported that J.A. was working independently in her classes. She did well in school not because she had an IEP, but because she used her resources wisely and was a hard worker with good skills, good self-awareness, good cognitive skills, and good compensatory skills.

Further, on re-cross Butler was asked if issues such as dyslexia, tiredness, frustration, ADHD and other issues would lead to the need for an IEP. Butler's response did not waver in that although those types of issues may be contributing factors to the



need for an IEP their existence by themselves does not necessarily necessitate an IEP for the student.

**Ronda Lipton Lomberg** (Lomberg) was retained by petitioners to prepare a “Literacy Assessment” (P-3) for the student which was prepared in January 2023. She prepared the assessment several months after the District proposed declassifying the student. She was admitted as an expert in the Wilson reading program and as a certified reading specialist. She was not admitted as an expert in special education, learning disabilities, programming for students with disabilities, or any other field. She would classify herself as an expert in the field of dyslexia through the Wilson program. She started working with the student in third grade and state she consulted with the student’s teachers. She observed problems with encoding and decoding. She had a breaking tutoring during the first year of the pandemic due to a personal issue. She described the condition as being afraid to write words she cannot spell. And instead of taking one hour for homework it would take six hours. The student’s word fluency is weak and she reads one hundred words per minute when she should be reading two hundred words per minute. She uses “learning ally” which allows her to hear her textbooks in audio form. In reviewing the work prepared by the district she opined that as a teacher she could say that the student’s IQ is low and has gone down. Her verbal comprehension is high. Lomberg opined that the assessments provided were not enough to diagnose dyslexic students. Her writing was at an eighth-grade level and her reading fluency was at a fifth-grade level.

On cross-examination Lomberg stated that the student could compensate for her slow reading by listing the lectures and plans. She was questioned on tests that she had performed and was familiar with including the WIATT 4, which she stated she was not qualified to perform, the WISC 5 which she stated she had not done, and she has not written an IEP although she has assisted. She was questioned about the three-pronged test for eligibility but was not able to discuss it off the top of her head.

On redirect she was questioned about the difference between combination and services.

In the process of formulating her conclusions and recommendations, Lomborg did not observe the student in school. She had never observed the student in school nor did she, or had she ever, speak with any of the student's teachers during this time. Lomborg conceded that the student did very well in school during the 2021-2022 school year and continued doing well in school during the 2022-2023 school year.

On cross-examination, Lomborg conceded that J.A. could compensate for her weaknesses and achieve success in school.

**J.A.** was in the tenth grade when she testified. She testified as to her prior reading assistance and checking her grades on the Genesis program. At the time, she was enrolled in at least four honors - or accelerated-level classes and she was earning good grades. The prior school year, she had wanted to be moved to a higher-level mathematics class, but the District told her she could not move because at the time she asked she had already missed too much higher-level math instruction. She was never told that she could not take a higher-level mathematics class due to her dyslexia. She testified as to her work in school and use of "Learning Ally", "Bookshare" and "puzzle piece" for assistance.

She knew that her IEP contained accommodations, but she did not need to use them on a daily basis.

**E.G.** is the student's mother and Mr. J.A.'s wife. She testified to a history of dyslexia from the third grade and that the student was not classified until second grade. She did not believe that the District understood dyslexia or how to educate students with dyslexia, and she disagreed with the District's decision to propose declassifying the student and stated that the District did not want to hear the parents' input. The parents had asked for the evaluations mentioned earlier thinking they would complement the evaluations the District had performed.

On cross-examination, E.G. testified that she held no professional licenses or

certifications in education or a related field. She did not remember ever having observed the student in school. Prior to the eligibility meeting in May 2022, she never spoke to the student's teachers about her functional performance in the classroom.

**Mr. J.A.** (Father) is the student's father. He was not admitted as an expert in any field. He is an attorney and practices in the field of discrimination appeals and testified that "educational law is not [his] area of expertise." His testimony was delivered in narrative form stating that in his opinion neither he nor his family was given an opportunity to voice their opinions at the eligibility meeting, the District did not understand how to teach dyslexic children, and the student should have an IEP. He opined that the student "can't read" and "can't write."

On cross-examination, Mr. J.A. testified that he held no licenses or certifications in special education, or any field related to education and had not observed the student in school since she was in the seventh grade.

**N.A.** is the student's older sister. She was not admitted as an expert in any field.

She was not sworn in as a witness and testified about her own experiences as a dyslexic student in the District.

### **FINDINGS OF FACT**

The resolution of the issues in this matter requires that I make a credibility determination regarding critical facts. The choice of accepting or rejecting the witnesses' testimony or credibility rests with the finder of fact. Freud v. Davis, 64 N.J. Super. 242, 246 (App. Div. 1960). In addition, for testimony to be believed, it must not only come from the mouth of a credible witness, but it also must be credible in itself. It must elicit evidence that is from such common experiences and observation that it can be approved as proper under the circumstances. See Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961). A credibility determination requires an overall assessment of the witnesses' story in light of its rationality, internal consistency, and the manner in which it "hangs together" with the other evidence. Carbo v. United States, 314

F. 2d 718, 749 (1963). A fact finder “is free to weigh the evidence and to reject the testimony of a witness, even though not directly contradicted, when it is contrary to circumstances given in evidence or contains inherent improbabilities or contradictions which alone or in connection with other circumstances in evidence excite suspicion as to its truth.” In re Perrone, 5 N.J. 514, 521-22 (1950); McPherson v. D’Amato, 305 N.J. Super. 109, 115 (App. Div. 1997).

Having had an opportunity to carefully observe the demeanor of the witnesses, it is my view that the testimony offered by Ms. Butler was more thorough and dealt with a wider range of issues (both historical and current) regarding the student’s academic history and current status. Therefore, I tend to offer more credence to her testimony. Moreover, her testimony was consistent with the documentary evidence. The petitioners have alleged that the decision to declassify J.A. was improper and resulted in a denial of FAPE; and that J.A. is entitled to an several evaluations which would evidence their assertion. This assertion was borne out through the testimony of Ms. Lomborg, E.G. – the student’s mother, J.A. – the student’s father, and N.A. – the student’s sister. Some of the testimony provided by Lomborg, specifically that the student’s writing is at an eighth-grade level and the student’s reading fluency is at a fifth grade level, is incongruous to the fact that the student is now taking all Advanced or Honors classes and maintaining A’s in all her academic subjects.

The extensive testimonial and documentary evidence presented by the District demonstrates that the decision to declassify J.A. was appropriate and that this action will not prevent her from being provided FAPE. Indeed, there are still some accommodation considerations in the most recent review that will assist the student but do not necessitate an IEP. The district demonstrated the evaluations provided were appropriate and not deficient in any way. Petitioners failed to demonstrate any deficiencies in the evaluations or any entitlement to any of the evaluations they requested.

Having had the opportunity to observe J.A.’s parents, it is my view that they are truly sincere in their concern for their daughter, they did not provide persuasive testimony that the District’s decision to declassify would result in a failure to provide FAPE. There was no other testimony, expert or otherwise, to discredit the credible testimony supported

by documentary evidence presented by the District. Moreover, there was no evidence to support the claim for additional evaluations.

Accordingly, I **FIND** the following:

1. J.A. attended school in the District and was classified and received special education services for a number of years.
2. J.A. was reevaluated in April 2022 to determine continued eligibility for special education services.
3. Based on the evaluations conducted, the academic record of the student, the collective opinion of the CST, and the progress of the student, J.A. was declassified as of May 2022.
4. J.A. was meeting her goals and objectives and displayed no behavior issues.
5. J.A. was making meaningful progress in all areas.
6. J.A. continues to make progress in honors and advanced classes and is meeting her goals and objectives.
7. The evaluations that were conducted by the District were comprehensive and complete and there was no evidence of any deficiencies in them.
8. There was no demonstration of a need for additional studies, evaluations, or services as requested by the parents.

## **LEGAL ANALYSIS AND CONCLUSIONS**

The Individuals with Disabilities Education Act (IDEA or the Act), 20 U.S.C. § 1400 et seq., requires New Jersey to effectuate procedures that ensure that all children with disabilities residing in the State have available to them a FAPE consisting of special education and related services provided in conformity with an IEP. 20 U.S.C. § 1401(9), 1412(a)(1). A purpose of the IDEA is:

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 further education, employment, and independent living.

[20 U.S.C. § 1400(d)(1)(A).]

Under 20 U.S.C. § 1412(a)(1), any state qualifying for Federal assistance under the IDEA must adopt a policy that assures all children with disabilities the right to a free appropriate public education. Hendrick Hudson Cent. Sch. Dist. Bd. of Educ. v. Rowley, 458 U.S. 176, 180-81, 102 S. Ct. 3034, 3037, 73 L. Ed. 2d 690, 696 (1982). State regulations track this requirement that a local school district must provide FAPE as that standard is set under the IDEA. N.J.A.C. 6A:14-1.1. New Jersey follows the federal standard requiring such entitlement to be “sufficient to confer some educational benefit,” although the State is not required to maximize the potential of handicapped children. Lascari v. Ramapo Indian Hills Reg. High Sch. Dist., 116 N.J. 30, 47 (1989) (citing Rowley, , 458 U.S. at 200, 102 S. Ct. at 3048, 73 L. Ed. 2d at 708). Third Circuit decisions have further refined that standard to clarify that such educational benefit must be “meaningful,” “achieve significant learning,” and confer “more than merely trivial benefit.” T.R. v. Kingwood Tp. Bd. of Educ., 205 F.3d 572 (3d Cir. 2000); Ridgewood Bd. of Educ. v. N.E. for M.E., 172 F.3d 238 (3d Cir. 1999); Polk v. Cent. Susquehanna Intermediate Unit 16, 853 F.2d 171, 183-84 (3d Cir. 1988), cert. den. sub. nom., Ctr. Columbia Sch. Dist. v. Polk, 488 U.S. 1030, 109 S. Ct. 838, 102 L. Ed. 2d 970 (1989).

The basic floor for such education is an education which offers the student an opportunity for meaningful learning, taking into account the child's potential. Ridgewood, 172 F.3d at 247 wherein the Court found that meaningful education must be more than de minimis. New Jersey has adopted the standards set forth by the United States Supreme Court and the Third Circuit. Lascari, 116 N.J. at 47-48, wherein it was found that the District is not required to provide the best education available. See R.D. and A.D. for C.D. v. Delran Board of Education, 2001 WL 830871 (N.J. Adm. 2001). Therefore, if the District through the applicable IEP is reasonably calculated to provide more than a de minimis benefit, then the school district has met its obligation under the IDEA. CV.J. and D.J. o/b/o B.J. v. Ocean City Board of Education, 2004 WL 763590 (N.J. Adm. 2004).

Thus, the issue is whether the IEP proposed and implemented by the District was appropriate and offered FAPE, and did the District appropriately declassify J.A.

The witness offered by the respondent, who was a qualified expert, was very familiar with the IEP and educational services provided by the District for the prior school years. She testified regarding J.A.'s progress. The District presented progress reports, and evaluations which supported the fact that the IEPs provided J.A. with an educational program reasonably calculated to provide meaningful educational benefit. Ms. Butler credibly testified that J.A. was making meaningful progress and meeting her goals and objectives. The testimony supported the finding that classification was no longer appropriate for J.A.

In support of J.A.'s case, Ms. Lomberg testified. She testified that she has been working as a tutor with J.A. since third grade and that J.A. still required the services provided in her IEP – if not more. J.A.'s parents and sister testified as to their opinions on the need for continuing services under and IEP. There were no petitioner witnesses to testify factually or as an expert as to J.A.'s progress in the classroom. Although petitioner's witnesses were sincere in her testimony, they provided no testimony to demonstrate that the District has not provided FAPE and that the proposed declassification was inappropriate, or that any of the assessments were deficient in any way.

I **CONCLUDE** that based on the credible and persuasive testimony presented by the District, the education provided to J.A. was reasonably calculated to offer FAPE. I further **CONCLUDE** that the determination to declassify J.L. in May 2022 was proper.

I further **CONCLUDE** that the petitioners are not entitled to compensatory education, costs, fees or other evaluations or services requested as associated with this case.

I further **CONCLUDE** that there was no demonstration that any of the evaluations that were conducted by the District were deficient in any way, thus failing to demonstrate entitlement to an independent evaluation.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2024) 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 (2024). 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.



July 1, 2024

DATE

CARL V. BUCK III, ALJ

Date Received at Agency:

Date emailed to Parties:

CSV/tat



## **APPENDIX**

### **WITNESSES**

#### **For petitioners**

Ronda Lipton Lomborg

J.A. (student)

E.G. (mother)

J.A. (father)

N.A. (sister)

#### **For respondent**

Stacey Butler

### **EXHIBITS**

#### **For petitioner**

- P-1 Request for Due Process and Independent Testing, dated June 13, 2022
- P-2 Notice Letter of Declassification, dated March 31, 2022
- P-3 Independent Tests and Literacy Assessment of J.A. by Rhonda Lomborg – Evaluation completed January 14, 2023
- P-4 Letter from Stacey Smith-Elephant, MD, Pediatrician. Medical letter regarding J.A. diagnoses of Attention Deficit Disorder, dated July 11, 2016
- P-5 Public record - Presentation of Understanding Dyslexia authored by Deborah Lyman, dated February 21, 2016
- P-6 United States Department of Education letter, dated October 23, 2015, regarding dyslexia in Special Education, signed by Michael K. Yudin
- P-7 Education Evaluation of N.A., 9th grade, by Andrea Finkel M Ed, date of evaluation February 3, 2017, and February 6, 2017

- P-8 Request for Child Study Team evaluation of J.A. for Learning Disability - from J.A. and E.G. to Dr. Kob, Principal of Woodcrest Elementary School and Diane Bruce, Child Study Team, dated January 8, 2014
- P-9 Notice for Reevaluation Planning - Proposed Actions, dated May 17, 2019
- P-10 Psychological Assessment of J.A. by Maria Augusta Castro, MA - Certified School Psychologist, dated April 8, 2019
- P-11 Learning Evaluation of J.A., by Angela Phelan; LDT/C, dated Apr 4, 2014
- P-12 Speech Evaluation of J.A., by Cheryl DeLuca, M.S., CCC-SLS, dated March 31, 2014
- P-13 Education Evaluation of J.A., by Mary Kopczynski, MST, LDT/C, dated February 26, 2016
- P-14 Psychological Evaluation of J.A. by Stacey G. Butler, School Psychologist, dated April 13, 2022
- P-15 Learning Assessment of J.A. by Kim Seifring, Ed D., dated April 20, 2022
- P-16 IEP for J.A. aged fourteen years, ten months for school year 2022 to 2023
- P-17 IEP for J.A. aged thirteen years for school year 2020 to 2021
- P-18 IEP for J.A. aged ten years for school year 2017 to 2018
- P-19 Wrights Law Article - Big Win in Dyslexia Case! Court Orders District to Reimburse Parents \$456,990.60 by Peter W.D. Wright & Pamela Wright Wrightslaw.com Regarding October 12, 2021, Court Decision

### **Respondent**

- R-1 Petition for Due Process, June 13, 2022
- R-2 Answer, July 25, 2022
- R-3 Cross-Petition for Due Process, June 27, 2022
- R-4 IEP, June 15, 2018
- R-5 IEP, November 11, 2018
- R-6 Report card, 2018-2019
- R-7 IEP, July 8, 2019
- R-8 IEP, May 19, 2020
- R-9 IEP, March 1, 2021
- R-10 Progress report, June 18, 2021

- R-11 IEP, April 1, 2022
- R-12 Re-evaluation proposal, April 1, 2022
- R-13 Psychological Evaluation, April 13, 2022
- R-14 Learning Assessment, April 20, 2022
- R-15 Notice of declassification, May 31, 2022
- R-16 Schedule, 2021-2022
- R-17 Progress report, June 21, 2022
- R-18 Report card, 2021-2022
- R-19 Email to parent attaching student records, February 1, 2023
- R-20 Email to parent attaching progress reports, February 2, 2023
- R-21 Progress report, January 26, 2023
- R-22 Report card, January, 2023
- R-23 Schedule, 2022-2023
- R-24 CV – Stacey Butler
- R-25 CV – Caitlin Mallory
- R-26 CV – Kim Seifring
- R-27 CV – Marc Wiseley