



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

**FINAL DECISION GRANTING**

**SUMMARY DECISION**

OAL DKT. NO. EDS 12765-23

AGENCY DKT. NO. 2024-36699

**A.M. ON BEHALF OF M.Z.,**

Petitioners,

v.

**WEEHAWKEN TOWNSHIP**

**BOARD OF EDUCATION,**

Respondent.

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**A.M.**, petitioner, pro se

**Douglas M. Silvestro**, Esq., (The Busch Law Group, LLC), for Respondent

Record Closed: April 10, 2024

Decided: April 17, 2024

BEFORE: **DANIELLE PASQUALE**, ALJ:

**STATEMENT OF THE CASE**

Whether a non-custodial parent has the legal authority to consent to a Child Study Team (CST) evaluation and 504 Plan to which the custodial parent and school district have objected, and where the Family Court Action initiated by DCP & P greatly limits her authority to make any decisions for her child? Yes.

## **PROCEDURAL HISTORY**

Petitioner, A.M. (“mom”), on behalf of M.Z. (“student”), filed a Request for Mediation on October 18, 2023. The case was converted to a Request for a Due Process Hearing and transmitted to the Office of Administrative Law (“OAL”) on November 16, 2023. The OAL granted leave to respondent, the Board of Education of the Township of Weehawken (“respondent” or “the District”), to file a Motion for Summary Decision via email on January 4, 2024, after efforts to resolve the matter proved unsuccessful.

Petitioner has filed previous due process petitions on behalf of M.Z. On May 24, 2022, A.M. filed a petition for due process against the District seeking a child study team (“CST”) evaluation, special education and related services, and the development of an individualized education program (“IEP”).

The Due Process Petition at hand challenges the District’s decision to terminate M.Z.’s Section 504 Services, as well as its decision to decline to evaluate M.Z. for special education or to provide him with a mental health program available in District, Effective School Solutions (“ESS”). This previous matter was transmitted to the OAL, where it was filed on June 13, 2022. I held several conferences and then gave the District leave to file this motion for summary decision. I carefully reviewed briefs and corresponding exhibits from both sides and heard oral argument on April 10, 2024 and closed the record accordingly.

## **FACTUAL DISCUSSION**

The following facts are largely undisputed or unopposed and **I THEREFORE FIND**:

1. M.Z. is a seventh-grade student who is enrolled in general education classes in District, including Honors English, Mathematics, Science, and Social Studies. (Assistant Superintendent for Special Services and Personalized Learning Orecchio Cert. at ¶ 4.) M.Z. lives with his father B.Z. who has sole legal custody after a protracted and contentious custody dispute.

2. At present, the parents of M.Z., B.Z. (“dad”) and petitioner, A.M. (“mom”), share joint legal custody, pursuant to a Family Court Order (“FC Order”)<sup>1</sup> bearing docket number FN-09-193-20 which ended the FN children-in-court litigation. (Dist. Ex. A.) (Pet. Ex. F.) The parents were never married and do not cohabit.
3. Before petitioner’s rights were diminished by the courts overtime, FC Orders dated from years 2012, 2015, and 2017 involved some agreement with A.M. and B.Z. and all state both parents “agree that they will consult and confer with each other with regard to all major issues relating to the child’s health, safety, welfare, and education. The [parents] agree to keep each other informed of these issues and allow each ample opportunity to be part of the decision-making process.” (Pet. Ex. B, C, and D.)
4. In 2019, the Family Court denied A.M.’s application to change M.Z.’s school district to West Orange. (Pet. Ex. F.) This denial began the Family Court’s dilution of A.M.’s limits on legal custody, and in this instance restrictions on her ability to make educational decisions for M.Z.
5. Since April 12, 2021, per Family Court Order bearing docket number FN-09-193-20, B.Z., M.Z.’s father, obtained sole physical custody of M.Z. M.Z. resides with B.Z in Weehawken. (Dist. Ex. A.), (See also Orecchio Cert. at ¶ 4.)
6. Since April 12, 2021, per FC order FN-09-193-20, petitioner’s access to her son has been limited to “therapeutic supervised visits with a service provider approved by DCP&P until she complies with a psychiatric evaluation and individual psychotherapy with a service provider approved by DCP&P, engages in a period of therapeutic visits with [M.Z.] and complies with any recommendations from psychiatric evaluation.” (Dist. Ex. A.)
7. Since April 12, 2021, per FC Order FN-09-193-20, petitioner has been “restrained from physically going to [M.Z.]’s school, after-school or extra-curricular activities, doctor’s appointments or anywhere [M.Z.] may be. The

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<sup>1</sup> This decision takes Judicial Notice and thus will refer to Family Court Orders bearing FD docket numbers which stem from the non-dissolution unit regarding custody issues between non-married parents. Family Court Orders bearing an FN Docket Number are family court orders from the “Children-in-Court” Unit regarding issues of potential abuse and neglect brought by DCP & P. The April 12, 2021 FN-09-193-20 order is the Children-in Court DCP & P order at issue with regard to mom’s legal custody and constraints contained therein.

only contact permitted between [petitioner] and [M.Z.] is therapeutic visitation. [Petitioner] may go to the child's school for purposes of meeting with teachers and to the Pediatrician's office to meet with treating physicians during hours the child is not present in those locations." (ibid.)

8. Since April 12, 2021 petitioner's legal custodial rights were limited and thus the court ordered she only "is entitled to obtaining school records and medical records for [M.Z.]." (ibid.)
9. Petitioner's access to M.Z. has not been altered or increased since the Family Court Order FN-09-193-20, dated April 12, 2021 which terminated the child protection portion of the Family Court Litigation. (ibid.)
10. Petitioner admits she has not seen her son since August 31, 2020, at "DCP&P's request to suspend all visits and not allow any contact." (Pet. Cert. At ¶ 126.) She presented no proof of coming into compliance with the directives of the Family Court since the April 12, 2021 order.
11. An eligibility conference for M.Z. was first held on February 13, 2018. Four evaluations were conducted of M.Z.-educational, psychiatric, psychological, and social. It was determined at that time that M.Z. was not eligible for special education and related services, but a 504 Plan was implemented. (Dist. Ex. M at 2.) A.M. o/b/o M.M. v. Weehawken Twp. Bd. of Educ., EDS 04744-22, Final Decision (August 11, 2022), [https://njlaw.rutgers.edu/collections/oal/html/initial/eds04744-22\\_1.html](https://njlaw.rutgers.edu/collections/oal/html/initial/eds04744-22_1.html).
12. M.Z. was again referred to the CST on November 29, 2021, for the purpose of determining M.Z.'s eligibility for special education and related services. A mediation agreement dated January 14, 2022, resolved these disputes and the District agreed to have a BCBA conduct a behavioral observation over multiple school environments of M.Z. (Id. at 2-4.)
13. Despite this January 14, 2022 mediation agreement, petitioner filed a Due Process Petition on May 23, 2022. The Honorable Kelly Kirk, ALJ ruled that "the matter of a CST evaluation and eligibility for special education and related services was resolved by the Mediation Agreement, dated January 14, 2022, and the Second Petition should be dismissed." (Id. at 9.)

14. At that time, both parties agree that M.Z. received a 504 Plan to accommodate his “mental health diagnoses” of “Adjustment Disorder and Oppositional Defiant Disorder,” which was to be reviewed in April 2023. The onset of these conditions coincided when the acrimony between his parents and at the height of the custody dispute.
15. Recently, M.Z.’s father, B.Z., questioned M.Z.’s need for a 504 Plan, and requested a psychiatric evaluation, which was completed on March 23, 2023 by Dr. Vincent Ruiz. (Ibid.)
16. Dr. Ruiz’s recent report dated March 23, 2023, states that there is no psychiatric diagnosis, no evidence of depression or anxiety, and no evidence of Oppositional Defiant Disorder for M.Z. at the time of the evaluation. (Dist. Ex. B.)
17. In addition, a psychological evaluation of M.Z. dated over three (3) years earlier on March 5, 2020, concluded that, in relation to M.Z.’s past diagnoses, “[M.Z.] appears to be functioning well across multiple domains, with no current concerns about his functioning expressed by himself or either of his parents. As such, there is no evidence of functional impairment at the present time and there was no disclosure of harm.” (Pet. Ex. MM. at 16.)
18. As a result, M.Z.’s 504 Plan was discontinued on or around July 7, 2023. (Dist. Ex. C), (Orecchio Cert. at ¶ 8.)
19. B.Z., the parent with sole physical custody of M.Z. and the collaborative member of the child study team (“CST”), does not believe that M.Z. needs a 504 Plan at this time. (Dist. Ex. G).
20. B.Z., the parent with sole physical custody of M.Z., declines any further evaluations of M.Z. (Dist. Ex. G and L)
21. The District does not believe that M.Z. has a disability and is in need of special education and related services. (Dist. Ex. C), (Orecchio Cert. at ¶ 15.)
22. Petitioner, A.M., has no expert, affidavits or any other evidence presented in her brief or attachments, during oral argument to dispute the findings of Dr. Ruiz.

**LEGAL ANALYSIS AND CONCLUSION**

**Standard for Summary Decision**

A motion for summary decision may be granted if the papers and discovery presented, as well as any affidavits which may have been filed with the application, show that there is no genuine issue of material fact and the moving party is entitled to prevail as a matter of law. N.J.A.C. 1:1-12.5(b). If the motion is sufficiently supported, the non-moving party must demonstrate by affidavit that there is a genuine issue of fact which can only be determined in an evidentiary proceeding, in order to prevail in such an application. Ibid. These provisions mirror the summary judgment language of R. 4:46-2(c) of the New Jersey Court Rules.

The motion judge must “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.” Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 523 (1995). And even if the non-moving party comes forward with some evidence, this forum must grant summary decision if the evidence is “so one-sided that [the moving party] must prevail as a matter of law.” Id. at 536 (citation omitted).

As there are no material facts in dispute, I **CONCLUDE** this matter is ripe for summary decision.

**Petitioner’s Lacks the Ability to Consent to Services for M.Z.**

Based upon the foregoing facts and applicable law, I **CONCLUDE** that the noncustodial parent A.M. does not possess the legal authority to consent to services for M.Z.

The District argues that A.M. cannot consent to services for M.Z., especially in light of the fact that A.M. has not seen her son, M.Z., in over three (3) years by order of the Family Court. The District relies on the authority of K.W. v. Sparta Bd. of Educ.,

1996 N.J. AGEN LEXIS 872,<sup>2</sup> to make its argument: “[a]bsent any contrary provision in a court order or settlement agreement, it is the custodial parent who has the legal right to consent to a child study team evaluation.” In K.W., it was reasoned that “[w]hen an order is made giving the custody of a child to one of the parents, ‘there must be implicit in the order a grant of sufficient control to make the custody effective.’ . . . In practice, an award of custody carries a concomitant duty to see to the education of the child.” Id. at \*14-15 (citing Straver v. Straver, 26 Misc. 218. 224 (Ch. 1948)).

K.W. highlights the rationale in pertinent part:

In interpreting who has the right to consent to an evaluation, however, the definition of parent must be read together with the meaning of “consent”. Not every “parent” can “consent” to an evaluation. The definition of “consent” was recently amended “to clarify which parent grant consent for referral and/or implementation of the special education program.” 22 NJR. 1412 (May 21, 1990). “Consent,” as revised, means that:

A parent having legal responsibility for educational decision making or the adult pupil has been fully informed of all information relevant to the activity for which consent is sought, in his [\*14] or her native language or other mode of communication’ understands and agrees in writing to the implementation of this activity’ and understands that the granting of consent is voluntary and may be revoked at any time (Emphasis Added).

This amendment is designed for circumstances such as the present case, where neutral school authorities receive conflicting instructions from two parents, each of whom claims to be acting in the interests of the child. Where parents are divorced or live separately, a court of appropriate jurisdiction may make orders concerning the care, custody, education and maintenance of the children.” N.J.S.A. 2A:34-23; N.J.S.A. 9:2-3. Absent any contrary provision in a court order or settlement agreement, it is the custodial parent who has the legal right to consent to a child

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<sup>2</sup> K.W. v. Sparta Bd. Of Education, 96 N.J.A.R. 2d. (EDS); 1996 NJ AGEN LEXIS 872 (a July 31, 1996 Final Agency Decision upholding Judge Ken Springer, ALJ’s initial decision on OAL Docket no. EDS 05966-96.

study team evaluation. When an order is made giving the custody of a child to one of the parents, “there must be implicit in the order a grant of sufficient control to make the custody effective.” Straver v. Straver, 26 Misc. 218, 224, (Ch. 1948). Usually, the custodial parent is more familiar with the child’s daily activities and, thus, is better equipped to make informed decisions concerning [\*15] the child’s needs. In practice, an award of custody carries a concomitant duty to see to the education of the child. 11 PAUL SILVERMAN < NEW JERSEY PRACTICE SERIES § 1258 (1981). If the mother wishes to assume a greater role in planning her child’s education, she may apply to the Family Court to modify the consent order.

Id. At 13-14.

K.W. clearly demonstrates how much weight the custodial parent’s opinion should be awarded. Here, the custodial parent agrees with the District that M.Z. does not need to be reevaluated and agrees that M.Z. does not need a 504 Plan. B.Z. has been given sole physical custody, and applying the holding of K.W., it is clear that B.Z. must be given sufficient power to make his custody effective. To allow A.M. to undermine B.Z.’s opinions regarding the educational plan of M.Z., when she has not seen M.Z. in years as she remains out of compliance with the Family Court Order in the FN matter initiated by DCP & P (Dist. Ex. A), would undermine B.Z.’s ability to fulfill his duty as sole physical custodian to attend to the proper education and wellbeing of his child.

This in itself is not dispositive of whether A.M. can or cannot consent to services. It is also necessary to look to the language of the Family Court Orders. “Courts and administrative law judges look to state matrimonial law as controlling the respective rights of divorced parents to make educational decisions regarding [their] children.” F.C. o/b/o/ D.C. v. Rockaway Twp. Bd. of Educ., 2005 N.J. AGEN LEXIS 507, at \*12. “Only the Family Part possesses equitable power to modify or amend the spousal agreement due to changed circumstances or because the agreement is no longer in the best interests of the child. Unless and until the Family Court modifies its provisions, the OAL must respect the existing divorce judgment as a valid order of the court.” Id. at \*17-18. Further, “a school district is entitled to rely on the order of the Family Court



when fulfilling its educational responsibilities to the child. Id. at \*14 (citing L.T. o/b/o/ C.T. v. Denville Twp. Bd. of Educ., 2004 N.J. AGEN LEXIS 775). In F.C., the administrative law judge was bound by the divorce decree which explicitly stated that the consent of both parents was required for educational decisions about their child. Id. at \*19.

Here, there are several FC orders dated up to 2017 that expressly state that A.M. retained the right to make educational decisions for M.Z.; however, this right does not extend to current orders as during the pendency of the contentious custody dispute DCP & P initiated their own litigation which resulted in the restrictions on A.M. seeing her son. Since the FN order dated April 21, 2021, A.M. can only access M.Z.'s educational records. She cannot attend doctor's appointments. She cannot enter M.Z.'s school while he is there. She cannot meaningfully participate in the educational decision-making process for her child. The family court has denied A.M. the ability to make educational decisions since at least 2019, when her application to change M.Z.'s school district was denied. While the FC orders do state that A.M. retains legal custody, it is clear by their language that A.M. is not to be involved in the educational decision-making process for M.Z. until a future order, and when and if one is issued if she were to come into compliance with its strict directions. (See Dist. Ex. A.)

Parental consent is required before a child can be evaluated or classified the under the Individuals with Disabilities Education Act "IDEA" or Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and consent is required before a district may implement a 504 Plan. N.J.A.C. 6A:14-2.3, 34 C.F.R. § 104.36. As A.M. is not allowed to be involved in the educational decision-making process for M.Z., per Child Protection Order dated April 12, 2021, she cannot consent to the implementation of services.

As such **I CONCLUDE** that A.M., petitioner, a parent with no physical custody and whose educational decision making power has clearly been limited by FC orders, including a Children-in Court FN order, cannot consent to evaluation or services under the IDEA or Section 504.

### **504 Plan Eligibility for M.Z.**

Section 504 is a federal law that protects qualified individuals from discrimination based on disability status. It states that “[n]o otherwise qualified individual with a disability in the United States . . . shall, solely by the 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,” including schools. 20 U.S.C.A. 794(a). Three requirements must be met in order to qualify for the protections and services offered by Section 504. First, the person seeking qualification must have “a physical or mental impairment which substantially limits one or more major life activities.” 34 C.F.R. 104.3(j)(1). Second, the person must have “a record of such an impairment.” *Ibid.* And third, the person must be “regarded as having such an impairment.” *Ibid.*

Respondent has provided uncontroverted evidence that M.Z. does not need a 504 Plan in providing a psychological evaluation by Dr. Ruiz, dated March 23, 2023, which concluded that M.Z. does not have a current psychological diagnosis. (Dist. Ex. B.) Petitioner has failed to provide any evidence that demonstrates that M.Z. qualifies for services under Section 504. The single evaluation she provided of M.Z. is a psychological exam from 2020 which states, that “there is no evidence of functional impairment at the present time.” (Pet. Ex. MM.) Thus, petitioner has failed to provide any documentation that M.Z. is currently “regarded as having an such an impairment [which substantially limits one or more major life activities.]” 34 C.F.R. 104.3(j)(1).

As a result, **I FURTHER CONCLUDE** that, based on the largely undisputed facts provided, M.Z. is not entitled to services provided under Section 504 of the Rehabilitation Act.

### **Child Study Team Evaluation of M.Z.**

Petitioner has also requested that the District evaluate M.Z. for special education services.

Parents “may make a written request for an evaluation to determine eligibility for services under [IDEA.]” N.J.A.C. § 6A:14-3.3. A similar right is mirrored in the language of Section 504. See K.S. v. Parsippany-Troy Hills Bd. of Educ., 1997 N.J. AGEN LEXIS 74, at \*10. School districts must promptly conduct this evaluation, but “only if [the District] suspects that the child has a disability and is in need of special education and related services.” Id. at \*9-10. See also Sacramento City (CA) unified Sch. Dist., 23 IDELR 112 (OCR Letter Ruling 1995).

Here, the District does not believe that M.Z. has a disability and is in need of special education and related services. (Orecchio Cert. at ¶ 15.) Similarly, B.Z. (“dad”) states that “there has been no concern expressed by the school, teachers, or his counselor to warrant any evaluation. M.Z. is exceeding in his gifted and talented program, taking part in extracurricular [sic] activities. . . and showing no signs of distress.” (Dist. Ex. G). The District has provided a 2023 psychological exam that states that M.Z. has no current psychological diagnosis. (Dist. Ex. B.) Petitioner has not provided any evidence that challenges this; she has only provided a 2020 psychological evaluation which also concluded that M.Z. presented with “no evidence of functional impairment.” (Pet. Ex. MM.)

Given the undisputed material facts and laws outlined above, **I FURTHER CONCLUDE** that the District is not required to further evaluate M.Z. at this time, as the District does not suspect that M.Z. has a disability or is in need of special education or related services.

#### **Other Relief Sought by Petitioner**

Throughout her petition, A.M. asks the OAL for relief unrelated to the education of M.Z., such as to grant her custody of M.Z. This relief must be denied, as this is the improper forum, and I have no jurisdiction to grant such relief. If petitioner is unhappy with her current limited ability to interact with her child, she should seek relief in the appropriate forum. Further, she should first attempt to comply with the Family Court order FN-09-193-20 dated April 12, 2021, and undergo the psychiatric evaluation,

individual psychotherapy, and supervised visitation of M.Z. as outlined in detail in Dist. Ex. A.

**ORDER**

Thus, it is hereby **ORDERED** that Respondent's motion for summary decision be **GRANTED**, and that the relief sought by Petitioner in her due process petition be **DENIED**.

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.

April 17, 2024  
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DATE

  
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**DANIELLE PASQUALE, ALJ**

Date Received at Agency: April 17, 2024  
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Date E-Mailed to Parties: April 17, 2024  
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**APPENDIX**

List of Moving Papers

For Petitioner:

- Exhibit A copy of letter from petitioner, dated November 6, 2017
- Exhibit B copy of Family Court Order (FD Docket), dated November 26, 2012
- Exhibit C copy of Family Court Order (FD Docket), dated April 9, 2015

- Exhibit D copy of Family Court Order (FD Docket), dated January 25, 2017
- Exhibit E copy of Family Court Order (FD Docket), dated June 29, 2017
- Exhibit F copy of Family Court Order (FD Docket), dated August 14, 2019
- Exhibit G copy of New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order, dated August 1, 2014
- Exhibit H copy of Family Court Order (FD Docket), dated September 2, 2014
- Exhibit I copy of New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order, dated August 15, 2018
- Exhibit J copy of copy of New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order, dated January 6, 2020
- Exhibit K Petitioner has labeled as a copy of someone's audio; it is not included in the file.
- Exhibit L copies of photos of art made by M.Z.
- Exhibit M copy of email from Judith Springer to petitioner dated January 19, 2022
- Exhibit N copy of email from M.Z.'s teacher, dated January 14, 2022
- Exhibit O copy of emails between B.Z. and the District, dated January 14-18, 2022
- Exhibit P copy of Proactive Approaches to Supporting Children with Disabilities: A Guide for Stakeholders, dated July 19, 2022
- Exhibit Q copy of Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions, dated July 19, 2022
- Exhibit R copy of Notice of Privacy Practices Receipt for Riverside Medical Group, dated September 22, 2023
- Exhibit S copy of Hoboken Police Department Incident Report, dated September 22, 2023
- Exhibit T copy of email from Compliance Team Leader at the United States Department of Education Office for Civil Rights, dated August 31, 2023
- Exhibit U copy of WHS Incident Report, dated October 18, 2023
- Exhibit V copy of petitioner request for mediation with the Office of Special Education Policy and Dispute Resolution, dated October 18, 2023
- Exhibit W copy of email from Optum dated October 1, 2023
- Exhibit X.1 copy of email from District dated October 24, 2023
- Exhibit X.2 copy of email from Optum dated October 18, 2023
- Exhibit Y copy of Hoboken Police Department Incident Report, dated October 30, 2023

- Exhibit Z.1 copy of email from Optum, undated
- Exhibit Z.2 copy of email from Optum, dated January 2, 2024
- Exhibit AA copy of WHS Incident Report, dated January 31, 2024
- Exhibit BB copy of email from District, dated February 15, 2024
- Exhibit CC copies of emails between petitioner and District, dated September 13-18, 2023
- Exhibit DD copy of letter email from Rutgers Law School Domestic Violence Clinic, dated April 18, 2021
- Exhibit EE copy of certification of petitioner, dated February 20, 2024
- Exhibit FF copy of petitioner's resume
- Exhibit GG copy of Family Court Order, appointing A.M. as a Court Appointed Special Advocate, dated March 15, 2023, for a child not relevant to the case and whose identity if confidential. As such, this document is omitted.
- Exhibit HH copy of certification of Savion Maranon, dated February 20, 2024
- Exhibit II copy of resume of Savion Maranon
- Exhibit JJ copy of certification of Michelle Munjanattu, dated February 19, 2024
- Exhibit KK copy of certification of Tara Krawjewski, dated February 20, 2024
- Exhibit LL copy of psychological report of M.Z. by Jacqueline Powell, LCSW, dated December 18, 2019
- Exhibit MM copy of psychological evaluation of M.Z. and petitioner by Dr. Rachel Safran, Ph.D., dated March 5-6, 2020.
- Exhibit NN copy of psychological evaluation of petitioner by Dr. Andrew P. Brown III., Ph.D., dated August 17, 2020
- Exhibit OO copy of psychiatric evaluation of petitioner by Dr. Howard Gilman, MD, dated December 29, 2020

For Respondent:

- Exhibit A copy of Family Court Order (FD Docket) dated April 12, 2021, FN-09-193-20
- Exhibit B copy of Psychiatric Evaluation by Dr. Vincent Ruiz dated March 23, 2023
- Exhibit C copy of email to A.M. providing notice of the termination of M.Z.'s 504 plan, dated July 7, 2023
- Exhibit D copy of petitioner's written request that M.Z. be evaluated for special education services, dated November 24, 2021

- Exhibit E copy of child study team eligibility report dated February 23, 2018
- Exhibit F copy of petitioner's previous due process petition dated December 20, 2021
- Exhibit G copy of email from B.Z. dated January 11, 2022
- Exhibit H copy of mediation agreement between the parties executed on or around January 14, 2022
- Exhibit I copy of petitioner's correspondence with the Office of Special Education seeking "enforcement of the Mediation Agreement," dated February 18, 2022
- Exhibit J copy of emails between A.M. and the District sending copies of the structured and unstructured behavioral observations, dated February 17-26, 2022
- Exhibit K copy of petitioner's previous due process petition dated May 23, 2022
- Exhibit L copy of email from B.Z. ("dad") opposing and revoking any consent for any type of evaluations, dated May 24, 2022
- Exhibit M copy of decision from Judge Kelly Kirk for OAL Dkt. No. EDS 04744-22, dated July 14, 2022

Certification of Alfred Orecchio, Weehawken Assistant Superintendent for Special Services and Personalized Learning, dated February 1, 2024