



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION
(CONSOLIDATED)

A.T. AND O.T. ON BEHALF OF A.T.,

Petitioners,

v.

FREEHOLD REGIONAL BOARD

OF EDUCATION,

Respondent.

OAL DKT. NO. EDS 09467-22

AGENCY DKT. NO. 2023-34912

And

A.T. AND O.T. ON BEHALF OF A.T.,

Petitioners,

v.

FREEHOLD REGIONAL BOARD

OF EDUCATION,

Respondent.

OAL DKT. NO. EDS 05894-24

AGENCY DKT. NO. 2024-37156

A.T. and O.T., petitioners, pro se¹

John B. Comegno, II, Esq., for respondent (Comegno Law Group, P.C., attorneys)

Record Closed: November 13, 2024

Decided: December 11, 2024

¹ Petitioners were represented by counsel in both matters until May 31, 2024, when my chambers were notified in writing that the parents would be proceeding as pro se litigants.

BEFORE **JACOB S. GERTSMAN**, ALJ t/a:

STATEMENT OF THE CASE

Petitioners, A.T. and O.T., the parents of minor child A.T. (parents), contend that the programs of respondent Freehold Regional Board of Education (“District” or Freehold) for the 2021-2022, 2022-2023, and 2023-2024 school years were inappropriate to meet A.T.’s needs and were not reasonably calculated to confer a free appropriate public education (FAPE). A.T. was a student in the lower district Colts Neck (“Colts Neck”) through eighth grade and matriculated into Freehold for High School. The petition also sought that A.T. remain in the in-class resource (ICR) setting as his stay-put placement. The parents also contend that: the District failed to offer/provide a program reasonably calculated to enable A.T. to make progress in light of his circumstances; the placement violates State and federal law; the District violated the Individuals with Disabilities Education Act (IDEA or Act) by failing to provide A.T. with an education program designed to meet his individual needs; and the District violated Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) by discriminating against A.T. and retaliating against A.T. and/or his parents. The parents seek compensatory education equal to the period of deprivation, reimbursement for the costs of their experts, and reimbursement for costs and fees.

The District argues that FAPE was repeatedly offered and rejected by the parents, and it appropriately followed and implemented A.T.’s 2021-2022 IEP. Additionally, the parents unreasonably revoked consent to reevaluations; the appropriate placement is learning and/or language disabilities (LLD), not ICR; the parents withheld consent to implement the IEPs offered for the 2022-2023 and 2023-2024 school years; the District did not fail to promulgate IEPs with appropriate measurable goals and objections; and parental input was considered by the District.

PROCEDURAL HISTORY

The parents' petitions were transmitted to the Office of Administrative Law (OAL), where they were filed on October 20, 2022, and May 6, 2024, respectively, as contested cases under OAL docket numbers EDS 09467-22 and EDS 05894-24. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13. These matters were consolidated by my order dated June 6, 2024. A prehearing order was issued on April 12, 2023, and an amended prehearing order was issued on June 27, 2024. The parents' motion to amend their 2024 due-process petition was denied orally during the June 24, 2024, telephone conference, and memorialized in a letter order dated June 27, 2024.

Following multiple adjournments requested by petitioners through their former counsel, the hearings were held on July 29 and 30, 2024. At the conclusion of the second hearing, the District filed a motion for a directed verdict, which was denied. The record remained open for the parties to submit post-hearing briefs, which were filed on October 15, 2024. On October 21, 2024, the parents requested to file a response brief, which was granted. Response briefs were filed by both parties on October 30, 2024. The final hearing was held on November 13, 2024, and the record was closed.

FACTUAL DISCUSSION AND FINDINGS

Testimony

For the District:

Dr. Jessica Howland (Dr. Howland) is the director of Special Services for the District and was qualified as an expert in special education. She explained the special education continuum and how it works in the District. There are four in-district programming and placement options for special education students: general education, in-class resource (ICR), resource classroom, and a self-contained program. She noted that if the ICR program is not sufficient to meet the needs of the student, and the special education student requires a heavily modified program, a learning and/or language disabilities (LLD) program is considered. The ICR program has approximately thirty-one

students, with no more than twelve special education students in the classroom. The LLD classrooms have approximately twelve students, along with a certified staff member, a classroom paraprofessional, and additional paraprofessionals.

Dr. Howland agreed with Colts Neck's recommendation that A.T. be placed in an LLD setting when he enrolled in the District because A.T. fit the profile for LLD. The parents informed her that A.T. wanted to attend Colts Neck High School to be with his friends, notwithstanding her explanation that Marlboro High School had an LLD program that they would like to try. She added that students with A.T.'s profile are usually placed in self-contained programs, including LLD. However, due to the insistence of the petitioners that A.T. remain in an ICR setting, she agreed to place him in ICR and would monitor his progress and reassess. Following his testing in the fall of 2018, the District again recommended an LLD program, which was rejected by the parents.

A.T. "did not do well" in the ICR setting. (T1:13-17.) The District, based on his performance, proposed a re-evaluation plan on January 21, 2022, which included an occupational therapy evaluation, a neurodevelopmental evaluation, a psychoeducational evaluation, an assisted-technology evaluation, and a speech evaluation. The parents provided their conditional consent, which was revoked nine days later when they claimed that they did not understand what the evaluations were and that they were never explained. Dr. Howland testified that "absolutely" all of their questions had been answered. (T1 60:10-12.)

The District proposed LLD programming for A.T.'s tenth-grade school year during the August 2, 2022, IEP meeting and a schedule reflecting that program was uploaded to the student information system, Genesis. The parents filed a due process petition on September 1, 2022, invoking stay put for A.T. in the ICR setting and the schedule was then changed back. Dr. Howland also testified that notwithstanding the District's policy that day-to-day matters can be communicated between the parents and staff once the parents retain counsel, the conduct of the parents became combative, harassing, and aggressive, necessitating that they were instructed to submit communications through her in order for her to mediate between the parents and staff. The parents and their counsel met with the District and its counsel on October 27, 2024, which continued the

August 2, 2022, IEP meeting, where the District proposed a draft IEP with LLD programming with a classification of communication impaired.

The November 10, 2022, pediatric neurologic neurodevelopmental examination (J-3) diagnosed A.T. with autism spectrum disorder, high functioning, which, Dr. Howland stated, was “the first time that we have an actual diagnosis from our evaluations that state this.” (T1 96:14-16.) She also noted the results of A.T.’s speech and language reevaluation and confidential psychoeducational evaluation. Dr. Howland testified that this data is “absolutely aligned to prior evals. And it absolutely aligns to what is observed in the classroom.” (T1 100:2-4.) She added that there is no data put forth by the petitioners to contradict this data.

A.T.’s classification was changed to autism during the May 3, 2023, IEP meeting. Dr. Howland stated that A.T.’s present levels outlined at that IEP meeting indicated that he needed LLD programming. She added that the parents had permitted the implementation of the first proposed IEP for ICR, but not for any subsequent IEPs. The failure by the parents to permit the implementation of subsequent IEPs impacted how the the system for progress reporting worked electronically

because we were in stay put in ICR the goals and objectives that were originally written for ICR were written for freshman ICR classes. And we were not given liberty through the IEP team, through due process, through opening the IEP and agree mutually to at least address or change the goals and objectives appropriately.

So, we could not record progress on goals and objectives because the goals and objectives were still aligned to a class or classes, I’m sorry, that A.T. no longer was in. The classes when he was a freshman.

[T1 106:16-25, 107:1.]

While the names of the classes changed, the goals and objectives did not.

In Dr. Howland’s expert opinion, all of the IEPs proposed by the District were reasonably calculated to offer A.T. a FAPE. The 2021-2022, 2022-2023, and 2023-2024

school-year IEPs were appropriate to meet A.T.'s needs because they were based on objective performance data and made consistent with available resources in the special education continuum. (T1 116:21-25, 117:1-11.) Additionally, the LLD proposals were "the least restrictive environment for which A.T. could confer [sic] meaningful progress based on his individual needs. Other than that, we would have been more restrictive and recommended an out-of-district placement." (T1 117:16-20.)

She added that the proposed IEPs that were not consented to by the parents were reasonably calculated to enable A.T. to make progress because they address A.T.'s specific needs regarding communication, academics, behavior, and social/emotional needs. Finally, in her expert opinion, she does not believe that A.T. should remain in ICR programming for twelfth grade because he continues to not make progress in ICR and needs more supports than ICR provides. "[A]t this point the likelihood of A.T. being able to make progress in that setting is almost nothing." (T1 119:12-14.)

On cross-examination, Dr. Howland stated that the recommendation of Colts Neck for A.T. to be placed in the LLD program was the essence of the February 2021 articulation meeting that was reported back to her. (T1 122:10-13.) She added that the goals and objectives need to mirror and match the placement, and reiterated that the parents "would not allow us to change anything." (T1 184:19-20.)

On re-direct examination, Dr. Howland stated that in her career she has never taken a different action with regard to a child based on a statement that a parent made. Additionally, she has never directed anyone in the District to change practice, change grading, change discipline, or change anything based on any comment a parent makes.

Kelly Fitzhenry (Fitzhenry) is a special education supervisor at Freehold and was qualified as an expert in special education and as an expert learning disabilities teacher-consultant (LDTC). As an LDTC, she works on the child study team (CST) to develop IEPs and determine eligibility for students, evaluates students to determine their educational levels and aptitude in order to formulate appropriate goals and objectives, and provides IEP support to students, teachers, and parents. She has completed

approximately 350 student assessments, drafted approximately 200 IEPs, and reviewed and consulted on well over 1,000 IEPs as a supervisor.

She first saw A.T.'s records, which included the history of his classification dating back to third grade, during the articulation period where programming was discussed prior to his matriculation from Colts Neck to Freehold. Fitzhenry had discussions with the CST and believed that A.T. needed a more structured environment with one-on-one attention.

Fitzhenry agreed with Colts Neck's recommendation that Freehold's LLD program was appropriate for A.T. and would support his transition to the high school. This was based on observations that A.T. has an "ability to sustain attention for long periods of time," that he is very literal and can identify specific things and can memorize," that he cannot "synthesize, then compare and contrast," and that there are avoidance behaviors when he's challenged. (T2 30:5-16.) O.T. was "visibly upset and really did not agree with that placement" (T2 31:19-20) when it was proposed at the articulation meeting. LLD programming was discussed and proposed to the parents at every subsequent IEP meeting, but was rejected each time.

A.T. struggled academically, socially, and with sensory issues in his ninth-grade year, which was not a surprise to Fitzhenry. His reading comprehension was well below that of the ninth-grade curriculum in an ICR setting, and as an example of his avoidance behaviors, he would write an "X" through the assignment. In discussing his social struggles, Fitzhenry noted that the LLD classrooms have a loose behavioral plan based on positive reinforcement, which includes on-the-spot teaching and learning.

Fitzhenry stated any student with A.T.'s low comprehension and processing scores on the confidential psychological evaluation would have extreme difficulty in an ICR setting "because processing is how they take in new information and they assimilate it, they understand it, and then are able to use that information." (T2 42:22-24.) She added that his profile is consistent with students in the LLD program. His scores on the psychoeducational evaluation showed that he needed more support consistent with students in the LLD program. The program was recommended "because it suits his needs academically where he is, and it also supports him socially." (T2 45:1-3.)

In Fitzhenry's expert opinion, the programs proposed by the District for the 2021-2022, 2022-2023, and 2023-2024 school years were designed to provide A.T. with a FAPE "[b]ecause the program itself addresses his needs where he's at, supports him and allows him to grow." (T2 49:9-10.) These programs were rejected by the parents. Additionally, the programs were reasonably calculated to enable A.T. to make progress due to his abilities and weaknesses "[b]ecause they can be individualized, because the pacing can be changed, because the work can be scaffolded to the need of the child, it's addressing the IEP goals and objectives and, you know, it's not just going through the curriculum." (T2 49:25, 50:1-4.)

She added that she believes that the District did everything it could to address A.T.'s individual needs under the circumstances, and did not violate any federal or State laws. Finally, it is her expert opinion that A.T. should not remain in the ICR setting and should not have remained in the ICR setting for the previous years because it "was not appropriate from the beginning" (T2 52:3-4) and his report cards and transcripts demonstrate that he was not successful in that setting.

On cross-examination, she reiterated that the LLD program was never implemented, and the behavioral services were not successful in the long run.

On re-direct examination, she noted that the behavioral concerns were part of the motivation to recommend LLD programming for A.T. for his tenth-, eleventh-, and twelfth-grade years. She additionally reiterated that the parents never permitted the District to implement any of the IEPs.

For the Parents

Sokol Kongoli (Kongoli) is a linguist who runs a translation agency. He has a relationship with the parents for document translation. Kongoli assisted the parents with the authorization form for the use or disclosure of protected health information. (P-155.) He noted that while they speak fluent English, they are not comfortable with legal

terminology and needed him to provide an explanation for certain terms in the document. The parents also came to him for assistance with additional documents. (P-116.)

On cross-examination, he stated that he did not make a recommendation to sign the authorization form for the use or disclosure of protected health information (P-155) since he is not an attorney and cannot give legal advice. The parents needed clarification on certain terms where they were uncomfortable. He believes that at the end of his conversation with the parents they had a better understanding of the form, but he had no knowledge of whether they signed the form or not.

O.T. is A.T.'s mother. She stated that A.T. was supported in the least restrictive environment, and he succeeded, while he was enrolled in Colts Neck, and added that that this case is not about placement, it is about FAPE.

She recounted her family's history with Freehold and claimed that they were ignored whenever they contacted the District, no matter what they asked for. O.T. also noted that she and her husband were confused about the evaluations they were asked to consent to (P-198), and that they sent constant emails to the District regarding accommodations for A.T. that they believed were not being followed. She also asserted that their language barrier led to difficulty understanding some recommendations from the District and that they utilized a translator at times for assistance with documents.

She denied that she and her husband were combative at the August 2, 2022, IEP meeting. Rather it was the representatives of the District who were combative. O.T. also stated that A.T.'s lack of progress was "all over the place," including in his falling grades. She asserted that FAPE was denied, no FAPE was delivered, and none was received, for three years.

On cross-examination, O.T. acknowledged that she is a licensed certified special education teacher and general teacher in the State of New York. Before A.T. was born, she taught special education, except for English and History due to her language barrier, and attended and managed IEP meetings as the case manager. She noted that in New York, the special education teacher is a case manager for certain special education

students. O.T. also acknowledged that the parents had legal representation during all IEP meetings with the District, she never observed A.T. in any of his classes while he was enrolled at Freehold, and the parental concerns were noted in the May 2023 and March 2024 draft IEPs. (R-17; R-18.)

On re-direct examination, O.T. reiterated that the draft IEPs may have been finalized, but the parents did not consent. She also stated that she knows the IEP process from her experience as a teacher, which is why she asked for help.

Credibility Analysis and Findings of Facts

In evaluating evidence, it is necessary to assess the credibility of the witnesses. Credibility is the value that a finder of the facts gives to a witness's testimony. It requires an overall assessment of the witness' story in light of its rationality or internal consistency and the manner in which it "hangs together" with the other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). "Testimony to be believed must not only proceed from the mouth of a credible witness but must be credible in itself," in that "[i]t must be such as the common experience and observation of mankind can approve as probable in the circumstances." In re Perrone, 5 N.J. 514, 522 (1950).

A fact finder "is free to weigh the evidence and to reject the testimony of a witness . . . 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." Id. at 521–22; see D'Amato by McPherson v. D'Amato, 305 N.J. Super. 109, 115 (App. Div. 1997). A trier of fact may also reject testimony as "inherently incredible" when "it is inconsistent with other testimony or with common experience" or "overborne" by the testimony of other witnesses. Congleton v. Pura-Tex Stone Corp., 53 N.J. Super. 282, 287 (App. Div. 1958).

Further, "[t]he interest, motive, bias, or prejudice of a witness may affect his credibility and justify the [trier of fact], whose province it is to pass upon the credibility of an interested witness, in disbelieving his testimony." State v. Salimone, 19 N.J. Super. 600, 608 (App. Div.), certif. denied, 10 N.J. 316 (1952) (citation omitted). The choice of

rejecting the testimony of a witness, in whole or in part, rests with the trier and finder of the facts and must simply be a reasonable one. Renan Realty Corp. v. Dep't of Cmty. Affairs, 182 N.J. Super. 415, 421 (App. Div. 1981).

In determining credibility, I am aware that the District employees would want to support the program they developed and the proper placement for A.T. I am also aware that petitioners believe that what they seek is in the best interest of A.T. In addition to considering each witness' interest in the outcome of the matter, I observed their demeanor, tone, and physical actions. I also considered the accuracy of their recollection; their ability to know and recall relevant facts and information; the reasonableness of their testimony; their demeanor, willingness, or reluctance to testify; their candor or evasiveness; any inconsistent or contradictory statements; and the inherent believability of their testimony.

After having the opportunity to review the evidence and observe the witnesses, I found Dr. Howland and Fitzhenry to be knowledgeable and experienced. They presented clear, professional, and believable testimony, and their testimony regarding A.T.'s history with the District and A.T.'s continued academic and social difficulties was supported by documentary evidence in the record. I was persuaded by their expert testimony that the proper placement for A.T. was in the LLD setting, not ICR, and that the IEPs proposed by the District were reasonably calculated to provide A.T. with a FAPE. These expert opinions are further supported by A.T.'s lack of progress in the ICR setting, which is unambiguously demonstrated in the record. Further, the petitioners failed to produce any expert testimony to support their argument that the ICR placement is appropriate. Accordingly, I found these witnesses to be credible.

Kongoli provided limited testimony as a fact witness, and I found him to be credible.

It is evident that O.T. is a devoted parent to A.T., and that she has made his education a priority. However, her testimony, from the recounting of her interactions with the District dating back to the articulation meeting to whether the District was responsive to the parents' concerns, and the circumstances surrounding the revocation of the consent for evaluations, was self-serving and does not ring true when contrasted with the

credible testimony of Dr. Howland and Fitzhenry. Further, while she undoubtedly had language issues that necessitated the use of a translator with certain documents, her contention that she did not understand recommendations of the District is undermined by her own admitted background in special education. Finally, her accusations that the District discriminated against and retaliated against A.T. and the parents after they raised concerns and filed the due-process petitions are wholly unsupported by the record.

Accordingly, based on the foregoing, I **FIND** the expert opinions of Dr. Howland to be persuasive that: all of the IEPs proposed by the District were reasonably calculated to offer A.T. with a FAPE; the 2021-2022, 2022-2023, and 2023-2024 school-year IEPs were appropriate to meet A.T.'s needs; the LLD proposals were consistent with A.T.'s right to be in the least restrictive environment; the proposed IEPs that were not consented to by the parents were reasonably calculated to enable A.T. to make progress; and A.T. should not remain in ICR programming for twelfth grade.

I **FURTHER FIND** the expert opinions of Fitzhenry to be persuasive that: the programs proposed by the District for the 2021-2022, 2022-2023, and 2023-2024 school years were designed to provide A.T. with a FAPE; the programs were reasonably calculated to enable A.T. to make progress due to his abilities and weaknesses; the District did everything it could to address A.T.'s individual needs under the circumstances; and A.T. should not remain in the ICR setting and should not have remained in the ICR setting for the previous years.

Based upon due consideration of the testimonial and documentary evidence presented at the hearing and having had the opportunity to observe the demeanor of the witnesses and assess their credibility, I also **FIND** as **FACT** the following:

1. A.T. was born on May 8, 2007. (J-4 at J-0010.) He was homeschooled until third grade by his parents following briefly attended kindergarten in Colts Neck. (T2 21:21-22:1.)

2. A.T. was found eligible for, and received, special education and related services under the classification of communication impaired after being evaluated in third grade. (J-4 at J-0009; T2 21:15-19, 23:10-12.)
3. In 2018, while he was in sixth grade, A.T. was reevaluated by Colts Neck and was found still eligible for special education and related services with the same classification of communication impaired. (J-4 at J-0010-13.) During A.T.'s eighth-grade year, Freehold met with Colts Neck to review A.T.'s academic levels, social skills, and recommended program once A.T. entered Freehold for ninth grade. (T2 29:9-19.)
4. Psychological testing of A.T. from November 2018 showed that he had a full-scale IQ of 82, well below average, and a social-skills composite score of 66, also well below the average range. The parent form states that the social-skills composite score falls within the "above average range." (T1 48:14-49:7.)
5. Colts Neck recommended LLD programming due to A.T.'s academic functioning, inability to sustain attention for long periods of time, and avoidance behaviors. (T2 29:20-30:22.) The parents became visibly upset when LLD was recommended during the articulation meeting held on February 21, 2021, because they did not agree with the recommendation. (T2 31:6-24.)
6. During the June 14, 2021, IEP meeting, LLD was proposed and rejected by the parents, as they were insistent that A.T. start in an ICR setting instead of the recommended LLD setting. (T2 33:12-34:13.) The June 14, 2021, IEP provided the following special education programming/related services: (1) Daily In-Class Resource for science, English, geometry, and history; (2) Daily Pull-out Supplementary Instruction: Reading Workshop; (3) speech/language group therapy once a week for thirty minutes; (4) individual counseling services once a week for twenty minutes; and daily shared group aide. (J-4.)
7. A.T. began at Freehold with Colts Neck's proposed, finalized IEP dated June 14, 2021, which recommended ICR instead of LLD. (T1 47:1-21.)

8. On October 24, 2021, petitioners emailed Freehold requesting that all communications be in writing until there is clarification of the issue of IEP accommodations in Lab Biology. (R-27.)
9. On November 3, 2021, petitioners emailed A.T.'s case manager expressing concerns about A.T.'s substitute paraprofessional. A.T.'s case manager replied within an hour, stating that she would "meet with the substitute paraprofessional on Monday morning to go over [A.T.]'s needs and expectations." (R-41.)
10. On November 11, 2021, petitioners advised the Board through their former counsel that they had concerns related to A.T.'s IEP. (R-42.)
11. On December 1, 2021, Freehold sent petitioners an invitation for reevaluation planning for A.T. because A.T. was due for his tri-annual reevaluations. (J-7.)
12. On January 21, 2022, petitioners and the Board met for A.T.'s triennial reevaluation planning meeting. At that meeting, the parties agreed that A.T. would participate in the following reevaluations: occupational therapy evaluation; psychoeducational evaluation; neurodevelopmental evaluation; and assistive-technology evaluation. (R-20.) Petitioners, through their former counsel, provided signed consent to enable the District to conduct its proposed reevaluations on February 2, 2022. (R-20.) On February 11, 2022, petitioners revoked all consent for the evaluations. (R-32.)
13. A.T. struggled academically and socially while placed in the ICR setting in ninth grade. He also struggled with sensory issues, including when he would try to run out of the building during a fire drill. (T2 34:19-35:9.)

14. A.T.'s grades on his final ninth-grade report card were: Geometry D; English 1 D; World History E; Reading Workshop S; Lab Biology E²; Health A+; Physical Education A+; Creative Foods A; and Applied Art 1 A+. (J-23.)
15. Freehold sent an invitation to the parents on May 31, 2022, for a June 7, 2022, IEP Annual Review meeting. The parents informed the Board that they and their counsel were not available that day. (J-1; R-44.) On June 6, 2022, Freehold proposed two more dates for the IEP Annual Review meeting, June 14 and June 15, 2022. Petitioners and their former counsel were not available on those dates. (R-44.) On June 16, 2022, Freehold and petitioners, through their respective counsel, agreed to continue A.T.'s eligibility until the parties could meet since A.T.'s IEP was projected to end June 30, 2022. (R-44.)
16. On July 21, 2022, the Board sent the parents an invitation for initial identification and evaluation planning for August 2, 2022, because the current IEP had expired on June 30, 2022, and eligibility for special education would need to be reestablished. (J-2.) On August 2, 2022, the parties met for an evaluation planning IEP meeting, at which Freehold presented an IEP for the 2022-2023 school year and proposed again to conduct reevaluations: educational evaluation; occupational therapy evaluation; psychological evaluation; neurological evaluation; speech-language evaluation; and assistive-technology evaluation. Petitioners did not provide consent for the IEP or the reevaluations. (R-46.)
17. Following the August 2022 IEP meeting, the District's guidance department prepared a proposed schedule for A.T. that reflected an LLD program. That proposed schedule was uploaded to the student information system, Genesis, and was based on what was contained in his proposed IEP. The schedule was changed back to ICR after the parents filed for due process on September 1, 2022. (T1 66:23-68:10.)

² An "E" grade is the equivalent of an "F" in Freehold.

18. On September 1, 2022, petitioners filed a due-process petition and invoked stay put. (R-1.)
19. On October 13, 2022, petitioners signed an invitation for an October 27, 2022, annual review IEP meeting. (J-8.) During the October 27, 2022, annual review IEP meeting, the District proposed a self-contained LLD program for core classes; however, the parents disagreed with the LLD placement and refused to permit implementation. (R-4 at R-0094-0112.)
20. The IEP recommended the following: special class mild/moderate learning or language disabilities for science, English, math, and history. The IEP also recommended speech/language therapy, counseling services, and a shared aide. (R-4 at R-0094.)
21. The District discussed A.T.'s then present levels with petitioners during the October 27, 2022, IEP meeting. That information presented included that: (1) A.T. fixates on topics that are not related to algebra and those fixations impede his ability to focus on the lesson and his classwork; (2) A.T. refuses to complete assignments that he deems require too much work, and will pick and choose what he would like to complete; (3) A.T. does not ask for help during independent work, instead he looks at his neighbors' papers and copies the work they have shown; (4) even with modifications outlined in A.T.'s IEP, he has been struggling in Algebra I and currently has a 51.7 for marking period one; (5) while working independently, A.T. benefits from consistent refocusing as he frequently attempts to engage in off-topic conversations; (6) during class A.T. does not formulate paragraphs and is unable to locate supporting textual evidence without direct support. (T1 93:17-95:5.)
22. The parents signed consent for the following reevaluations on October 27, 2022: speech/language; occupational therapy; psychoeducational evaluation; neurodevelopmental evaluation; assistive-technology evaluation. (R-36 at R-0510.)

23. Dr. Dorothy Pietrucha, M.D., performed the pediatric neurologic-neurodevelopmental evaluation on November 10, 2022, which diagnosed A.T. with autism spectrum disorder. This was the first time that the District became aware that A.T. was officially diagnosed with autism. (T1 95:23-96:16.)
24. On November 22, 2022, and December 23, 2022, a speech and language re-evaluation was conducted. (J-25.) The reevaluation found that A.T.'s performance in expressive language was in the third percentile; his performance in receptive language was in the fourteenth percentile; and his pragmatic skills were in the first percentile. Continued speech-language services were recommended at a rate of once per seven days for thirty minutes. (T1 96:23-97:14.)
25. The psychological evaluation was conducted on December 15, 2022. (J-18.) The evaluation found that A.T.'s broad achievement standard score is in the very low range as measured by the Woodcock-Johnson IV. (T1 98:19-99:7; T2 42:4-43:13.)
26. The psychoeducational evaluation conducted in January 2023 (J-22) showed A.T.'s broad achievement, math facts, fluency, and processing speed to all be in the very low range. His sentence writing and reading fluency were also both in the very low range, which is a consistent profile for a student in the LLD classroom. (T2 43:18-44:15.)
27. On March 17, 2023, the parents signed an invitation to the April 3, 2023, reevaluation eligibility, with annual review, IEP meeting. (J-9.) During the May 3, 2023, follow-up IEP meeting, the parents and the District discussed the evaluation results and planned for future programming. The District proposed an IEP with a classification of autism, and a program of special education and related services to be provided in an LLD class. (R-17; T1 100:24-101:24.)
28. The May 3, 2023, draft IEP proposed: special class mild/moderate learning or language disabilities for science, English, math, and history, as well as speech-language therapy, counseling services, and a shared aide. (R-17 at R-0412.) The May 3, 2023, draft IEP detailed the following present levels for A.T.: (1) A.T.'s

previous difficult behavior remained unchanged and very distracting; (2) A.T. needs to be reminded often it is not time for discussion; (3) A.T. will accept individual help when an adult sits next to him and verbally guides him through work; (4) A.T.'s assignments are shortened and A.T. is provided additional to complete them; (5) A.T. does not fully complete the required sections to demonstrate his skills; and (5) most of A.T.'s completed assignments are completed at home. (R-17; T1 104:12-105:16.)

29. A.T.'s report card for tenth grade showed the following final grades: English II D, Algebra I D, Italian I D, Digital Media and Photo A-, US History 1 E, Drivers Ed A, Physical Education A+, and Lab Environmental D+. (J-24; T1 108:20-109:7.)
30. Petitioners filed a second due-process complaint on March 1, 2024, alleging FAPE violations for the 2022-2023 and 2023-2024 school years, and invoking stay put. (R-10.)
31. On March 19, 2024, the parties met for a follow-up IEP meeting. At the meeting, the District proposed an IEP with a classification of autism and placement in LLD classes. Specifically, special class mild/moderate learning or language disabilities for science, English, math, social & conversational skills, vocational/assessment-STEP, and speech-language therapy both in group and individual, and lastly, counseling services. (R-18 at R-0441.)
32. A.T.'s report card for eleventh grade showed the following final grades: U.S. History D+, Business Management C-, English III E, World Cuisine B, Financial Literacy C+, Health A+, Physical Education A, Drama A, Advanced Drama A-, Digital Media and Photo Design 2 B, and Fine Art A. (P-207; T1 115:3-116:20.)

LEGAL DISCUSSION AND ANALYSIS

This case arises under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 to 1482. One purpose of the Act 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). In New Jersey, the district bears the burden of proof at a due-process hearing to show, by a preponderance of the credible evidence, that it has met its legal obligation to provide a FAPE. Lascari v. Bd. of Educ. of the Ramapo Indian Hills Reg’l High Sch. Dist., 116 N.J. 30, 46 (1989); N.J.S.A. 18A:46-1.1.

The Act defines FAPE as special education and related services provided in conformity with the IEP. 20 U.S.C. § 1401(9). The Act, however, leaves the interpretation of FAPE to the courts. See Ridgewood Bd. of Educ. v. N.E. ex rel. M.E., 172 F.3d 238, 247 (3d Cir. 1999). In Board of Education of the Hendrick Hudson Central School District v. Rowley, 458 U.S. 176, 203 (1982), the United States Supreme Court held that a state provides a handicapped child with FAPE if it provides personalized instruction with sufficient support services to permit the child to benefit educationally from that instruction. The Court reasoned that the Act was intended to bring previously excluded handicapped children into the public education systems of the states and to require the states to adopt procedures that would result in individualized consideration of and instruction for each child. Rowley, 458 U.S. at 189.

The Act did not impose upon the states any greater substantive educational standard than would be necessary to make such access to public education meaningful. Id. at 192. In support of this limitation, the Court quoted Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania, 334 F. Supp. 1257 (E.D. Pa. 1971) and 343 F. Supp. 279 (1972), and Mills v. Board of Education of the District of Columbia, 348 F. Supp. 866, 876 (D.D.C. 1972). Ibid. The Court reasoned that these two cases were the impetus of the Act; that these two cases held that handicapped children must be given access to an adequate education; and that neither of these two cases purported any substantive standard. Id. at 192–93. The Court also wrote that available funds need only be expended “equitably” so that no child is entirely excluded. Id. at 193, n.15. Indeed, the Court commented that “the furnishing of every special service necessary to maximize each handicapped child’s potential is . . . further than Congress intended to go.” Id. at 199. Thus, the inquiry is whether the IEP is “reasonably calculated” to enable the child to receive educational benefits. Id. at 207.

The Third Circuit later held that this educational benefit must be more than “trivial.” See Polk v. Cent. Susquehanna Intermediate Unit 16, 853 F.2d 171, 180 (3d Cir. 1988). Stated otherwise, it must be “meaningful.” Id. at 184. Relying on the phrase “full educational opportunity” contained in the Act, and the emphasis on “self-sufficiency” contained in its legislative history, the Third Circuit inferred that Congress must have envisioned that “significant learning” would occur. Id. at 181–82. The Third Circuit also relied on the use of the term “meaningful” contained in Rowley, as well as its own interpretation of the benefit the handicapped child was receiving in that case, to reason that the Court in Rowley expected the benefit to be more than “de minimis,” noting that the benefit the child was receiving from her educational program was “substantial” and meant a great deal more than a “negligible amount.” Id. at 182. Nevertheless, the Third Circuit recognized the difficulty of measuring this benefit and concluded that the question of whether the benefit is de minimis must be answered in relation to the child’s potential. Id. at 185. As such, the Third Circuit has written that the standard set forth in Polk requires “significant learning” and “meaningful benefit”; that the provision of “more than a trivial educational benefit” does not meet that standard; and that an analysis of “the type and amount of learning” of which a student is capable is required. Ridgewood, 172 F.3d at 247–48. Thus, the IEP must confer a meaningful educational benefit in light of a student’s individual needs and potential. See T.R. ex rel. N.R. v. Kingwood Twp. Bd. of Educ., 205 F.3d 572, 578 (3d Cir. 2000).

In Endrew F. v. Douglas County School District, 580 U.S. 386 (2017), the United States Supreme Court clarified that while it had declined to establish any one test in Rowley for determining the adequacy of the educational benefits conferred upon all children covered by the Act, the statute and the decision point to a general approach: “To meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” Endrew F., 580 U.S. at 399. Toward this end, the IEP must be “appropriately ambitious” in light of those circumstances. Id. at 402.

The Court continued that a student offered an educational program providing merely more than de minimis progress from year to year could hardly be said to have

been offered an education at all, and that it would be tantamount to sitting idly until they were old enough to drop out. Id. at 402–03. The Act demands more, the Court asserted. “It requires an educational program reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” Ibid.

Thus, in writing that the IEP must be “appropriately ambitious in light of the child’s circumstances,” the Court sanctioned what has already been the standard in New Jersey: The IEP must be reasonably calculated to provide significant learning and meaningful benefit in light of a student’s individual needs and potential.

An IEP must not only be reasonably calculated to provide significant learning and meaningful benefit in light of a student’s needs and potential, but also be provided in the least-restrictive environment. See 20 U.S.C. § 1412(a)(5)(A). To the maximum extent appropriate, children with disabilities are to be educated with children without disabilities. Ibid. Thus, removal of children with disabilities from the regular-education environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. Ibid. Indeed, this provision evidences a “strong congressional preference” for integrating children with disabilities in regular classrooms. Oberti v. Bd. of Educ. of Clementon Sch. Dist., 995 F.2d 1204, 1214 (3d Cir. 1993).

The “measure and adequacy of an IEP can only be determined as of the time it is offered to the student, and not at some later date. . . . Neither the statute nor reason countenance ‘Monday Morning Quarterbacking’ in evaluating the appropriateness of a child’s placement.” Carlisle Area Sch. v. Scott P., 62 F.3d 520, 534 (3d Cir. 1995). However, a procedural violation with respect to the implementation of the IEP may rise to a substantive violation justifying compensatory education or tuition reimbursement, but only where the procedural defects caused such substantial harm that a FAPE was denied. C.H. v. Cape Henlopen Sch. Dist., 606 F.3d 59, 66–67 (3d Cir. 2010). Substantive harm is demonstrated when “procedural inadequacies (i) [i]mpeded the child’s right to a FAPE, (ii) significantly impeded the parent’s opportunity to participate in the decision-making process regarding the provision of a FAPE to the parent’s child; or (iii) caused a deprivation of the educational benefit.” Coleman v. Pottstown Sch. Dist., 983 F. Supp.

2d 543, 564 (E.D. Pa. 2013), aff'd, 581 F. Appx. 141 (3d Cir. 2014);³ see also Rodrigues v. Fort Lee Bd. of Educ., 458 Fed. Appx. 124, 127 (3d Cir. 2011) (finding that a lack of measurable goals in an IEP was a procedural error but did not affect a student's substantive rights or deny a FAPE where student was mainstreamed and progress was measured by grades and state proficiency assessments); N.M. ex rel. M.M. v. Sch. Dist. of Philadelphia, 394 Fed. Appx. 920, 923 (3d Cir. 2010) (finding that IEP lacking annual goals relating to some of a student's needs stemming from his disability was not a procedural flaw rising to a substantive harm because the IEP still provided a FAPE); Schoenbach v. District of Columbia, 309 F.Supp.2d 71, 83 n.10 (D.D.C. 2004) ("failure to implement all services outlined in an IEP does not constitute a per se violation"); Melissa S. v. Sch. Dist. of Pittsburgh, 183 Fed. Appx. 184, 187–88 (3d Cir. 2006) (assuming the student was impermissibly left alone several times, "this is not the kind of substantial or significant failure to implement an IEP that constitutes a violation of the IDEA").

At issue in this matter is whether: the District's programs for the 2021-2022, 2022-2023, and 2023-2024 school years were inappropriate to meet A.T.'s needs and were not reasonably calculated to confer a FAPE; A.T. should remain in the ICR setting as his stay-put placement; the District failed to offer/provide a program "reasonably calculated" to enable A.T. to make progress in light of his circumstances; the District's placement violates State and federal law; the District violated the IDEA by failing to provide A.T. with an educational program designed to meet his individual needs; and the District violated Section 504 and the ADA by discriminating against A.T. and retaliating against A.T. and or his parents.

Petitioners argue that the District failed to offer a FAPE to A.T., that the District developed deficient IEPs, and that A.T.'s "educational progress has been severely hindered by the District's failure to offer or implement his IEP properly across multiple school years." (Petr's Post-Hearing Br. at 4.) Additionally, the District committed "substantive-procedural" violations of the IDEA and excluded the parents from the IEP decision-making process.

³ Unpublished federal court decisions and administrative decisions are not precedential. They are referenced here because they provide relevant guidance.

The District argues that A.T. was offered programs in the 2021-2022, 2022-2023, and 2023-2024 school years that were appropriate to meet A.T.'s needs and reasonably calculated to enable A.T. to make progress in light of his circumstances. Further, the District appropriately followed and implemented A.T.'s 2021-2022 IEP; the parents unreasonable revoked consent to perform reevaluations needed to ascertain A.T.'s educational needs; and A.T. should not remain in the ICR setting as his stay-put placement. Since the parents unreasonably withheld consent to implement the IEPs offered for the 2022-2023 and 2023-2024 school years, the District contends that it is not in violation of the IDEA or New Jersey law. The District claims that it conformed to the procedural requirements of special education laws, that it did not fail to promulgate an IEP that includes appropriate measurable goals and objectives, that A.T. was in stay-put, and that it considered parental input as members of the IEP team. (District's Post-Hearing Br. at 35-54.)

The persuasive testimony of the two expert witnesses presented by the District, Dr. Howland and Fitzhenry, has established that all of the IEPs proposed by the District were reasonably calculated to both offer and provide A.T. with a FAPE, and the 2021-2022, 2022-2023, and 2023-2024 school-year IEPs were appropriate to meet A.T.'s needs. Additionally, the LLD programming recommendations were consistent with A.T.'s right to be in the least restrictive environment, they were reasonably calculated to enable A.T. to make progress, and the ICR setting was not and is not the proper placement for A.T.

These expert opinions are supported throughout the record by A.T.'s demonstrated lack of academic and social progress. He struggled academically and socially while placed in the ICR setting in ninth grade. He also struggled with sensory issues, including when he would try to run out of the building during a fire drill. (T2 34:19-35:9.)

The speech and language re-evaluation conducted in November and December 2022 found that A.T.'s performance in expressive language was in the third percentile; his performance in receptive language was in the fourteenth percentile; and his pragmatic skills were in the first percentile. Continued speech-language services were recommended at a rate of once per seven days for thirty minutes. (J-25.) The

psychological evaluation conducted in December 2022 found that A.T.'s broad achievement standard score is in the very low range as measured by the Woodcock-Johnson IV. (J-18.) The psychoeducational evaluation conducted in January 2023 showed A.T.'s broad achievement, math facts, fluency, and processing speed to all be in the very low range. His sentence writing and reading fluency were also both in the very low range, which is a consistent profile for a student in the LLD classroom. (J-22.)

A.T.'s then present levels were discussed with the parents during the October 27, 2022, IEP meeting. That information presented included that: (1) A.T. fixates on topics that are not related to algebra and those fixations impede his ability to focus on the lesson and his classwork; (2) A.T. refuses to complete assignments that he deems require too much work, and will pick and choose what he would like to complete; (3) A.T. does not ask for help during independent work, instead he looks at his neighbors' papers and copies the work they have shown; (4) even with modifications outlined in A.T.'s IEP, he has been struggling in Algebra I and currently has a 51.7 for marking period one; (5) while working independently, A.T. benefits from consistent refocusing, as he frequently attempts to engage in off-topic conversations; (6) during class A.T. does not formulate paragraphs and is unable to locate supporting textual evidence without direct support. (R-4 at R-0094-0112; T1 93:17-95:5.)

A.T. received consistently and exceedingly poor final grades, receiving Ds or failing, in his academic classes, including geometry, algebra, history, English, and Italian, from the ninth through the eleventh grades. (J-23; J-24; P-207.)

Time and again, from the articulation meeting when A.T. was in eighth grade in Colts Neck, through the present, the parents have rejected the IEPs proposed by the District and insisted that the proper placement for A.T. was in the ICR setting, not LLD. The record is devoid of any documentary evidence or expert testimony to support this position. As plainly demonstrated in the preceding paragraphs, the ICR setting was not working, as A.T. failed to make any meaningful progress. In fact, Dr. Howland testified that she does not believe that A.T. should remain in ICR programming for twelfth grade because he continues to not make progress in ICR and needs more supports than ICR

provides. “[A]t this point the likelihood of A.T. being able to make progress in that setting is almost nothing.” (T1 119:12-14.)

Put simply, the ICR program has proven to be wholly insufficient to address A.T.’s needs, and the record demonstrates that he needs, and has needed, the supports provided by the LLD program. Yet the parents contend that it is the District that has failed to provide a FAPE to A.T., when it has been their continued and unwavering insistence that A.T. remain in the program providing lesser supports, rather than accept placement for him in the program consistently recommended by the District that would provide him with a FAPE in the least restrictive environment.

Based on the foregoing, I **CONCLUDE** that the District has demonstrated by a preponderance of the credible evidence that the ICR placement was and continues to be inappropriate for A.T. I **FURTHER CONCLUDE** that the programs developed and offered to the parents for the 2021-2022, 2022-2023, and 2023-2024 school years were: reasonably calculated to confer a FAPE; reasonably calculated to enable A.T. to make progress in light of his circumstances; and appropriate to meet A.T.’s individual needs. I additionally **CONCLUDE** that the District appropriately followed and implemented A.T.’s 2021-2022 IEP.

The petitioners’ argument that the District has violated the provisions of the IDEA and New Jersey law is without merit. The record demonstrates that contrary to their argument that they were excluded from the IEP process, the parents have been continuous and active participants dating back to the articulation meeting. (J-2; J-4; J-7; J-8; J-9; R-18; R-20; R-42; R-44.) Further, they withheld consent for the implementation of the proposed IEPs and unreasonably revoked consent for evaluations. (R-32; R-46.) Accordingly, I **CONCLUDE** that the District has conformed to all procedural requirements of the IDEA and New Jersey law.

Regarding the parents’ contention that the District violated Section 504 and the ADA, I **CONCLUDE** that the record lacks substantiation of any harassment or retaliation by the District against either A.T. or the parents, and therefore these claims are without merit and are **DENIED**.

Compensatory education is a judicially created remedy that may be awarded to account for the period in which a disabled student was deprived of their right to FAPE. Sch. Comm. of Burlington v. Mass. Dep't of Educ., 471 U.S. 359, 369 (1985) (finding that tuition reimbursement was an appropriate remedy under the Education of the Handicapped Act, predecessor to the IDEA); Coleman v. Pottstown Sch. Dist., 983 F. Supp. 2d 543, 566 (3d. Cir. 2013). As it has been established that the District did not deny FAPE to A.T., I must **CONCLUDE** that the parents' demands for compensatory education and for reimbursement for the costs of their experts and for costs and fees are **DENIED**.

ORDER

It is hereby **ORDERED** that the parents' due-process petition is **DENIED** and is **DISMISSED**.

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.

December 11, 2024

DATE


JACOB S. GERTSMAN, ALJ t/a

Date Received at Agency:

December 11, 2024

Date Mailed to Parties:

JSG/cab

APPENDIX

Translator

Fetkije Kidaqqoja

Witnesses

For petitioners:

Dr. Jessica Howland

Kelly Fitzhenry

For respondent:

Sokol Kongoli

O.T.

Exhibits

Joint:

- J-1 Invitation for Annual Review IEP Meeting June 7, 2022, May 31, 2022
- J-2 Invitation for Initial ID & Evaluation Planning on August 2, 2022, July 21, 2022
- J-3 Pediatric Neurologic-Neurodevelopmental Evaluation, Dr. Pietrucha, November 10, 2022
- J-4 IEP, June 14, 2021
- J-5 FRHSD Letter to Parents w-June 14, 2021 IEP and signature sheet, June 17, 2021
- J-6 Letter from S. Greenwald to JBC - Dr. Tariff attending January 22, 2022 meeting, January 17, 2022
- J-7 Invitation for Re-Evaluation Meeting December 7, 2021, December 1, 2021
- J-8 Student Invitation to Transition IEP Meeting October 27, 2022, October 13, 2022

- J-9 Invitation for Re-Eval Eligibility w-Annual Review Meeting April 3, 2023, March 17, 2023
- J-10 HIB Form of December 8, 2022 Incident
- J-11 Invitation to Re-evaluation Planning Meeting May 3, 2023, April 20, 2023
- J-12 FRHSD Letter to Parents re: HIB, March 15, 2024
- J-13 Discipline Reports
- J-14 FRHSD Letter to Parents - failing grade for school year, June 21, 2023
- J-15 Discipline Report, 2022
- J-16 Letter and Report from T. O'Dell, D.O., April 10, 2023
- J-17 FRHSD Letter to parents re Educational Evaluation, April 3, 2023
- J-18 FRHSD Confidential Psychological Evaluation (K. Rosas), January 12, 2023
- J-19 Assistive Technology Evaluation (V. Lombardo), January 17, 2023
- J-20 FRHSD Occupational Therapy Evaluation (D. Dagato), January 9, 2023
- J-21 Progress Report for IEP Goals and Objectives, 2021-2022
- J-22 Confidential Psychoeducational Evaluation (L. Green), January 30, 2023
- J-23 Report Card, 2021-2022
- J-24 Report Card, 2022-2023
- J-25 FRHSD Speech and Language Re-Evaluation (E. Swick), December 23, 2022
- J-26 Confidential Educational Evaluation (L. Green), January 30, 2023

For petitioners:

Academic Year 2022–2023

- P-1 Picture, Genesis Schedule 2022–2023, Unilateral Placement Change, August 19, 2022
- P-2 Picture, Genesis Schedule, Unilateral Placement Change, Weekly Summary, September 8, 2022
- P-3 Email from H. Freeman, Esq., to J. Comegno, Esq., B. Halpern, Esq., keeping him in the loop, August 22, 2022-August 23, 2022
- P-4 Email from L.T. to L. Joworisak, Guidance, asking about who made the unilateral placement change, August 19, 2022

- P-5 Email from J. Howland to L.T. directing L.T. to their attorney, August 19, 2022
- P-6 Email from A.T. to J. Howland responding about communication and placement, August 19, 2022
- P-7 Pg. 1-2 Email from J. Howland to L.T. directing A.T. to their attorney, August 19, 2022
- P-8 Pg. 1-3 Email from H. Freeman, Esq., to B. Halpern, Esq., notifying that placement change had occurred, no IEP, August 22, 2022
- P-9 Picture, Genesis Classroom Grade, Unilateral Placement Change, Assignment, September 8, 2022
- P-10 Picture, Google Classroom, Enrolled Classes, September 11, 2022
- P-11 Email from L.T. to K. Rosas about “stay put,” due process, and school refusal, September 7, 2022
- P-12 Email from J. Howland to L.T. directing L.T. to their attorney, September 7, 2022
- P-13 Email from L.T. to J. Howland about non responsive attorney, September 7, 2022
- P-14 Pg. 1-2 Email from J. Howland to L.T. clarifying attorney roles, September 7, 2022
- P-15 Pg. 1-3 Emails between H. Freeman, Esq., and M. Toscano, Esq., about “stay put”, September 7, 2022-September 8, 2022
- P-16 Emails between L.T., K. Rosas, K. Prybylski, C. Ryan, English, detention, November 7, 2022
- P-17 Email from A.T. to K. Rosas, detention, November 8, 2022
- P-18 Pg.1-2 Email from K. Rosas to A.T., detention, directing to their attorney, November 14, 2022
- P-19 Pg. 1-2 Email from L.T. to K. Rosas, detention, November 14, 2022
- P-20 Pg. 1-3 Email from J. Howland to L.T. directing L.T. to their Attorney, November 14, 2022
- P-21 Pg. 1-4 Emails between J. Howland to L.T. directing L.T. to attorney, detention, November 14, 2022
- P-22 Pg. 1-3 Letter Request for Additional Assessment – Proposed Action, October 27, 2022

- P-23 Letter Consent for Additional Assessment, October 27, 2022
- P-24 Email from L.T. to K. Rosas, counseling, progress reports, evaluations schedule, December 7, 2022
- P-25 Pg. 1-2 Email from J. Howland to L.T. directing L.T. to their attorney, December 7, 2022
- P-26 Pg. 1-2 Email from L.T. to J. Howell clarifying counsel role, December 7, 2022
- P-27 Pg. 1-3 Email s between J. Howland and L.T. legal proceedings, December 7, 2022
- P-28 Pg. 1-4 Email between J. Comegno, Esq., and H. Freeman, Esq., connecting on IEP, October 27, 2022
- P-29 Pg. 1-4 Emails between H. Freeman, Esq., and L. Frederico, scheduling an IEP meeting, October 28, 2022-November 1, 2022
- P-30 Pg. 1-2 Parental Portal, A.T. Progress Reports, June 17, 2024
- P-31 Pg. 1-3 Emails between R. Fernandez, Esq., and L.T., Summary of Meeting July 11, 2024, from 10:00 a.m.–12:30 p.m., July 11, 2024
- P-32 Email from L.T. to K. Fitzhenry, cc. G. LaCava, History, January 3, 2023
- P-33 Pg. 1-2 Email from J. Howland to L.T. directing L.T. to their attorney, January 3, 2023
- P-34 Pg. 1-3 Emails between J. Howland and A.T. (Sr.), directing A.T. to attorney, A.T. History, FAPE, policy, January 6, 2023
- P-35 Emails between M. Dillon and L.T., directing L.T. to attorney, Italian, policy, April 27, 2023
- P-36 Pg. 1-2 Emails between K. Fitzhenry and L.T., Ms. Ryan English Review, February 7, 2023
- P-37 Pg.1-2 Emails between K. Fitzhenry, L.T., cc. C. Ryan, English essay, January 13, 2023
- P-38 Pg.1-2 Emails between, L.T., C. Ryan, K. Fitzhenry, English class response, May 4, 2023-May 6, 2023
- P-39 Pg.1-2 Assignment “The Help,” English, May 23, 2023
- P-40 Email from L.T. to C.Ryan, Copy Chapter 6-7, English, May 31, 2023
- P-41 Email from L.T. to C.Ryan, K. Prybylski, English, October 27, 2022
- P-42 Email from L.T. to K. Fitzhery, homework support, February 7, 2023

- P-43 Email from L.T. to K. Fitzhery, History, Science digital work, January 30, 2023
- P-44 Email from L.T. to K. Fitzhery, Algebra, January 30, 2023
- P-45 Emails between L.T. and T. Wilson, History, Science digital work, February 1, 2023-February 2, 2023
- P-46 Math graph work, January 27, 2023
- P-47 Email from L.T. to G. LaCava, K. Fitzhenry, Nationalism Guided Reading, January 12, 2023
- P-48 Pg.1-2 Emails between L.T., A. Collier, K. Fitzhenry Endangered Species Project, December 13, 2023-January 3, 2023
- P-49 Pg. 1-2 Emails between L.T., K. Fitzhenry, L.T., Italian class MP3, April 17, 2023
- P-50 Pg.1-2 Emails between L.T., K. Fitzhenry, L.T., Italian MP2, January 30, 2023
- P-51 Pg. 1-4 Emails between K. Fitzhenry and L.T. History Assignment MP2, January 24, 2023-January 26, 2023
- P-52 Email from L.T. to K. Lorenzo, G. Hall, K. Santiago regarding tardies and absences, April 17, 2023
- P-53 Email between L.T. and G. Hall, Vision, January 17, 2023-January 24, 2023
- P-54 Letter Vision Screening, Return to School Nurse, December 23, 2022-January 16, 2023
- P-55 Pg. 1-2 Emails between K. Rebelo and L.T., Updated Draft IEP, speech, Functional Behavior Assessment (FBA) Consent, May 4, 2023
- P-56 Pg. 1-3 Letter, Reevaluation Planning – Proposed Action, Functional Behavior Assessment (FBA), May 3, 2023
- P-57 Letter, Reevaluation Planning – Consent For Additional Assessment, Functional Behavior Assessment (FBA), May 4, 2023
- P-58 Emails between L.T., K. Swick, K. Rebelo, speech sessions, May 9, 2023
- P-59 Emails between L.T., K. Swick, speech schedule, May 8, 2023
- P-60 Princeton Speech-Language and Learning Center receipt, June 15, 2023
- P-61 Emails between K. Rebelo, L.T., A.T., Setting up IEP meeting, Progress Reports, February 2, 2023-February 8, 2023

- P-62 Pg. 1-2 Emails between H. Freeman, Esq., and C. D'Costa, Esq., not agreeing with IEP, July 12, 2023-July 13, 2023
- P-63 Pg. 1-7 Emails between A.T., L.T., Donahue, M. Dillon, Discipline Report 11/28/22, door, calling names, fear of advocacy, directed to attorneys, November 29, 2022-December 13, 2023
- P-64 Pg. 1-2 Emails between M. Dillon, L.T., bullying, discipline, referred to attorney, November 29, 2022-December 8, 2022
- P-65 Pg. 1-2 Emails between K. Rebelo and L.T., Updated Draft IEP, FBA consent confirmation, May 4, 2023
- P-66 Pg. 1-29 DRAFT Individual Education Plan (IEP) 2023, May 3, 2023

Academic Year 2023-2024

- P-67 Email from K. Rebelo to L.T., Next Year's schedule, August 8, 2023
- P-68 Email from L.T. to K. Rebelo, Next Year's schedule, August 8, 2023
- P-69 Pg. 1-2 Email from S. Catena to L.T., English 3 update, sticky notes, September 29, 2023
- P-70 Email from L.T. to K. Rebelo, abrupt Chemistry class change, October 2, 2023
- P-71 Email from K. Rebelo to L.T., Chemistry class IEP, stay put, October 3, 2023
- P-72 Pg. 1-2 Emails between K. Rebelo and L.T., Chemistry referring to attorney, stay put, October 3, 2023
- P-73 Email from L.T. to K. Rebelo, attorney, rules, course change, October 3, 2023
- P-74 Email from L.T. to M Dillon, Detention 10/05/2023 requesting rescheduling, October 3, 2023
- P-75 Emails between M. Dillon and L.T., disciplinary issues and office, March 20, 2023
- P-76 Pg. 1-2 Emails between M. Dillon and L.T., Detention 10/05/2023, additional detention, October 3, 2023-October 4, 2023
- P-77 Pg. 1-2 Email from L.T. to M. Dillon, cc K. Rebello, requesting immediate class change, October 5, 2023
- P-78 Pg. 1-3 Emails between C. Catena and L.T., English 3 update, September 29, 2023-October 23, 2023

- P-79 Pg. 1-3 Emails between J. Howland and L.T., redirecting them to attorney about Functional Behavior Assessment (FBA), settlement, May 4, 2023-October 25, 2023
- P-80 Pg. 1-3 Emails between C. Catena and L.T., English III update, failing 2nd marking period, A.T. is sick, January 22, 2024
- P-81 Emails between C. Catena and L.T., English 3rd marking period, March 2, 2024
- P-82 Emails between K. Rebelo and L.T., A.T. getting punched, October 30, 2023
- P-83 11.02.23 Email from M. Dillon to L.T., punching/pushing confirmation, issuing another detention
- P-84 Pg. 1-3 Emails between K. Rebelo and L.T., A.T. absences, February 15, 2024-February 22, 2024
- P-85 Email to K. Lorenzo, G. Hall, cc. K. Rebello, A.T. doctors' notes, February 22, 2024
- P-86 Email from L.T. to L. Heck, History, phone call, failing MP2, February 1, 2024
- P-87 Email from M. Dillon to L.T., Attendance Improvement Plan, February 16, 2024
- P-88 Pg. 1-2 Email from K. Rebelo to L.T., A.T. absences, to discuss in IEP meeting, February 20, 2024
- P-89 Email from L.T. to K. Rebelo, A.T. absences reporting school refusal, February 14, 2024
- P-90 Email from L.T. to S. Catena 3rd marking period, accommodations, vision, March 1, 2024
- P-91 Pg. 1-2 Emails between S. Catena and L.T. 3rd marking period, March 1, 2024-March 5, 2024
- P-92 Email from L.T. to S. Catena 3rd marking period, accommodations, vision, March 11, 2024
- P-93 Email from L.T. to S. Catena, phone call follow up, March 12, 2024
- P-94 Pg. 1-4 Emails between J. Howland, B. Donahue, A.T., L.T., no consent scoliosis screening, redirected to attorneys, investigation, December 16, 2022-October 23, 2023

- P-95 Pg. 1-3 Emails between J. Howland and L.T. directed to attorney for scoliosis, October 10, 2023
- P-96 Letter, Atlantic Physical Therapy, February 21, 2024
- P-97 Letter, Odell Family Practice, absences, February 21, 2024
- P-98 Letter, Odell Family Practice, 2nd letter about spinal cord, February 21, 2024
- P-99 Pg. 1-9 Emails between H. Freeman, Esq., and C. D'Costa, Esq., Functional Behavior Consent (FBA), February 9, 2024-February 22, 2024
- P-100 Email from L.T. to N. Hazel, J. Howland, B. Donahue, M. Dillon, K. Rebelo – voicemails about detentions, January 26, 2024
- P-101 Pg. 1.2 Emails between L.T., M. Dillon, B. Donahue, information on teacher/student harassment, directed to attorney, March 12, 2024-March 13, 2024
- P-102 Email from L.T. to K. Rebelo, M. Dillon – A.T. phone, gym, provoking behaviors, March 17, 2024
- P-103 Emails between L.T. and M. Dillon, phone discipline reports, March 4, 2024-March 5, 2024
- P-104 Email from L.T. to K. Rebelo, several concerns, aide, intimidation, assault, school refusal, February 6, 2024
- P-105 Email from L.T. to K. Rebelo, incident, aide, assault, fear to report, January 12, 2024
- P-106 Pg. 1-2 Email from L.T. to M. Dillon, H. Freeman, Esq., HIB Confirmation – discipline concern, phone call follow up, March 15, 2024
- P-107 Pg. 1-3 Emails between L.T. , M. Dillon, B. Donahue, A.T., Jr., HIB Notification, denying request citing board rules, January 30, 2024-February 6, 2024
- P-108 Pg. 1-2 Email between M. Dillon – L.T., Attendance Improvement Plan Policy, February 22, 2024-February 23, 2024
- P-109 Pg. 1-7 Emails between J. Howland and L.T., A.T. Health Update, health accommodations and surgery, denying accommodations, directing to attorney, March 8, 2024-March 15, 2024
- P-110 Email from L.T. to K. Rebelo Signed Annual Review IEP meeting notices, March 27, 2024
- P-111 Pg. 1-2 Student Data Conduct Report, June 13, 2024

- P-112 Pg. 1-8 Progress Report for IEP Goals and Objectives, 03-06-2024
- P-113 Pg. 1-9 Progress Report for IEP Goals and Objectives, June 6, 2024
- P-114 Pg. 1-8 Emails between C. D'Costa, Esq., and H. Freeman, Esq., Idea, during an IEP meeting, meeting link, March 9, 2024
- P-115 Pg. 1-2 Email from C. D'Costa, Esq., to H. Freeman, Esq., Draft IEP and attendance from A.T., March 22, 2024
- P-116 Emails between C. D'Costa, Esq., and H. Freeman, Esq., "Mrs. T. is clearly fluent", March 18, 2024
- P-117 Pg. 1-3 Picture, Genesis Scoliosis Screening form, March 1, 2022-December 20, 2022
- P-118 Digital Form No Scoliosis Screening, Genesis, March 1, 2022
- P-119 Pg 1-4 Genesis A.T. attendance 2023-2024
- P-121 Letter, Colts Neck High School, Attendance Improvement Plan
- P-122 Emails between L.T. and M. Dillon, teacher/student harassment/intimidation/bullying, tapes

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- P-123 Emails between L.T., G. Labkovski, K. Rosas, aide walking to the bus, September 10, 2021
- P-124 Email from L.T. to M. Merlucci, D. Recine, Science, typing, muscle tone, executive functioning, September 27, 2021
- P-125 Pg. 1-2 Emails between L.T. and D. Recine, handwriting, no fill in options, September 8, 2021-September 28, 2021
- P-126 Email from L.T. to K. Rosas, paraprofessional, November 3, 2021
- P-127 Email from E. Pray to L.T., behavior, handwriting, graphic organizer, November 9, 2021
- P-128 Pg. 1-5 Email from L.T. to E. Pray, 190 pages of blank graphic organizer, November 9, 2021
- P-129 Pg. 1-4 Email from E. Pray to L.T., handwritten graphic organizer, forgot to post the right one, November 10, 2021
- P-130 Email from J. Chrobocinski to L.T., Conversations, tutor/Science and English Teacher phone call, November 14, 2021

- P-131 Letter from S. Greenwald, Esq., to J. Comegno, Esq., requesting an IEP meeting, November 11, 2021
- P-132 Email from L.T. to K. Rosas, aide following dismissal, November 17, 2021
- P-133 Email L.T. to E. Pray, materials, grades, November 19, 2021
- P-134 Pg. 1-2 Email from S. Greenwald, Esq., to J. Comegno, Esq., 2nd meeting request, waiving 10-day notice, December 2, 2021
- P-135 Email L.T. to K. Rosas, paraprofessional, behavior, stress, December 13, 2021
- P-136 Pg. 1-2 Emails between L.T. and J. Howland, restricting communication, parental portal assignments, January 25, 2022-January 26, 2022
- P-137 Pg. 1-4 Emails between L.T. and K. Fitzhenry, English tests, January 26, 2022-January 31, 2022
- P-138 Pg. 1-2 Email from K. Fitzhenry to L.T. assignments, mask, February 3, 2022
- P-139 Email from L.T. to E. Pray, English Packet, January 6, 2022
- P-140 Email from L.T. to K. Rosas, A.T. refusing to go to speech, January 18, 2022
- P-141 Pg. 1-2 Emails between L. Joworisak and L.T., directed to the attorney, peer leadership, social opportunities, enrollment, January 23, 2022-January 24, 2022
- P-142 Pg. 1-2 Payment Venmo, Friends Grow Friends, private social group opportunities for students with special needs, March 20, 2022-December 26, 2022
- P-143 Letter from S. Greenwald, Esq., to J. Comegno, Esq., directing communication to attorney, January 25, 2022
- P-144 Pg. 1-2 Letter from S. Greenwald, Esq., to J. Comegno, Esq., Concerns about present levels on proposed evaluation form, January 25, 2022
- P-145 Letter from S. Greenwald, Esq., to J. Comegno, Esq., requesting an independent evaluator observation, January 26, 2022
- P-146 Letter from S. Greenwald, Esq., to J. Comegno, Esq., addressing district's denial of the independent evaluator observation, January 26, 2022
- P-147 Letter from S. Greenwald, Esq., to J. Comegno, Esq., requesting to stop Speech-Language Services and Counseling Services, February 2, 2022

- P-148 Email from J. Comegno, Esq., to S. Greenwald, Esq., denying cessation of Speech-Language Services and Counseling Services, declines request to amend IEP, IEP meeting to discuss, February 3, 2022
- P-149 Letter from S. Greenwald, Esq., to J. Comegno, Esq., 2nd request on the Independent Evaluator, February 2, 2022
- P-150 Letter from S. Greenwald, Esq., to J. Comegno, Esq., requesting information on the Neurodevelopment evaluation, February 3, 2022
- P-151 Pg. 1-5 Letter Request for Additional Assessment – Proposed Actions, January 21, 2022
- P-152 Pg. 1-2 Consent for Additional Assessment, February 2, 2022
- P-153 Email to K. Rosas, L. Joworisak, J. Howland, A.T. distress aide, February 7, 2022
- P-154 Email from K. Rosas to L.T., Protected Health Information (PHI) release forms for evaluations, February 7, 2022
- P-155 Undated pg. 1-2 Letter, form, FRHSD, Authorization for Use or Disclosure of Protected Health Information
- P-156 Email from L.T. to K. Rosas, understanding Protected Health Information (PHI) forms, February 10, 2022
- P-157 Email from L.T. to K. Rosas, Speech and Language, PWN, requesting a meeting, February 8, 2022
- P-158 Pg. 1-2 Email from L.T. to J. Howland, follow up Protected Health Information (PHI) forms, February 1, 2022
- P-159 Email from L.T. to K. Rosas, 3 documents attached, February 12, 2022
- P-160 Letter from A.T. and O.T. to K. Rosas, requesting a meeting to go over the proposed evaluation, February 11, 2022
- P-161 Letter from A.T. and O.T. to K. Rosas revoking consent, February 11, 2022
- P-162 Letter from A.T. and O.T. to K. Rosas, 2nd request for a meeting to discuss speech-language services and counseling services, February 11, 2022
- P-163 US Postal Service Certified Mail Receipts, Colts Neck High School, Administration Building Englishtown, February 12, 2022
- P-164 Email from L.T. to K. Rosas, mask breaks, February 22, 2022
- P-165 Email from J. Howland to O.T. and A.T. interpreter, February 14, 2022

- P-166 Emails between K. Rosas, J. Howland, M. Fountaine, Speech and Language Independent Evaluation Observation Request, April 14, 2024-April 25, 2024
- P-167 Emails between K. Rosas, J. Howland, M. Fountaine, Speech and Language Independent Evaluation Observation 2nd Request, April 26, 2022-April 27, 2022
- P-168 Email from J. Howland to M. Fountaine, consent from parents, April 27, 2022
- P-169 Pg. 1-2 PSLLC Clinical Release Form (Parent Sign), Authorization to observe and release/obtain records and information , February 25, 2022
- P-170 Email from M. Fountaine to J. Howland, Independent Evaluation, Clinical release form, April 28, 2022
- P-171 Email from J. Howland to M. Fountaine, legal matter, April 28, 2022
- P-172 Email from F. Mann to J. Comegno, Esq., Meeting notices being mailed, May 31, 2022
- P-173 Pg. 1-3 Letter New Jersey Department of Education OSEP Complaint Form, August 15, 2022
- P-174 Pg. 1-2 Letter from B. Halpern, Esq., to H. Freeman, Esq., denying Speech and Language Independent Evaluation Observation, May 20, 2022
- P-175 Pg. 1-3 Letter from H. Freeman, Esq., to B. Halpern, Esq., denial of Speech and Language Independent Evaluation Observation, May 21, 2022
- P-176 Pg. 1-5 Letter Complaint Investigation Report State of New Jersey Department of Education, October 12, 2022
- P-177 Emails between L. Joworisak and L.T., next year's enrollment, pictures of classes requested Genesis, April 13, 2022-April 14, 2022
- P-178 Email between L.T. and K. Rosas, scheduling IEP meetings, June 3, 2022-June 9, 2022
- P-179 Pg. 1-6 Emails between J. Howell, B. Halpern, Esq., H. Freeman, Esq., scheduling an IEP meeting, June 10, 2022-June 29, 2022
- P-180 Email from K. Fitzhenry to L.T., Science work preview, Marathon Mouse, April 4, 2022
- P-181 Pg. 1-3 Email from K. Fitzhenry to L.T., Science work preview, Tasmanian Devil, January 31, 2022

- P-182 Pg. 1-3 Emails between L.T., R. Beck, J. Howland, J. DiMitri, 2 districts meeting email, February 8, 2021
- P-183 Letter from S. Greenwald, Esq., to G. Pettineo Esq. representation, May 11, 2021
- P-184 Emails between L.T. and K. Rosa counseling sessions, September 29, 2021
- P-185 Pg. 1-2 Emails between L.T. and G. LaCava Geometry, September 27, 2021-October 8, 2021
- P-186 Emails between D. Recine and L.T. Science, CER, October 11, 2021-October 12, 2021
- P-187 Pg. 1-6 Emails between D. Recine and L.T. Science, September 27, 2021-October 9, 2021
- P-188 Pg. 1-5 Emails between D. Recine and L.T. Science, October 12, 2021-October 18, 2021
- P-189 Emails between L.T. and K. Rosas, Science IEP, October 20, 2021-October 24, 2021
- P-190 Email from K. Rosas to L.T., call, Science, IEP, fire drill running, October 25, 2021
- P-191 Pg. 1-8 Email from L.T. to K. Rosas, Science handwritten work, October 25, 2021
- P-192 Picture, teacher no mask, November 16, 2021
- P-193 Pg. 1-2 Email from A.T. to J. Howland, January 30, 2022
- P-194 Email from L.T. to K. Rosas, A.T. cannot write, supervisor, November 23, 2021
- P-195 Pg. 1-3 Emails from L.T. to D. Recine, digital homework, November 22, 2021-November 28, 2021
- P-196 Pg. 1-2 Email from L.T. to D. Recine, health, accommodations, November 2, 2021
- P-197 Email from L.T. to D. Recine, understanding A.T., January 22, 2022
- P-198 Pg. 1-14 FRHSD Answers to petition for dues process with counter-petition for attorney fees and affirmative defense, March 14, 2021

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- P-199 Pg. 1-8 Pull-out Resource Reading Workshop, work sample, 2021-2022

P-200 Pg. 1-8 ICR Geometry, work sample, 2021-2022
P-201 Pg. 1-25 ICR Biology, 2021-2022
P-202 Pg. 1-4 ICR Algebra, 2022-2023
P-203 Pg. 1-19 ICR US History, 2022-2023
P-204 Pg. 1-10 ICR English 2, 2022-2023
P-205 Pg. 1-7 ICR Science, 2023-2024
P-206 Pg. 1-26 ICR English 3, 2023-2024
P-207 Report card 2023-2024

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P-210 Pg. 1-10 Email from L.T. to K. Rebelo, meeting notices, February 8, 2024-
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P-213 Pg. 1-27 IEP 2024-2025, March 19, 2024
P-214 Report Card, 2022-2023
P-215 Letter from Dr. Tamara Odell, April 10, 2023
P-216 Pg. 1-12 Letter, T. Odell, accommodations health concerns, November 30,
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P-217 Pg. 1-12 IEP meeting invitations, December 1, 2021-October 12, 2022
P-218 Discipline reports
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P-220 Pg. 1-20 Colts Neck Township School IEP, Progress Reports 2021-2022,
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P-221 Pg. 1-23 Evaluations

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R-1 DP Petition T R0001-0028, September 2022
R-2 Notice of Motion - EDS 09467-22 R0029-0030
R-3 Brief in Support of MTD; EDS 09467-22; R0031-0041, July 24, 2023
R-4 Howland Cert - MTD Count III - Al.T. R0042-0171, July 24, 2023
R-5 Proposed Order - EDS 09467-22 (002) R0172
R-6 Cert of Service - EDS 09467-22 (002) R0173
R-7 Amended DP Petition-T R0174-200, December 15, 2023
R-8 Answer to Due Process Petition - 2024-36857 R-0201-214

- R-9 Motion to Dismiss 2nd DP Petition - 2024-36857 w-Exhibits R0215-236
- R-10 Due Process Petition T R0237-262, March 1, 2024
- R-11 Answer with Counter Petition - A.T.-FRHS R0263-276
- R-12 Order of Consolidation R0277-279
- R-13 Petitioners' Motion to Amend R0280-293
- R-14 Respondent Opposition to Motion to Amend w-Exhibits R0294-388
- R-15 Order Denying Motion to Amend R0389-391

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- R-16 Comprehensive Speech-Language Evaluation - R0392-0411 IEP's, May 2022
- R-17 Draft IEP R0412-440, May 3, 2023
- R-18 Draft IEP R0441-468, March 19, 2024

Meeting Notices

- R-19 Updated Meeting Notice R0469-477, December 7, 2021
- R-20 Request for Additional Assessment R0478-484, January 21, 2022
- R-21 Student Invite for Transition Meeting Notice R0485, May 31, 2022
- R-22 Invite for Re-evaluation Planning R0486-488, May 31, 2022
- R-23 Meeting Notice for Initial Eligibility R0489-491, July 21, 2022
- R-24 Request for Additional Assessment w-Consent R0492-0495, October 27, 2022
- R-25 Invite for Re-Evaluation Eligibility Determination w-Annual Review R0496-498, March 17, 2023
- R-26 Notice of Rescheduled Meeting R0499, February 20, 2024

Correspondence And Emails

- R-27 Email from petitioners to FRHSD requesting all communications in writing R0500, October 24, 2021
- R-28 Email from FRHSD to petitioners re communication now that they have retained counsel R0501, January 23, 2022
- R-29 Email from JBC to SGreenwald denying request for Dr Tariff to observe R0502, January 26, 2022

- R-30 Letter from petitioners to FRHSD re proposed evals and seeking clarification R0503, February 11, 2022
- R-31 Letter from petitioners re denial of requested changes to speech and counseling R0504, February 11, 2022
- R-32 Letter from petitioners revoking consent signed on 2.2.22 R0505, February 11, 2022
- R-33 Email from-to FRHSD and petitioners revoking consent R0506, February 14, 2022
- R-34 Email from petitioner to FRHSD - unavailability of petitioners and counsel for June 7, 2022 IEP Meeting R0507, June 3, 2022
- R-35 Email from petitioner to FRHSD - all future mtg and request to be made thru counsel R0508-509, June 9, 2022
- R-36 Signed consent to Proposed Evaluations R0510, October 27, 2022
- R-37 Letter from FRHSD to petitioners - neuro eval scheduled November 10, 2022 R0511, October 31, 2022

Curriculum Vitae

- R-38 Jessica M. Howland, Ed.D., R0512-0513
- R-39 Kelly A. Fitzgerald R0575-0576

Additional Documents

- R-40 Email Correspondence from Dr. Beck (Colts Neck) to Parent R0514-0515, January 8, 2021
- R-41 Email from Kim Rosas to Parent re: paraprofessional R0516, November 3, 2021
- R-42 Letter from petitioners' former counsel not JBC re: meeting R0517-0518, November 11, 2021
- R-43 Letter from JBC to S.Greenwald declining Dr. Tariff to observe R0519-0521, January 26, 2022
- R-44 Email correspondence re: Annual Review IEP Meeting (redacted) R0522-0530, June 2022
- R-45 IEP Meeting Invite signed R0531, July 26, 2022
- R-46 Draft IEP R0532-0548, August 2, 2022

- R-47 Letter to ALJ Gertsman from H. Freeman, Esq., withdrawing Count II claims without prejudice R0549, August 3, 2023
- R-48 2022 Complaint Investigation Request R0550-0559, August 15, 2022
- R-49 FRHSD Answer to Due Process Complaint R0560-0574, November 7, 2022
- R-50 Parents' letter to ALJ Gertsman re: Albanian Interpreter and Translator Services R0577, June 27, 2024