



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 03563-25

AGENCY DKT. NO. 2025-38679

D.J. AND K.J. ON BEHALF OF D.J.,

Petitioners,

v.

SOMERVILLE BOROUGH BOARD OF EDUCATION,

Respondent.

Andrew I. Meltzer, Esq., for petitioners (Sussan, Greenwald & Wesler, attorneys)

Philip E. Stern, Esq., for respondent (DiFrancesco, Bateman, Kunzman, et al, attorneys)

Record Closed: March 16, 2026

Decided: March 20, 2026

BEFORE **DEIRDRE HARTMAN-ZOHLMAN**, ALJ:

STATEMENT OF THE CASE

This matter arises under the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §§ 1400 to 1482. Petitioners, D.J. and K.J., (parents or petitioners) filed a petition for due process, on behalf of their son, D.J., a minor student, seeking out-of-district placement, including tuition, transportation, and counsel fees. Petitioners allege that respondent, Somerville Borough Board of Education (respondent, District, or Board) failed

to provide D.J. with a free appropriate public education (FAPE) in the least restrictive environment (LRE). Petitioners allege that the District failed to provide an Individualized Education Program (IEP) with appropriate goals and objectives and by doing so, D.J. failed to demonstrate any meaningful progress. The issues are whether the IEP provided FAPE in the LRE and if not, whether D.J. is entitled to out-of-district placement, along with counsel fees and other expenses associated with the within litigation.

PROCEDURAL HISTORY

Petitioners D.J. and K.J., on behalf of their minor son D.J., filed a request for due process petition (the “Petition”) with the Office of Special Education Programs, New Jersey Department of Education, on February 19, 2025. The Department of Education transmitted the contested case under N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13 to the Office of Administrative Law, where it was filed on February 28, 2025. On May 16 and 20, 2025, the Court requested respondent provide a copy of its answer to the petition. On May 21, 2025, respondent stated that it would be filing its answer that day. The Court has no record of receipt of same. By joint request of the parties, scheduled hearing dates in June 2025 were adjourned for petitioners to file an amended petition for due process. On July 15, 2025, petitioners filed an amended petition. On August 7, 2025, the District filed an answer to the amended petition.

In advance of the hearing, the parties submitted a joint stipulation of facts (J-1–J-60.) The in-person hearing took place on August 13, 2025, October 29, 2025, October 30, 2025, December 5, 2025, and December 15, 2025. Respondent made a request for a rebuttal witness, which was denied. Respondent filed a motion for reconsideration to present a rebuttal witness, which was again denied. Thereafter, the parties requested to file post-hearing submissions following receipt of the transcripts. Respondent requested and was granted a generous extension to file submissions. Petitioners filed a submission on March 13, 2026, and the record closed on that date.¹

¹ Respondent requested an additional extension on March 13, 2026. Petitioners objected to same. The request was denied.

STIPULATION OF FACTS

1. Petitioners and the Board stipulate that they are the parties to this dispute.
2. The parties stipulate that the Somerville Public School District is the local educational agency responsible for providing D.J. with a free, appropriate public education. The parties also stipulate that the Board bears the burden of proof in this matter, pursuant to N.J.S.A. 18A:46-1.1.
3. The parties stipulate that in response to petitioners' filing for mediation to invoke stay-put on May 25, 2023, the parties agreed to maintain the current level of D.J. 's speech services.
4. The parties stipulate that on June 19, 2024, petitioners filed their original due process petition in this case.
5. The parties stipulate that in reviewing the reports, and over the course of discussions through mediation arising out of petitioner's due process petition, the District requested to undertake its own evaluations.
6. The parties stipulate that on September 16, 2024, petitioners withdrew the June 19, 2024, due process petition without prejudice to facilitate the District's evaluations.
7. The parties stipulate that on June 10, 2025, they held an IEP meeting to discuss D.J.'s program for the 2025–2026 school year.
8. The parties stipulate that the original due process matter has been consolidated with the amended due process matter.

DISCUSSION AND FINDINGS OF FACT

For respondent:

Tanya Romasz-McDonald has been employed by the District as a Director of Special Services for the last thirteen years, since January 2003. She primarily oversees special education programming and related services and is the 504 coordinator. She is a licensed clinical psychologist and holds certifications in school psychology and two administrative certifications from the New Jersey Department of Education. She was qualified and accepted as an expert in students with disabilities.

Romasz-McDonald knows D.J. because she has been in and out of his classrooms over the years, about three or four times each year, for teacher observations or classroom parties. 16 to 18 percent of the students are classified as eligible for special education. The District is a small district with three schools. It is a very diverse community. She describes D.J. as a very lovely child; talkative and energetic. She has been involved in D.J.'s IEP meetings because of the due process filings.² She does not have input in developing his goals or objectives. In the last year she has had two or three conversations with D.J.

D.J. is classified as multiply disabled because he has a specific learning disability in reading and ADHD. D.J. had an IEP for the 2024–2025 school year, grade 7. (J-50; R-4.) D.J. is very distracted, off-task frequently, and struggles with executive function and needs specialized instruction. D.J. is in a pull-out resource classroom for his core curriculum classes. For specials, electives, physical education, and lunch D.J. is in the general education classes. The IEP also called for related services in the form of occupational therapy and speech and language therapy. According to Romasz-McDonald the annual review meeting on November 5, 2024, includes first-hand accounts provided by the teachers, which are very important to consider in terms of progress. In addition, the evaluation summaries based upon testing by the child study team (CST) showed that there was significant progress. Specifically, the iREADY testing, which looks

² A previous due process petition was filed and later withdrawn.

at growth in language arts and math, showed that D.J. surpassed his goals by significant growth. There are goals set for every student and an expectation that they will meet their goals.

The progress reports over the course of the school year show how a student's progress is coming. (R-1.)

D.J.'s iREADY printouts for the past few years show that there has been significant progress. He surpassed his levels in multiple areas such as phonetics, high-frequency words, vocabulary, and comprehension. (R-3.)

In her assessment, she believes that D.J. received FAPE. He received appropriate services and supports to make significant progress. D.J. is very friendly, outgoing, confident, does the peer-leadership program, and has a nickname "mayor of Somerville." He does not need any emotional or social support except for in executive functioning. Romasz-McDonald does not believe he needs an out-of-district placement.

D.J.'s IEP for 8th grade, the 2025–2026 school year, provides for extended school year (ESY) services, in the form of reading support, over the summer. (J-59). A difference in the IEP for 8th grade is that for social studies, D.J. will be in an in-class resource classroom instead of a pull-out classroom.

On cross-examination, Romasz-McDonald clarified that iREADY is not a special education test. Special education students can get modification when taking that test, and the assessments can be repeated by a student. An educational evaluation was conducted by Michelle Turnbull on October 21, 2024; it is a standardized assessment that cannot be repeated. In broad reading, he was in the 1st percentile, the lowest range: in reading fluency, he was in the 2nd percentile; in letter identification, he is below 1 percent; and in all categories, he is below grade level. (J-45). Additionally, Romasz-McDonald acknowledged that D.J.'s IEP lacked his present reading levels and goals related to his needs, such as writing stamina, summarizing, using important details, making inferences, citing evidence, and decoding. (J-59.)

Marjorie Mahony is a Certified School Psychologist. She retired in July 2025 after twenty-eight years with the District. She is an expert in the field of school psychology. She worked with D.J. as his case manager in grades 6 and 7. As a case worker her role is to be an advocate, attend IEP meetings, communicate with the teachers and parents, and make sure his IEP was being followed and that he progressed. Mahony first met D.J. when he entered 6th grade. She held a meeting with him in the first few weeks of school in her office to introduce herself, explain her role, and advise that she will check in on him from time to time, and that he could seek her out if he needed. They had a “great” relationship. D.J. is very easy to work with, very talkative, outgoing, and “easy to love.” Mahony was also doing assessments and evaluations in the elementary and high school. D.J.’s placement and program for 6th grade was determined at the IEP meeting in 5th grade. Mahony attended that meeting to familiarize herself with D.J. and in anticipation that she would be his case manager in 6th grade. D.J.’s IEP notes his disability was “other health impairment” due to an ADHD. (J-40.) D.J. was last evaluated for services in 4th grade and was next scheduled to be evaluated in 7th grade. Also at the meeting were D.J.’s parents, his previous case worker, his teachers, the reading specialist, speech therapist, and occupational therapist. The meeting was cordial, but at its conclusion, D.J.’s parents indicated that they were going to file for due process because they wanted D.J. in an out-of-district placement. The IEP notes that teachers report distractibility and inattentiveness. Mahony also observed these behaviors by D.J.

D.J. remained in the District for 6th grade after there was an understanding reached wherein speech therapy was added into the IEP. (J-58.) Mahony monitored D.J.’s progress by speaking to his teachers and reviewing his progress reports and report cards. D.J. had a good year; he had good grades, feedback from D.J. was positive, and he showed progress in i-Ready testing. i-Ready is given three times each year. It gives an overall math and reading level. The end of the year i-Ready test shows tremendous growth in the areas that are tested. (J-55.) D.J. met and surpassed typical growth goals and stretch goals from the initial 6th grade testing on i-Ready. (Ibid.) Initially his 6th grade i-Ready test showed his reading was at a grade 2 level, then it progressed to grade 3 mid-year and then to grade 4 at the end of the year. (Ibid.) However, Mahony acknowledged that i-Ready does not assess all domains of reading, such as decoding

and reading fluency. Additionally, a student can “test out” of a domain and still be below grade level.

At the end of 6th grade, the IEP team met again to complete his IEP for 7th grade. Mahony states that his overall progress was excellent. Mahony was again his case worker for 7th grade. D.J.’s classification, after re-evaluations, was amended by the IEP team to include a classification of multiple disabilities to address his reading disability as a specific learning disability. (J-41). D.J.’s 7th grade core classes were the same as 6th grade. For his core classes he was in a “resource room, replacement program,” a small class taught by a special education teacher at grade level but at a slower pace. (Ibid.) Speech services were again changed to one individual and one group session per week. (Ibid.) Similar to 6th grade, Mahony tracked D.J.’s progress in 7th grade. His 7th grade mid-year i-Ready testing revealed demonstrated steady progress. (J-54.) Mahony found his progress in 7th grade to be even greater than 6th grade. This is despite that his mid-year i-Ready assessment in 7th grade shows D.J. is at a 3rd-grade reading level, four grades below level. (J-41.) Mahony testified that D.J. was proud of his progress in Spanish class, and the teacher confirmed he had made progress.

The 7th grade IEP does not list any specific goals for spelling and penmanship even though this is an area of concern for D.J. (J-50.) There is also nothing targeting reading fluency, reading speed, or decoding. (Ibid.)

In November 2024, a re-evaluation meeting was held, and a new IEP was developed. (J-50.) D.J.’s classification at this time was amended by the IEP team to include a classification of multiple disabilities to address his reading disability as a specific learning disability. At this time D.J. started in an executive functioning counseling group at school, and D.J. was “not happy about it.” D.J.’s mother reached out to make sure he was cooperative. Additional reading support was also added from three days per week to five days per week. With the additional reading support at the end of the day and the executive functioning counseling group at the beginning of the day, D.J. expressed that he was “tapped out.” During D.J.’s psychological evaluation, his behavior assessment stated that both D.J. and his science teacher reported that D.J. had trouble sitting still, speaking out of turn concentrating, and paying attention. (J-47.) Moreover, his re-

evaluations showed that his cognitive functioning was at 91 percent, which is considered average, and his basic reading skills were at 1 percent. (J-49.)

D.J. needs many reminders to pay attention; he is chatty and needs focus. Mahony observed these behaviors, and they were reported by his resource room teachers. He asks off-topic questions, and his inattention is even self-reported by D.J. (J-47.) Despite teachers' comments that D.J. needs reminders to focus in class, asks off-topic questions, and displays behaviors that distract, no goals are in his IEP to address these concerns.

At the end of D.J.'s 7th-grade year, his parents again filed a due process petition. Mahony does not believe that D.J. should be in an out-of-district placement because he is making progress, and it would be more restrictive if he was only with students with disabilities and not with general education students.

Mahony was involved in the development of D.J.'s IEP for 8th grade. In 8th grade, for social studies, D.J. is in an in-class resource program; a general education setting with a special education teacher for supports. This was based upon the recommendation of the social studies teacher, who teaches both special education and general education. Mahony coordinated and attended the visits of Dr. Kimberlin, a speech pathologist, and Dr. Snider. Kimberlin observed D.J. in school in 6th and 7th grade. Kimberlin wrote a report after her observation of D.J. in 6th grade that Mahony reviewed. (P-2.) Kimberlin tested D.J. on a nationally normed assessment, and it showed significant below grade level scores for reading, oral, and written language skills. (ibid.) Mahony did not agree with the reports from Kimberlin and Snider. Specifically, Mahony did not think Kimberlin represented his performance accurately. As to Snider, who reported concern that D.J. was frustrated, had low self-esteem, or had difficulty with social connections, Mahony did not see evidence of this, and D.J. denied such. (P-4.)

Snider wrote a second report regarding D.J. (P-9.) She performed a Woodcock Johnson Assessment, a normed assessment, showing educational achievement, which showed a reading score of grade level 1.9, basic reading skills: grade level 1.9, written language: grade level 1.7, written expression: grade level 2.9, passage comprehension:

grade level 2.0, and writing sample grade level: 1.7. Mahony stated that these scores are similar to the testing scores of the District.

On cross-examination, Mahony acknowledged that at the 6th grade IEP meeting D.J.'s parents addressed their concerns about the need for speech services and did not at any time ask for out-of-district placement. (J-40.)

Jessica Warner is a special education teacher. She has been with the District for twenty-five years, eighteen years as a reading specialist. Warner has multiple certifications, including Wilson Reading Program certifications and an associate level certification in Orton-Gillingham (OG). Warner is a reading specialist expert. Warner sees D.J. in school three hours each week for reading intervention. Warner has known D.J. since 1st grade, and they have a strong relationship. In D.J.'s 5th grade, Warner began working with him as a reading specialist for special education. Warner works with D.J. in the Wilson reading program, which is an intensive program directed for students with language-based disabilities, such as dyslexia, like D.J. It's a multi-sensory, all-encompassing program. There are 3 tiers, with tier 3 being the most intensive and the most elementary. In 6th grade, "it was tough" and "progression was slower" because there were issues with D.J.'s attention. D.J. was with two other students and was not attentive. However, Warner believes that D.J. made progress in 6th grade. He made phonological improvement (how to break up a word), he learned to write in cursive, and his ability to adjust to middle school improved. More recently Warner has seen greater attention, and he has greater recall and focus, and therefore, greater progress. Warner documents progress in Wilson by "charting," testing, and step assessments. Consistent with D.J.'s IEPs, Warner tutored D.J. one-on-one in the summers between 5th and 8th grades so that he did not regress. At the beginning of 6th grade D.J. was on step 2.2, and in 8th grade he's at step 4.3, which Warner believes is meaningful progress. There is a total of twelve books in Wilson; these are not based on grades but on the skills of a reader. The Wilson Program gives a generalized statement that students can progress about two or three books per year. In the four years that Warner has been working with D.J. he has only completed two books. D.J. was on book two in part of 5th grade and all of 6th grade. Warner believes that D.J. would not benefit from an out-of-district placement because she does not believe his disabilities are holding him back and he is "responding

to intervention.” Despite that testimony, Warner emailed a special education teacher and member of the CST on March 8, 2023, that D.J. needs more time with her, that there is a “bigger issue here,” that “for students with learning disabilities the reading curriculum does not meet their needs,” and that there is “a larger issue in special education that needs to be addressed.” (J-58.) Warner stated that in 3rd grade for the student population at large, there is a shift from learning-to-read to reading-to-learn. Warner read and comprehended what Dr. Kimberlin found in her report. (P-2.) However, she disagreed that D.J. needs out-of-district placement. Kimberlin observed a session of Warner’s reading work with D.J. Wilson and The International Dyslexia Association recommends sixty to ninety minutes of daily reading instruction; with optimal intensity being ninety minutes daily.

On cross-examination Warner became visibly upset and stated that she was nervous. D.J.’s IEP for 5th grade, the year Warner started working with D.J., the reading support states that he will get reading support for thirty minutes three times per week. (J-39.) The IEP for D.J.’s 6th-grade year indicates that D.J. was being provided reading support for thirty minutes three times per week. (J-40.) D.J.’s IEP for 8th grade showed reading support for thirty minutes two times a week and for forty minutes three times per week. (J-59.) However, Warner clarified that this really means that D.J. receives three hours weekly of reading support but he may not receive it daily. Warner may see D.J. twice in one day, and there are days that she does not see him at all. D.J. is pulled out from the last ten minutes of his language arts, once a week from Spanish, and once a week from physical education.

Michelle Turnbull has been a certified learning disability teacher consultant for Somerville school for the past ten years. Prior thereto Turnbull was a special education teacher in Somerville schools for ten years. Additionally, she has been a certified special education teacher, elementary school teacher, supervisor, and behavior analyst since 2011. She is an expert in learning disabilities, and she is an expert teacher consultant and behaviorist.

Turnbull was D.J.’s case worker in 1st grade when he was first classified. She has done all his educational evaluations since he’s been in the District. She looks at his skills

in his core academic classes, his grades³, and information from his teachers and testing. Turnbull uses a standardized norms test, Woodcock Johnson, for assessment. Her last educational evaluation of D.J. was in October 2024. (J-45.) He received a score of 62 in basic reading. (*Ibid.*) D.J.'s score of 62 is compared to his IQ score and it is determined whether he is performing where the District would anticipate he would score, based upon a standard deviation. It gives Turnbull information as to how he's performing compared to other students of the same age. The score of 62 tells Turnbull that D.J. has problems with basic reading. In summary, Turnbull determined that based on all the information provided D.J. is making meaningful progress in his educational program. Turnbull reviewed the reports of Dr. Snider and disagrees with her findings. (P-4.) Turnbull also asserts that Dr. Snider's scoring on Woodcock Johnson for D.J. was so low that it should be invalidated and speculated that testing fatigue could be a basis for the discrepancy. This testimony was despite her testimony that the test is objective. In tests given to D.J., his scores from 2019 to 2022 in broad reading went from 81 to 72. D.J. was given the test in 2022, 2023, and 2024. In broad reading on his test in 2024, he scored a 67, which was admitted to not be progress. For basic reading, he was at 87 in 2019, 49 in 2022, 72 in 2023, and 62 in 2024. That decline from 2019 to 2024 is not progress; it is going further away from remediation.

Allison Fresella has been a speech language pathologist for the District for the past five years. She works at the elementary school and performs evaluations and treatments. She is educated and certified in speech pathology. She is an expert in speech language. She performed a tri-annual re-evaluation of D.J. in October 2024, which looked at his ability to use and understand language, auditory processing skills, receptive language skills, and articulation skills. She worked with D.J. for one year in elementary school for speech services, but does not currently provide services for D.J. Fresella brought her observations and the results of her standardized testing and functional testing to the CST. Fresella memorialized same in a written report. (J-48.) Fresella did not evaluate D.J. for his dyslexia but specifically looked at his auditory processing skills and his ability to recall information. She tested his short-term memory and working memory, for which he was below average. She did "not see any areas in

³ D.J.'s assignments are modified, and therefore, his grades are based upon modified assignments, not the same assignments given in general education for his grade.

language that he needed speech therapy for,” but functionally, from speaking with D.J., she determined that D.J. needed articulation therapy. Fresella not observe D.J. in the classroom as part of her re-evaluation. She believes that his 2025–2026 IEP provides him with therapy to make progress in speech in the District. D.J.’s pragmatic findings suggest that his social skills are below average, but her assessments showed they were average.

Fresella reviewed Kimberlin’s report, some of which she agreed with and some of which she disagreed with. Specifically, she disagreed with the social pragmatic findings, ie, his ability to use social language and interpersonal skills. Kimberlin found that these were below average, but Fresella testified that this was incorrect and that the standardized score was in the average range. Fresella stated that there was a scaled score of 87, with a standard score 100, and a 15-score deviation, so it should have been considered “average.” (P-8.) Fresella did not disagree with the data in Kimberlin’s report but disagreed with her recommendations other than as to the need for D.J. to have articulation therapy.

Scott Hade is the principal at Somerville Middle School and has been for the past four years. He worked at Somerville High School for twenty years prior in various roles. Hade knows D.J. well and converses with him daily. Hade reviews the students’ i-Ready test scores. Hade noticed that D.J.’s 7th-grade i-Ready score was much lower than his previous test. Hade believed this was indicative of a student who rushed or didn’t put effort into taking the test. Hade had a conversation with D.J. about it and asked if he would be willing to retake the test and “put forth the effort.” D.J. agreed, retook the test, and received a higher score. However, the tests that Hade testified to were not comparing the same thing; one test was for math and one was for reading, and Hade did not know whether D.J. did better or worse in reading between the two tests

For Petitioners:

Karen Kimberlin is a speech language pathologist currently working in private practice. (P-3.) She has a doctorate in speech language pathology and holds several state licenses and certificates, including in special education and structured literacy.

(ibid.) She was in New Jersey public schools for thirteen years but is now exclusively doing evaluations of students and making recommendations. She has been involved in the development of thousands of IEPs. She is an expert in speech language pathology, dyslexia, writing disorders, structured literacy, and IEP development.

There is a New Jersey dyslexia handbook, which Kimberlin helped to create. (P-13.) It was developed by professionals and sets forth appropriate screenings, assessments, and interventions for students with dyslexia. It is used as a guide for educators about dyslexia.

Orton-Gillingham is a structured literacy methodology that identifies skills to be addressed through diagnostics for students with dyslexia. Wilson is a twelve-book program within Orton-Gillingham for general education.

Kimberlin first met D.J. in October 2023. She performed an initial evaluation in February 2024, when he was in 6th grade. (P-2.)⁴ This entailed a record review, meeting with D.J.'s parents, school observation, and testing. Kimberlin had two sessions with D.J. Kimberlin tested D.J. using seven different assessment tools to assess his reading, writing, social skills, grammar, spelling, handwriting, comprehension, phonetics, reading fluency, vocabulary, decoding, inferences, and oral language. D.J. was interactive with Kimberlin during her sessions. Overall D.J. was below average in most of the tests, and in parts at or below the 2nd percentile. D.J.'s rate of reading was at a 1st-grade level, his reading accuracy and overall fluency were at a 2nd-grade level, and his comprehension was below average. D.J. also had significant deficits in writing, with .4 written expression scores.

On October 17, 2023, Kimberlin observed D.J. in the classroom. Kimberlin observed D.J.'s English Language Arts (ELA) class. Kimberlin noted that D.J. is removed from ELA two times each week for reading support, missing thirty minutes of ELA. Kimberlin stated that this is a big issue because students are not supposed to be removed from ELA. This violated the IEP time for ELA and went against the dyslexia handbook.

⁴ Kimberlin noted that the report is erroneously dated 2023 but should be dated 2024.

The teacher advised Kimberlin that D.J. was reading at a 1st-grade level in 6th grade. During independent reading, the case worker told Kimberlin that D.J., “pretends to read” during this time. Kimberlin next observed D.J.’s reading support instruction wherein he was in the Wilson reading books. In thirty minutes, he could not get through the lesson because a typical lesson takes sixty to ninety minutes to complete. D.J. was on book two of the twelve-book Wilson program. D.J. did do much better than in ELA; he was more focused when working one-to-one with the reading specialist. In Kimberlin’s opinion, the skills being taught were much lower level than 6th grade, and the program was inappropriate. He should have been receiving intensive intervention for many years. There was no evidence that the District had screened him for dyslexia despite many indicators for years. The District was unable to provide sixty to ninety minutes of Orton-Gillingham reading instruction per day, which is recommended, and the District was instead providing ninety minutes per week. Kimberlin recommended an out-of-district placement for D.J. (Ibid.)

In January 2025, Kimberlin again evaluated D.J. in 7th grade. Kimberlin again performed assessments and compared them to the previous year. (P-8.) The results showed little to no growth, no progress, or less progress in several areas. “His scores continued to be very low.” Kimberlin found that there had been no meaningful progress over the year.

On November 25, 2024, Kimberlin again observed D.J. in ELA class. He was again pulled out of ELA for services. In December 2024, Kimberlin went back to the school and observed D.J. in his reading services program. D.J. was still working on book two in the Wilson twelve-step reading program. The Wilson program suggests that a student should complete all twelve books in two to three years. D.J.’s teachers noted in observations that D.J. had a lot of problems with inattention, following directions, grammar, staying on topic, answering questions, finding words, and getting to the point: all issues with expressive language and decoding. All of this demonstrated to Kimberlin that D.J.’s program was still inappropriate, he was still not receiving proper speech and language services, and there had been no meaningful progress from the prior year. Kimberlin continued to recommend out-of-district placement for D.J.

In June 2025, Kimberlin reviewed D.J.'s amended IEP for 8th grade and progress reports. (J-59 and P-16.) In the IEP, the reading support recommended thirty minutes two times per week and forty minutes three times per week. In 8th grade, D.J. was on book three of the Wilson reading program. According to Kimberlin, this is still not enough services as recommended by the Wilson reading program and the dyslexia handbook.

Kimberlin stated that use of i-Ready to monitor progress is not appropriate because phonetic awareness is not assessed, which is what the Wilson program taught. Also, i-Ready does not test reading frequency; it is a computerized test, and students can guess at answers. It is not suitable to accurately assess reading disabilities.

Kimberlin found that the goals and objectives in the IEP were not specific or descriptive, so they were not measurable. The goals need to identify a skill and protocol by which to test it. Specifically, there are no goals for decoding, reading fluency, writing, and spelling. Based upon all these reasons, Kimberlin found that the proposed IEP for 8th grade was still inappropriate; he was still not receiving proper speech and language services, he was only on book three of Wilson, and there had been no meaningful progress from the prior year. For reading, D.J. needs sixty to ninety minutes of intervention daily, consistent with the dyslexia handbook, and the skills need to be applied in his other classes. D.J. also needs ELA instruction with writing instruction. Kimberlin continued to recommend out-of-district placement for D.J.

On cross-examination, Kimberlin acknowledged that D.J. made some progress on the i-Ready tests in the skills which that test assessed. However, i-Ready does not test in many areas, such as phonological awareness, which is the basis for the Wilson reading program.

Kimberlin was asked about Fresella's testimony that Kimberlin had incorrectly noted that one standardized score was in the below-average range and should have been in the average range. (P-8 at 177.) The scaled score was 87, the standard score was 100, and there was a 15-score deviation. Kimberlin explained that she used the testing manual, and based upon the score of 87, D.J. was in the below-average range based upon the descriptor in the testing materials.

K.J. is D.J.'s mother.⁵ K.J. advised that D.J. has been diagnosed with dyslexia, ADHD, and dysgraphia. K.J. stated that because it is a challenge for D.J. to read and write, he is working very hard during the day and therefore when he gets home, he is very ornery and "lets it all out." K.J. advised that D.J. has been getting services since three years of age and provided some history. In May 2023, the District wanted to remove speech services for D.J. K.J. did not agree with this as D.J.'s speech sounded babyish because he dropped letters. As a result, K.J. and her husband filed a due process petition, and thereafter the District agreed to continue speech services. K.J. advised that in middle school the gap in his learning was growing, D.J. started refusing to attend school, and he began picking at his face. D.J. started experiencing anxiety, social issues and other students becoming aggressive toward him. K.J. advised that D.J. has always had outside supports, including occupational and physical therapy, he was involved socially, mostly through a video game group, and he saw a neurologist who provided medication for D.J.

K.J. and her husband sought evaluations for D.J. from Kimberlin and Snider. It was through their reports that they realized the extent to which D.J. was behind. K.J. was hoping that based upon Kimberlin's and Snider's reports she could work with the District to get more assistance for D.J. At the end of 6th grade, the District was insisting that D.J. was doing great, particularly citing his social abilities. However, K.J. stated he was not social outside of school and did not really have friends or interactions outside of school. D.J.'s IEP did not change going into 7th grade.

In 7th grade D.J. began experiencing increased anxiety, he began to pull out his hair, and he developed ticks, such as shaking his head, picking at his skin, and "flicking" his toes and fingers. K.J. again sought assessments from Kimberlin and Snider, who again opined that D.J.'s IEP was inappropriate.

⁵ Due to an issue with Courtsmart, K.J.'s testimony was not recorded. Upon conferring with counsel, it was decided that the tribunal's recitation of her testimony based upon its notes and recollection would be acceptable as a sufficient recording of her testimony.

In 8th grade, D.J. still struggles to read. This affects him outside of the school such as in boy scouts. D.J. guesses when he can't read something. K.J. stated that she reported concerns to the case manager in 6th and 7th grade. K.J. and her husband gave the District a chance to re-test D.J. She provided the District with the reports from Kimberlin and Snider but did not get feedback from the District.

Tina Snider has been a licensed psychologist since 2020. Snider currently performs assessments for those aged three to twenty-three years old, predominately for educational placements. (P-5.) Snider has worked in counseling centers, various New Jersey school districts, children hospital trauma centers, and New York medical center. Snider has taught in PH.D and master's programs. (Ibid.) Snider evaluates several hundred students per year who have learning disabilities. (Ibid.) She has reviewed thousands of IEPs. (Ibid.) Snider is an expert in psychology, special education, and IEP development.

Snider first met D.J. in his 6th grade. Snider wrote a report that she prepared after evaluating him from December 2023 through January 2024. (P-4.) As part of her evaluation Snider performed a record review, school observation, assessments, student meetings and assessments, seek teacher rating scales, and seek case manager questioning. Part of the records that Snider reviews are the education file, previous evaluations, medical evaluations, progress reports and corresponding IEPs. D.J.'s parents were concerned with D.J.'s social abilities, literacy skills, and core academics.

On December 1, 2023, Snider performed an observation of D.J. in school in 6th grade. D.J. and Snider had not previously met. Snider first observed STEM class with nineteen students and one lead teacher. There were many students, and D.J. was not focused and not appearing to be completing work. This was concerning to Snider because it was a large class that required independent work. Snider next observed ELA class. This was a smaller class with five students. D.J. did not appear to understand the assignment; he appeared unfocused. The material was about utopia, but D.J.'s comments were about dystopia.

Snider asked Mahony about D.J.'s Wilson instruction and was told that he was on step 2.4 and he had been receiving Wilson instruction since 2022. This was concerning because the corresponding grade level is significantly lower than his grade and that step entails very primitive skills.

Snider tested D.J. over three sessions. D.J. loved to talk about baseball and he was easy-going, but his conversation was not mature for his age. He redirected well and was very socially desirous. D.J. has average cognitive abilities, and he is capable of learning. However, in his academic assessments he struggles with reading and writing and is slightly stronger in mathematics. In the Woodcock Johnson testing his scores were very low and placed him mostly at a grade-2 equivalent. Socially and emotionally, D.J. had low executive functioning skills demonstrating that he needs a more structured environment. Snider recommended that D.J. have smaller classes and structured literacy throughout the day in a special education school. Snider did not see any progress in his literacy in his current schooling.

Snider performed an educational re-evaluation of D.J. approximately one year later from November through January 2025. (P-9.) D.J.'s mother reported that they did not see progress in D.J. and that he was starting to suffer more socially and emotionally in 7th grade. On November 20, 2024, Snider performed another school observation. Snider attended ELA class, which had four students. D.J. had his head on the desk; he was not engaged and did not participate. Snider again sought feedback from D.J.'s teachers and again met with D.J. D.J. was more aware of his limitations with reading than the prior year. Snider again gave D.J. the Woodcock Johnson assessment and now three out of four categories went "from low to very low." Additionally, grade equivalents in reading and writing were lower than the previous assessment. Comparing her assessments from the previous year and the schools' own assessments, Snider determined that D.J. was "losing ground," both compared to himself, and compared to his peers. As a middle school student D.J. was much more aware of his deficiencies. Lastly, Snider observed D.J. picking at the bridge of his nose. D.J.'s mother confirmed with Snider that this was an ongoing behavior, which caused Snider concern for D.J.'s mental health. Snider again found that D.J.'s current IEP was not appropriate. (J-59.) Snider felt compelled to respond after seeing D.J.'s IEP. (P-17.) Snider felt that the District was "not seeing" D.J.

The IEP had D.J. in a general education class in history, and Snider stated that the literacy expectations in a general education class would be beyond what D.J. could handle. For example, in the Wilson reading program, in December 2023 D.J. was on step 2.4, in September 2024 D.J. was on step 2.2, and in June 2025 D.J. was on step 3.3. Snider opines that this is not meaningful progress and that the IEP was not appropriate as D.J. requires a small, structured learning environment that has executive functioning support and full-day literacy support.

Jamison Bean has been employed at Winston Preparatory School (Winston Prep) since 2015 and has been the Assistant Head of School since 2022. In this role, Bean supports the head of the school in all areas academically and operationally, including but not limited to faculty, facilities, education, etc. Bean holds a teaching license in elementary and middle school social studies. Bean has dealt with hundreds of IEPs to develop special education programming.

Winston Prep is a grade 3 through 12 school for students with specific learning differences, such as language processing, dyslexia, executive functioning disorders and ADHD. Students are placed by parents or a public school district into classes based upon testing and a student's IEP. Students' classes are not based upon age or grade but by educational need and appropriate skill development, as well as social and emotional needs. Classes are never more than twelve students. The school classes offer a continuous feedback system that models formal and informal assessments on a regular basis. The classes are flexible by design, and the school will continuously change programming as needed.

Winston Prep starts at 8:00 a.m. daily. Weekly programming for students includes eight forty-five-minute periods, followed by one hour of extracurricular activity from 3:00 p.m. to 4:00 p.m. Wednesdays are half days, with classes periods of twenty-five minutes in duration. Wednesday afternoons are open to allow teams to meet and discuss and implement the continuous feedback of each student at the school. Structured literacy is infused in all classes throughout the day. This includes 120 minutes per day exclusive to language arts classes. Social structure is infused throughout the day wherein social and emotional skills are intentionally taught.

Bean is familiar with D.J. as a prospective student. Based upon the reports that Bean has reviewed, D.J. is a student with literacy deficits, but strong cognitive skills, and therefore, he would be an appropriate prospective student for Winston Prep.

Each witness provided testimony to the best of his or her abilities. As such, it is not so much the facts that are in dispute as the inferences that can be drawn from the witnesses' testimony and documentary evidence. Having heard the testimony the parties provided and having assessed its credibility, I **FIND** that the testimony the petitioners' witnesses provided is significantly more credible than the testimony respondents provided. Both Kimberlin and Snider have extensive schooling, training, and expertise in their respective areas; both were professional and extremely knowledgeable; and both testified forthrightly, competently, and succinctly about D.J. Both also performed multiple assessments of D.J., which encompassed a thorough review of his education and medical records, personal interactions with D.J. and his parents, multiple school observations, varied testing over multiple years and apples-to-apples comparisons of the varied testing results of D.J. over multiple years.

On the other hand, Fresella had much less experience in the field of speech-language pathology. Fresella only worked with D.J. when he was in elementary school. Fresella tested D.J. only regarding speech in September and October 2024. Fresella did not observe D.J. in the classroom as part of her evaluation. Fresella testified that she agreed with Kimberlin's data but not her recommendation although she did not explain the reasons why. Fresella's testimony was extremely limited and is weighed accordingly.

Likewise, the testimony of both Romasz-McDonald and Mahony were limited, particularly as to testing. Both testified extensively that D.J. had made progress based upon his i-Ready scores. However, it became clear that this test alone is not an appropriate measure of progress for D.J. The i-Ready test is a test that allows modifications for special education students, and it does not assess all domains of reading, such as fluency and decoding. Additionally, a student can "test out" of a section of the i-Ready and still be below grade level. The district's repeated emphasis on this one test to assert that D.J. has made progress is limited at best and more likely

disingenuous. For these reasons, I give the testimony of Romasz-McDonald and Mahony little weight.

The testimony of Warner was enlightening and very credible. Warner is a very experienced reading specialist, who has obtained multiple certifications in Orton-Gillingham and Wilson. Warner spent the most one-on-one time with D.J. Warner acknowledged through her emails, referring specifically to D.J., that “there is a bigger issue here,” and that “for students with learning disabilities the reading curriculum does not meet their needs.” Warner became visibly upset when these emails were presented to her. These statements were consistent with her testimony that D.J. currently receives three hours total each week of reading services and it may not be daily. This is despite that Wilson and the International Dyslexia Association recommend sixty to ninety minutes of daily reading instruction, with optimal intensity being ninety minutes daily. Warner’s claims that D.J. was making meaningful progress was belied by the data which showed the lack of progress D.J. had made in Wilson.

The testimony of Turnbull was also credible, but again the data did not match her assertions of D.J.’s progress. Turnbull ultimately acknowledged that testing results from the Woodcock Johnson tests from 2019 through 2024 showed decline, not progress.

Lastly, the testimony of Hade was disingenuous. He compared i-Ready scores that did not test the same subjects and admittedly were not an apples-to-apples comparison. I give his testimony no weight.

Regarding Winston Prep School, I find the testimony of Bean presented a clear picture of the school, the classes, and the services it offers. I find that Winston Prep would be an appropriate out-of-district placement for D.J. if accepted.

Moreover, I **FIND** that the IEPs the District provided failed to address D.J.’s deficits, teacher’s concerns, and D.J.’s specific reading needs as identified by Warner and Kimberlin and as identified by testing results. I **FURTHER FIND** that the IEPs were not geared to D.J. making meaningful progress in the LRE; as supported by the witnesses’ testimony and the documentation produced by the District. The respondent’s witnesses

testified that D.J. was making meaningful progress, but the cross-examination and records did not support these statements.

Lastly, I **FIND** that Winston Prep can provide D.J. with an appropriate program that will enable him to make significant and meaningful educational progress. Winston Prep satisfies the recommendations of Kimberlin and Snider. Winston Prep can offer an intensive educational program to address D.J.'s oral language, social pragmatic, reading, and writing needs with small classes, language-based instruction, and at least sixty to ninety minutes of daily reading instruction in Orton-Gillingham. Winston Prep teachers are all trained and/or certified in Orton-Gillingham and Wilson Reading. Structured literacy is embedded throughout the entirety of the school day at Winston Prep. At Winston Prep, D.J. would receive in excess of 120 minutes every day of direct structured literacy instruction. Winston Prep also considers goals and objectives based off current levels and constantly reassesses based on specific deficits and areas of need using the Continuous Feedback System.

LEGAL ANALYSIS AND CONCLUSIONS

Petitioners seek a determination that D.J. was denied FAPE in the LRE. Specifically, they allege that D.J.'s IEPs were insufficient to provide FAPE in the LRE as a result of his disabilities, which prevented him from making any meaningful progress. In addition, they seek an out-of-district placement at Winston Prep School and continued placement at Winston Prep School as long as that placement remains appropriate, including tuition and transportation. They also seek attorney fees and costs in connection with their due process action as a result of respondent's failure to provide FAPE in the LRE to D.J.

This case arises under the IDEA, 20 U.S.C. §§ 1400 to 1482. One purpose of the IDEA, among others, 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 short, the IDEA defines FAPE as special education and related services provided in conformity with the

IEP. See 20 U.S.C. § 1401(9). A FAPE and related services must be provided to all students with disabilities from age three through twenty-one. N.J.A.C. 6A:14-1.1(d). A FAPE means special education and related services that: a) have been provided at public expense, under public supervision and direction, and without charge; b) meet the standards of the State educational agency; c) include an appropriate preschool, elementary school, or secondary school education in the State involved; and d) are provided in conformity with the IEP required under §614(d). 20 U.S.C. § 1401(9); N.J.A.C. 6A:14-1.1 et seq. The responsibility to deliver these services rests with the local public school district. N.J.A.C. 6A:14-1.1(d).

To provide a FAPE, a school district must develop and implement an IEP. N.J.A.C. 6A:14-3.7. An IEP is “a comprehensive statement of the educational needs of a handicapped child and the specially designed instruction and related services to be employed to meet those needs.” Sch. Comm. of Burlington v. Dep’t of Educ. of Mass., 471 U.S. 359, 368 (1985). An IEP should be developed with the participation of parents and members of a district board of education’s child study team who have participated in the evaluation of the child’s eligibility for special education and related services. N.J.A.C. 6A:14-3.7(b). The IEP team should consider the strengths of the student and the concerns of the parents for enhancing the education of their child; the results of the initial or most recent evaluations of the student; the student’s language and communication needs; and the student’s need for assistive technology devices and services. The IEP establishes the rationale for the pupil’s educational placement, serves as the basis for program implementation, and complies with the mandates set forth in N.J.A.C. 6A:14-1.1 to -10.2. The IEP must be reasonably calculated to confer some educational benefit. Hendrick Hudson Dist. Bd. of Educ. v. Rowley, 458 U.S. 176 (1982).

The Third Circuit Court of Appeals has clarified the meaning of this “educational benefit.” It must be “more than trivial,” significant, and “meaningful.” Polk v. Cent. Susquehanna Intermediate Unit 16, 853 F.2d 171, 180 (3d Cir. 1988), cert. denied, 488 U.S. 1030 (1989); Ridgewood Bd. of Educ. v. N.E. for M.E., 172 F.3d 238, 247–48 (3d Cir. 1999). In evaluating whether a FAPE was furnished, an individual inquiry into the student’s potential and educational needs must be made. Ridgewood, 172 F.3d at 247. In providing a student with a FAPE, a school district must provide such related services

and support as are necessary to enable the disabled child to benefit from the education. Rowley, 458 U.S. at 188–89.

Parents who are dissatisfied with an IEP may seek an administrative due process hearing. 20 U.S.C. § 1415(f). The burden of proof is placed on the school district. N.J.S.A. 18A:46-1.1. The board will satisfy the requirement that a child with disabilities receives a FAPE by providing personalized instruction with sufficient support services to permit that child to benefit educationally from instruction. Rowley, 458 U.S. at 203. To meet its obligation to deliver a FAPE, a school district must offer an IEP that is reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. Endrew F. v. Douglas Cnty. Sch. Dist. RE-1, 580 U.S. 386 (2017). In Endrew, the District Court for the District of Colorado initially upheld the school denial of a reimbursement for an out-of-district placement. However, the Supreme Court reversed the finding that an IEP should be appropriately ambitious in light of the child's circumstances, and "tailored to the unique needs of a particular child." Endrew, 580 U.S. at 391.

The appropriateness of an IEP is not determined by a comparison of the private school and the program proposed by the district. S.H. v. State-Operated Sch. Dist. of Newark, 336 F.3d 260, 271 (3d Cir. 2003). Rather, the pertinent inquiry is whether the IEP offered a FAPE and the opportunity for significant learning and meaningful educational benefit within the LRE. Toward this end, an IEP must be in effect at the beginning of each school year and be reviewed at least annually. 20 U.S.C. § 1414(d)(2) and (4); N.J.A.C. 6A:14-3.7. A complete IEP must contain a detailed statement of annual goals and objectives. N.J.A.C. 6A:14-3.7(e)(2). It must contain both academic and functional goals that are, as appropriate, related to the New Jersey Student Learning Standards of the general-education curriculum and "be measurable," so both parents and educational personnel can be apprised of "the expected level of achievement attendant to each goal." Ibid. Further, such "measurable annual goals shall include benchmarks or short-term objectives" related to meeting the student's needs. N.J.A.C. 6A:14-3.7(e)(3).

Here, the IEPs from the District did not appropriately address the deficits of D.J. It is clear that D.J. is reading well below grade level, D.J. is not making meaningful progress, and the IEPs are not designed with the necessary supports that D.J. needs as set forth by Kimberlin and Snider. Wilson reading recommends that students require sixty to ninety minutes of daily reading instruction. Despite this requirement, D.J.'s last IEP only provides for reading support twice per week for thirty minutes and three times per week for forty minutes. Additionally, Warner then testified that, despite D.J.'s IEP calling for reading every day, he does not receive instruction every day. Moreover, D.J.'s IEPs are also devoid of specific goals that address the concerns of D.J.'s teachers, and of the appropriate reading program schedule as set forth by both the District and petitioners' witnesses.

Accordingly, I **CONCLUDE** that the Board failed to offer D.J. FAPE as that term is defined by law, in the LRE, and did not confer a meaningful educational benefit on D.J. The IEP did not provide an adequate plan to address educational needs that directly affected his ability to make any meaningful progress. I therefore **CONCLUDE** that the IEP offered to D.J. by the District did not offer a FAPE in the LRE.

PLACEMENT

Having found that respondent failed to offer FAPE to D.J., I **FIND** that Winston Prep does offer a program that is an appropriate placement under the IDEA. Winston Prep can provide D.J. with an appropriate program that will enable him to make significant and meaningful educational progress. Winston Prep satisfies the recommendation of petitioners' experts. Snider recommended that D.J. be placed in all small, special education classes in a special education school outside of the district. She recommended that D.J. have structured literacy carried through and supported in all classes, a specialized writing program, executive functioning instruction, and placement amongst similar peers. Winston Prep provides this. Kimberlin similarly testified that Winston Prep was appropriate for D.J. as it provides an intensive educational program to address his oral language, social pragmatic, reading, and writing needs with small classes, language-based instruction, and at least sixty to ninety minutes of daily reading instruction in Orton-Gillingham.

Additionally, Bean testified that Winston Prep could provide services to D.J. appropriate for his educational needs. Specifically, Winston Prep can specify goals and objectives based off current levels, which are constantly reassessed based on his specific deficits and areas of need using the Continuous Feedback System. D.J. would receive structured literacy instruction in excess of 120 minutes per day and related service providers would work in conjunction with other Winston Prep staff to ensure a continuum of learning. Social skills and social thinking are imbedded within the curriculum as are executive functioning skills and supports. Unlike in the District, Winston Prep meets monthly to assess students' progress in order to modify the curriculum to their needs. The intensive and comprehensive structured literacy curriculum, as well as executive functioning supports, class, and school size, and individualized structure of Winston Prep's program aligned with the recommendations of both Kimberlin and Snider

The program at Winston Prep has the ability to set appropriate goals and objectives and a realistic plan to address the education needs of D.J. that the District has failed to provide. Accordingly, I **CONCLUDE** that Winston Prep is an appropriate placement for D.J. The District has had ample chances to provide FAPE in the LRE pursuant to its proposed IEPs. The District, over several years, has seen little or no progress and, in fact, D.J. was regressing and not making any meaningful progress. D.J. has not been provided a FAPE in the LRE, and accordingly the placement at Winston Prep is appropriate.

ORDER


For the reasons set forth above, an out-of-district placement at Winston Prep and continued placement at Winston Prep School for as long as that placement remains appropriate, is **GRANTED**, including transportation, attorney fees, and costs.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2025) 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 (2025). 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.

March 20, 2026 _____

DATE



DEIRDRE HARTMAN - ZOHLMAN, ALJ

Date Received at Agency

Date Mailed to Parties:

DHZ/sa/jm

APPENDIX

List of Witnesses

For petitioner:

K.J., mother of D.J.
Jamison Bean, Winston Prep School
Dr. Tina Snider, Psychologist
Dr. Karen Kimberlin, Ph.D.

For respondent:

Tonya Romasz-McDonald, Director of Special Services
Marjorie Mahony, Certified School Psychologist
Jessica Warner, Special Education Teacher and Reading Specialist
Michelle Turnbull, Certified Learning Disability Teacher
Allison Fresella, Speech Language Pathologist
Scott Hade, Principal, Somerville Middle School

Exhibits

Joint Exhibits:

- J-1 Letter from KJ to Dr. McDonald—9/10/2015
- J-2 Interdisciplinary Evaluation—11/13/2015
- J-3 Pre-K Progress Report—2015–2016SY
- J-4 Progress Report for IEP Goals & Objectives—10/31/2016
- J-5 Recommendations by Deirdre Rajoppi, MA, SLP-CCC—12/2016
- J-6 Parental concerns—2/2017
- J-7 Speech & Language Re-Evaluation by Deirdre Rajoppi, MA, SLP-CCC—
5/3/2017
- J-8 Occupational Therapy Re-Evaluation by Loreen Tucker-Lum, OTR/L—
5/8/2017
- J-9 Psychological Evaluation by Lisa Mulhearn—5/16/2017
- J-10 Educational Evaluation by Cathy Hons—5/18/2017

- J-11 Developmental Profile—2017
- J-12 Student Referral Form—12/22/2017
- J-13 Communication Skills Check—12/22/2017
- J-14 Contact Sheet—2017–2018
- J-15 Speech Evaluation by Jill M. O’Leary—1/29/2018
- J-16 IEP—2/16/2018
- J-17 Letter from KJ to Dr. McDonald—6/11/2018
- J-18 Initial Evaluation Plan—6/15/2018
- J-19 Reading Assessment—6/2018
- J-20 Letter from KJ to Dr. McDonald—3/6/2019
- J-21 Initial Evaluation Plan—3/21/2019
- J-22 Speech-Language Evaluation by Dayle Reavey, MA, CCC-SLP—4/4/2019
- J-23 Educational Evaluation by Michelle Turnbull, LDT-C—5/2019
- J-24 Occupational Therapy Evaluation by Patricia C. Clark, OTR—5/2019
- J-25 Social Assessment Addendum by Johanna Pittenger, MSW, LSW—
6/4/2019
- J-26 Teacher Interview—Mrs. Osborn
- J-27 IEP—6/13/2019
- J-28 IEP Goals and Objectives Progress Reporting—3/31/2020
- J-29 IEP—9/8/2020
- J-30 IEP—9/3/2021
- J-31 Occupational Therapy Evaluation by Patricia C. Clark, OTR—2/2/2022
- J-32 Evaluation Plan—Re-Evaluation—2/16/2022
- J-33 Speech Evaluation by Uma Madhavarao—2/22/2022
- J-34 Communication Skills Checklist—3/14/2022
- J-35 Educational Evaluation by Michelle Turnbull, LDT-C—3/26/2022
- J-36 Classroom Observation by Johanna Pittenger, MSW, LSW—2/23/2022
- J-37 Psychological Evaluation by Lisa Mulhearn—3/23/2022
- J-38 Eligibility Conference Report—Re-Evaluation—4/19/2022
- J-39 Annual Review IEP—9/6/2022
- J-40 DRAFT Annual Review IEP—7/5/2023
- J-41 DRAFT Annual Review IEP—7/8/2024
- J-42 Report Card 2023/2024SY MP4

- J-43 Re-Evaluation Plan 9/8/2014
- J-44 Social Assessment Addendum by Johanna Pittenger, MSW, LSW—
10/10/2024
- J-45 Educational Evaluation by Michelle Turnbull, LDT/C 10/21/2024
- J-46 Occupational Therapy Evaluation by Patricia C. Clark, OTR 9/18/2024
- J-47 Psychological Evaluation/Functional Review by Marjorie Mahony,
10/15/2024
- J-48 Speech and Language Re-Evaluation by Allison Fresella, MS, CCC-SLP—
10/23/2024
- J-49 Eligibility Conference Report Re-Evaluation—11/5/2024
- J-50 DRAFT Annual Review IEP—11/11/2024
- J-51 Petition for Due Process—2/19/2025
- J-52 Report Card 2024/2025SY MP2
- J-53 IEP Goals and Objectives Progress Reporting—1/30/2025
- J-54 i-Ready—2024-2025SY
- J-55 i-Ready—2023-2024SY
- J-56 Classroom Observation Report by Johanna Pittenger, MSW, LSW—
2/23/2022
- J-57 Eligibility Conference Report—Re-Evaluation—4/8/2022
- J-58 E-Mails
- J-59 IEP, dated June 10, 2025
- J-60 Amended petition for Due Process, dated July 16, 2025

For petitioner:

- P-1 Dyslexia Center of Princeton Evaluation, dated June 21, 2021
- P-2 Independent Language & Literacy Evaluation by Karen T. Kimberlin,
SLP.D., CCC-SLP, dated February 8, 2023
- P-3 Curriculum Vitae of Karen T. Kimberlin, SLP.D., CCC-SLP
- P-4 Comprehensive Psychological Evaluation by Tina H. Snider, Ph.D., dated
February 2024
- P-5 Curriculum Vitae of Tina H. Snider, Ph.D.
- P-6 Letter from Andrew I. Meltzer, Esq. to Philip Stern, Esq., dated March 5,
2024

- P-7 Letter from Andrew I. Meltzer, Esq. to Philip Stern, Esq., dated June 19, 2024
- P-8 Independent Language & Literacy Evaluation by Karen T. Kimberlin, SLP.D., CCC-SLP, dated January 18, 2025
- P-9 Comprehensive Psychological Evaluation by Tina H. Snider, Ph.D., dated January 2025
- P-10 Letter from Staci J. Greenwald, Esq., to Philip Stern, Esq., dated January 28, 2025
- P-11 Fountas & Pinnell Instructional Level Expectations for Reading
- P-12 N.J.A.C. 6A:14
- P-13 The New Jersey Dyslexia Handbook
- P-14 Winston Preparatory School – Fact Sheet
- P-15 Winstone Preparatory School – Frequently Asked Questions
- P-16 Review of Progress Report & Draft Annual Review IEP by Karen Kimberlin, SLP.D., CCC-SLP, dated July 1, 2025
- P-17 Report by Tina Snider, Ph.D., dated July 14, 2025
- P-18 Curriculum Vitae of Jamison C. Bean – Assistant Head of School – Winston Preparatory School

For respondent:

- R-1 Progress reports
- R-2 Medical reports
- R-3 i-Ready reports
- R-4 IEP summary - reevaluation