



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 00290-26

AGENCY DKT. NO. 2026-40233

**LOPATCONG TOWNSHIP
BOARD OF EDUCATION,**

Petitioner,

v.

F.O. ON BEHALF OF P.O.,

Respondent.

John Comegno, Esq., for petitioner (Comegno Law Group, P.C., attorneys)

Carrie Anne DiCapua, Parent Advocate, for respondent pursuant to N.J.A.C. 1:1-5.4(a)(7)

BEFORE **ANDREA SPEVAK**, ALJ:

Record Closed: March 17, 2026

Decided: April 14, 2026

STATEMENT OF THE CASE

On December 16, 2025, respondent, F.O. on behalf of P.O., requested an independent speech-language evaluation at public expense. Is respondent entitled to an independent speech-language evaluation at no cost when petitioner, Lopatcong Township Board of Education (Lopatcong), proved that its speech-language evaluation

was both thorough and complete? No. A parent is entitled to an independent evaluation at no cost only when the board of education cannot prove that its evaluation was appropriate. N.J.A.C. 6A:14-2.5(c).

PROCEDURAL HISTORY

On December 16, 2025, F.O. requested independent educational evaluations but did not specify the independent educational evaluations that she sought.

On January 5, 2026, Lopatcong filed a request for due process hearing seeking an order denying the request for unspecified independent educational evaluations.

On January 6, 2026, the Department of Education, Office of Special Education, transmitted the case to the Office of Administrative Law (OAL) under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the OAL, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, and the Special Education Program, N.J.A.C. 1:6A-1.1 to -18.4.

That same day, F.O. filed a response to Lopatcong's complaint and specified that she sought the following independent educational evaluations: an educational evaluation, a psychological evaluation, and an augmentative and alternative communication evaluation.

On January 20, 2026, I held an initial pre-hearing conference, during which time F.O. also requested an independent speech-language evaluation.

On January 30, 2026, F.O. filed a motion to compel discovery, seeking, among other things, emails from Lopatcong.

On February 2, 2026, I denied the motion, and on February 4, 2026, I held the hearing.

By March 17, 2026, the parties had submitted their closing briefs, and I closed the record.

Since Lopatcong did not complete an educational evaluation, a psychological evaluation, or an augmentative and alternative communication evaluation for which F.O. can request an independent evaluation, those evaluations are not at issue in this case.

FINDINGS OF FACT

Based upon the testimony the parties provided at the hearing and my assessment of its credibility, together with the documents I accepted into evidence and my assessment of their sufficiency, I **FIND** the following **FACTS**:

P.O. is in first grade and attends Lopatcong Elementary School. He is eligible for special education and related services under the classification of communication impairment. In accordance with his individualized education program (IEP) for the 2025–2026 school year, and with the consent of his mother, F.O., P.O. is in a multi-disabilities class from which he is pulled out twice per week for speech therapy.

P.O. is minimally verbal but has a strong vocabulary for his age. He uses an augmentative technology device at school to help him communicate, a Proloquo2Go, and an iPad to enable its use at home. He experiences no issues with its use.

In spring 2024, before he began attending kindergarten that fall, Lopatcong conducted multidisciplinary assessments. On March 19, 2024, Nicole Clymer, P.O.'s former case manager and a learning disabilities teacher consultant, conducted a functional assessment of P.O. A functional assessment assesses a student's academic and social functioning in a classroom environment. F.O. consented to the functional assessment and did not disagree with it until she requested independent evaluations.

On March 26, 2024, and April 26, 2024, Jessica Verrelli, speech-language specialist for Lopatcong and a certified speech-language pathologist, conducted a speech-language evaluation of P.O. Verrelli was familiar with P.O. at the time of the

evaluation, having worked with him for nearly a year. Verrelli used multiple protocols, including the Preschool Language Scale (PLS-5) and the Receptive One-Word Picture Vocabulary Test (ROWPVT-4), both technically sound and standard protocols in a speech-language evaluation. She also assessed informally his ability to combine sounds and make sounds in isolation. She did not use the expressive communication test or the Expressive One-Word Picture Vocabulary Test because P.O. has limited verbal ability. In addition, Verrelli received input from P.O.'s teacher and his mother. Verrelli also observed P.O. in class, which included his use of the Proloquo2Go. F.O. consented to the speech-language evaluation and did not disagree with it until she requested an independent one.

In September 2025, Lopatcong conducted a Promoting the Emergence of Advanced Knowledge–Direct Training assessment, known as a PEAK-DT, to assess P.O.'s verbal comprehension and reasoning, memory, and math skills in class.

In October 2025, Lopatcong conducted occupational and physical therapy evaluations of P.O.

In short, all evaluations were thorough and complete. In fact, no evidence exists to indicate otherwise. Moreover, Lopatcong used a variety of assessment tools, did not rely on a single procedure, and used technically sound instruments to assess P.O.'s abilities.

More expansively, since at least May 2025, P.O. has had an “explosion of language.” In fact, P.O. has progressed from using a single word with gestures to using two and sometimes four words in a sentence. He has also progressed in his articulation. More important, P.O. can communicate his needs and advocate for himself in the classroom using his increased verbal skills and the Proloquo2Go.

CONCLUSIONS OF LAW

N.J.A.C. 6A:14-2.5(c) governs independent evaluations. Once a school district has completed an initial evaluation, a parent can ask for an independent evaluation at

public expense if there is disagreement with that initial evaluation. In response, the district can either provide the independent evaluation or request a due process hearing to show that the district's evaluation is appropriate and, after a hearing, a final determination to that effect is made. The district must request the due process hearing no later than twenty calendar days after receipt of the parent's independent-evaluation request. N.J.A.C. 6A:14-2.5(c)(1)(ii). Meanwhile, it is insufficient for a district to say that its evaluation is complete and appropriate. The evidence must show that the district used a variety of assessment tools, did not rely on a single procedure, and used technically sound instruments to assess a child's abilities. N.J.A.C. 6A:14-2.5(c).

In this case, Lopatcong conducted P.O.'s speech-language evaluation in accord with those standards. Therefore, I **CONCLUDE** that Lopatcong has proven by a preponderance of the evidence that its speech-language evaluation was appropriate.

ORDER

I **ORDER** that Lopatcong's speech-language evaluation dated April 26, 2024, was appropriate, and that F.O.'s request for an independent speech-language evaluation is **DENIED**.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2026) 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 (2026). 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.

April 14, 2026

DATE



ANDREA SPEVAK, ALJ

Date Received at Agency _____

Date Mailed to Parties: _____

AS/cb

APPENDIX

Witnesses

For petitioner:

Ryanne Bigelli, Supervisor of Special Services, Lopatcong School District
Jessica Verrelli, Speech Language Specialist, Lopatcong School District

For respondent:

None

Exhibits

For petitioner:

- P-1 Lopatcong's Petition for Due Process Denying Request for IEE's with Exhibits
- P-2 Respondent's Answer to Request for Due Process
- P-3 Prehearing Order
- P-4 Lopatcong Speech Evaluation, dated April 26, 2024
- P-5 Lopatcong Student Functional Assessment, dated March 19, 2024
- P-6 Occupational Therapy Evaluation, dated October 17, 2025
- P-7 Physical Therapy Evaluation, dated October 2025
- P-8 2025 PEAK-DT Assessment Report
- P-9 Current Finalized IEP, dated September 16, 2025
- P-10 Draft IEP, dated November 11, 2025
- P-11 IEP Progress Report, dated December 1, 2025
- P-12 IEP, dated May 8, 2025
- P-13 2024–2025 IEP Progress Report
- P-14 IEP, dated May 10, 2025
- P-15 February 2023–November 2023 IEP Progress Report
- P-16 February 28, 2023, to November 15, 2023, IEP
- P-17 June 2023 to March 2024, IEP Progress Report

- P-18 November 14, 2023, to June 12, 2025, IEP
- P-19 November 16, 2022, to November 15, 2023, IEP
- P-20 P.O.'s 2022–2023 Attendance
- P-21 P.O.'s 2023–2024 Attendance
- P-22 P.O.'s 2024–2025 Attendance
- P-23 P.O.'s 2025–2026 Attendance
- P-24 ABA Language Acquisition Program
- P-25 Academic Documentation 1 of 2
- P-26 Academic Documentation 2 of 2
- P-27 Dates of Service—Sheet 1
- P-28 Log Notes
- P-29 Nurse Logs
- P-30 December 16, 2025, email from F.O.
- P-31 Correspondence from CST file
- P-32 Samantha Henrick Curriculum Vitae
- P-33 Jessica Verrelli Curriculum Vitae
- P-34 Renee Taft Curriculum Vitae
- P-35 Ryanne Bigelli Curriculum Vitae

For respondent:

- R-1 Email correspondence between F.O. and Clymer, dated December 9, 2024, to December 11, 2024
Email correspondence between F.O., Verrelli, and Taft, dated September 29, 2025, and October 16, 2025
Email correspondence between F.O. and Verrelli, dated March 27, 2024, to January 15, 2026
- R-2 F.O. certification regarding P.O. evaluations, dated January 28, 2026
- R-3 Addendum to F.O.'s January 28, 2026, certification regarding evaluations, dated February 2, 2026