

*State of New Jersey*  
OFFICE OF ADMINISTRATIVE LAW

**FINAL DECISION**

OAL DKT. NO. EDS 10747-14

AGENCY DKT. NO. 2014-21162

**R.S. AND K.S. ON BEHALF OF J.S.,**

Petitioners,

v.

**MANALAPAN-ENGLISHTOWN REGIONAL**

**BOARD OF EDUCATION,**

Respondent.

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**Michael I. Inzelbuch**, Esq., appearing on behalf of petitioners

**Amelia M. Lolli**, Esq., appearing for respondent

Record Closed: July 24, 2015

Decided: August 13, 2015

BEFORE **JOANN LASALA CANDIDO**, ALAJ:

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

This special education case arises under the Individuals with Disabilities Education Act, 20 U.S.C.A. §§ 1401 to 1484(a). On August 26, 2014, the Office of Special Education transmitted the matter to the Office of Administrative Law at Quakerbridge for a final determination. The matter was then transferred to the OAL at Newark and assigned to the undersigned.

In this matter, petitioners R.S. and K.S. seek out-of-district placement for their child J.S. at the Laurel School with reimbursement and compensatory education for two years from Manalapan-Englishtown Regional Board of Education (respondent/district). After respondent's attorney had requested an adjournment of the original hearing dates for medical reasons, the hearings took place on February 23, 2015, April 21, 2015, May 20, 2015, June 15, 2015, and July 24, 2015. The record closed upon receipt of post-submissions of the parties.

### **TESTIMONY**

The testimony below is not intended to be a verbatim report of the testimony of all the witnesses. Rather, it is intended to summarize the testimony and evidence found by the undersigned to be relevant to the issues presented.

Georgianna Petillo, director of Pupil Personnel Services, testified on behalf of respondent. She was involved in J.S.'s IEP in September 2013. Petillo stated that she and the IEP team (team) met on September 20, 2013, and reviewed J.S.'s Developmental Reading Assessment (DRA) scores (that provide a guide to J.S.'s reading fluency, decoding, and comprehension), her evaluations, teacher reports, oral reading fluency rate, the Orton-Gillingham reading program, and to see if progress was being made. The parents did not attend this meeting. Petillo felt that J.S. was making progress with her dyslexia through an intensive program, although she did not work directly with J.S.<sup>1</sup> J.S. left the school after the 2012-2013 school year and was unilaterally placed by her parents at the Laurel School in October 2013. Petillo, in reviewing the IEP, stated that J.S. did not receive science and social studies from June 2012 through April 2013 because she was in the Fast ForWord program.<sup>2</sup> The Fast ForWord program was incorporated into the IEP for the 2011-2012 school by consent of the team and the parents.

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<sup>1</sup> Petillo was asked many questions pertaining to J.S. that she was unable to answer, such as availability of data and reviewing J.S.'s progress reports.

<sup>2</sup> Fast ForWord is a reading program that strengthens reading skills.

Petillo, in referring to the May 2013 IEP, stated that the mother of J.S. voiced her concern that only using the Project Read program was not sufficient enough to teach J.S. how to read. (P-78.) Both the May and September 2013 IEPs listed the same programs for J.S. Once J.S. left in September 2013, Petillo would not allow Ms. Susan Caplan, evaluator, to observe any resource program because each program was different for every student. She also did not arrange for the District to observe J.S. at Laurel School until sometime in December 2014.

Melissa Hillebrecht, school psychologist at Clarks Mill School, testified on behalf of the District. Hillebrecht performed a psychological evaluation for J.S. on August 27, 2013, after reviewing her file. (R-15.) She found J.S. to be cooperative during testing. She administered the WISC I.Q. test, the BASC-2, and the Bender Gestalt Test. His cognitive scores (verbal comprehension, perceptual reasoning, working memory, and process and speed) reflect a full-scale IQ 87, low-average range (80-89). Hillebrecht did not observe J.S. in the classroom setting when she was evaluating J.S. She was not aware at the time of the evaluation that J.S. was not coming back to the District. Although her report stated that J.S. received in-class support for science and social studies the previous school year, she did not recall verifying this information. Although her report also says J.S. received speech and language support in a small group two times per week, she was not receiving this because she was in Fast ForWord, Hillebrecht relied upon the contents of the IEP without confirming its accuracy before writing her report.

Hillebrecht reviewed the report of Iris Dorsky, a learning disabilities teacher-consultant (LDT-C), dated September 4, 2013, which stated that J.S. was in the Fast ForWord program, but not in-class support for science and social studies. (R-6.)

Hillebrecht was the case manager for J.S. for the upcoming 2013-2014 school year. She arranged a meeting for September 20, 2013, with the speech and language pathologist, the writing consultant, Petillo, and the child study team. The parents were not present. She stated that she did not speak with the parents either before or after

this meeting, although she did send a letter to them inviting them to this meeting. (R-18.) She also had no contact with the Laurel School about the progress of J.S.

After the review of all reports, the team recommended a replacement program for reading, writing, and math for sixty minutes per day, with in-class support for science and social studies. Also included was daily pull-out support with a reading specialist for twenty minutes, pull-out support for the Orton-Gillingham reading program three times per week for twenty-five minutes each day, and speech and language therapy twice per week for twenty-five minutes. The program recommended for J.S. was to be in a placement resource program for reading, writing, and math daily for sixty minutes in a small group setting. The team also recommended in-class support for science and social studies in a classroom with a general education teacher and a special education teacher. This program was designed to keep her on track with her developing peers, while recommending a program for her dyslexia.

At the September 20, 2013, meeting, the team (without the parents) discussed J.S.'s DRA increased score. Hillebrecht reviewed scores from the beginning of the year to the end, but did not look at the exact protocols of the scoring method. Her cognitive profile remained the same. J.S.'s working memory significantly increased to eighteen percent. Hillebrecht could not comment on J.S.'s oral reading status because she had not received any information. She did, however, know as of this meeting that J.S. was no longer in school in the District. Hillebrecht did not speak to the teacher about risk factors, such as anxiety from the parents advising the teacher. She believed the District could provide an appropriate education for J.S.

Jacqueline Widom, the school psychologist, testified on behalf of the District. She has been the school psychologist for the past eleven years. Widom was J.S.'s case manager for first and second grade beginning in September 2012 and observed J.S. informally several times a week. She did not complete a classroom observation because she felt she knew J.S. and did not do a formal classroom observation. Wisdom was at the meeting of September 20, 2013, addressing the May 13, 2013,

IEP. She acknowledged that J.S.'s mother voiced concerns at the end of first and second grades about no growth in reading. She had contact with J.S.'s mother to discuss Fast ForWord starting in the summer of 2012 since it usually was not offered during the summer, although not written in the extended school year (ESY) document. (P-76.) The April 30, 2012, IEP did not reflect that J.S. would receive Fast ForWord in ESY during the 2012 summer. (P-77.) J.S. continued Fast ForWord (which consists of four parts) into the fall of the 2012 school year and continued to do all of the remaining three parts at the request of J.S.'s mother, although this was not mentioned in the revised IEP dated September 14, 2012. (P-78.) Widom testified that J.S.'s mother was aware that J.S. would not receive science and social studies. There was no section in J.S.'s IEP for parental concerns despite the mother voicing her concerns. There was nothing in the IEP that mentioned that J.S. would not be receiving science and social studies, only that J.S. would not be receiving speech and language while in Fast ForWord. Pull-out resource reading at end of first grade was recommended. Widom performed a psychological evaluation on J.S. on April 27, 2012, during her first-grade year. (R-5.) The results of the WISC 4 score showed that J.S. had a full-scale IQ of 90, a low scale of average score. This consisted of four separate categories: verbal comprehension index score was 99, within the average range; perceptual reasoning, non-verbal was in the 94/ 43rd percentile, within the average range; working memory was 77, a borderline and low-average range; and processing speed was 97, in the average range.

Widom's evaluation was reviewed and taken into account by the team for the 2013 school year. The IEP team recommended the resource room at the May 2013 IEP meeting as a result of her test scores and need for help with her working memory and slower process speed, since she was below grade level. Out-of-district placement was not discussed at this meeting. At the April 2012 IEP, the year prior to the May 2013 IEP meeting, J.S. was provided with an aide for science and social studies. (P-77.) However, she was in the Fast ForWord program and not in-class support, and Widom stated that this was probably written incorrectly in the IEP. J.S. did not get this in-class support during her second grade and that was written in error in the IEP.

J.S. was referred by the District to receive the reading program Orton-Gillingham for dyslexic students one day a week for one hour after school. This was not part of the IEP because the District did not include reading programs in the IEP. DRA, a reading program to determine how a student is progressing, was done throughout the year. During J.S.'s second-grade year, her DRA score went from a six to eighteen. J.S. did not receive speech and language for the majority of her second grade. The May 2013 IEP provided for pull-out resource in reading, writing, and math. Widom was not at the September 20, 2013, meeting, was not involved at the time with the team, nor did she review the progress report grids.

Widom testified that there was no LinkIt!<sup>3</sup> math and language program available even though the IEP reflected a score for J.S. (R-29.) Science, social studies, and speech, except for June 2012, were not introduced during J.S.'s second-grade year even though the second-grade IEP provided an aide in science and social studies. Widom did not recall how long J.S. was in the Fast ForWord program while in the second grade. J.S. was pulled from science and social studies rather than from reading instruction to receive her sixty-minutes of Fast ForWord.

Corin Rosenberg testified on behalf of respondent. A special education teacher for approximately eighteen years, Rosenberg began teaching at the Laurel School in September 2014. She is certified by the Newgrange School in Wilson Reading Program Level One,<sup>4</sup> Orton-Gillingham, and Project Read. Rosenberg teaches self-contained language arts, Orton-Gillingham, social studies, and math to grades four through six. The Laurel School was recently accredited although not approved by the State of New Jersey. Its sister school, Newgrange is approved by the State of New Jersey. Rosenberg had been teaching language arts and social studies to J.S. and six other students in the class and was also her homeroom teacher during the 2014-2015 school year.

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<sup>3</sup> LinkIt! was described as a program used in the computer lab three times per year as an assessment tool.

<sup>4</sup> Wilson Reading Program Level One is a one-on-one instruction from Book 1 through 6.

Rosenberg stated that when a student enters Laurel during the fall of each year, diagnostic testing is done to determine the student's appropriate individualized reading and math level. This was also done at the end of the school year. The school also administers monthly oral reading fluency assessments, such as the Dynamic Indicators of Basic Early Literacy Skills (DIEBELS) and the Test of Word Reading Efficiency (TOWRE).

Rosenberg testified that when J.S. started school at Laurel in September 2014, she was not able to put together a coherent sentence. J.S. received one hour of language arts and one hour of Orton-Gillingham per day as well as additional language arts three days a week and science on two other days. J.S. also receives social studies one day per week, which is also incorporated in some lesson plans during language arts. Rosenberg stated that J.S. needs a lot of individualized training that she is able to give her. She mentioned that J.S. has performed well with the "Framing Your Thoughts Program" that teaches her how to diagram sentences, use capitals, periods, and understand the how, why, where, and when of a sentence. She feels that J.S. is much more independent now. Rosenberg related that J.S. is much more verbal now and has self-confidence, which she did not exhibit in the beginning of the year, and is now comfortable with her peers and has grown both academically and socially.

Rosenberg, along with another teacher, Ms. Anderson, completes an Individual Review Plan (IRP) for her students. This document outlines goals and objectives. Rosenberg revisits this document whenever a student finishes the school quarter and indicates what progress, if any, the student makes. During the year, she also teaches her students to summarize, understand comprehensive strategies, pull out vocabulary, and how to project. J.S. can now write a paragraph.

Sharon Anderson testified on behalf of respondent. She is currently a language arts, Orton-Gillingham, math, and social studies teacher. The Laurel School is

accredited by the New Jersey Association of Independent Schools and specializes in Dyslexia. Anderson holds a certification in Orton-Gillingham. Laurel School follows the New Jersey standards for social studies and science. She also holds a Bachelor of Science degree in speech and language. The math program follows the standard but also is administered according to grade level. The language arts program follows the New Jersey Core Standard, but uses many different techniques designed for the dyslexic student when learning the same as set for in the standard.

Anderson has taught J.S. from September 2013 to January 2014 and again for the 2014-2015 school year. She spent two hours per day with J.S. and five other students teaching reading and math. By the end of the school year, J.S. was reading at the second-grade level. When J.S. was administered the TOWRE 2 test on November 30, 2014, she scored a grade 1.8 level for sight-word efficiency and a grade level 1.2 for phonemic decoding. The second TOWRE test administered on January 15, 2015, revealed a second-grade level for sight-word efficiency and a 1.8 grade level for phonemic decoding efficiency. This revealed significant growth according to Anderson because the scores increased. J.S. has differentiated instruction in math and Orton-Gillingham and her programs are specialized to meet her needs. The goals and objectives for J.S. were listed in the IRP. (P-189.)

Anderson further testified that J.S. receives individual help in math, utilizes the Orton-Gillingham program as well as the developing metacognitive skill program, handwriting, Framing Your Thoughts for grammar, My Math, and McGraw-Hill Math program.

Anderson testified that when J.S. first came to Laurel School she was quiet, shy, and withdrawn. Currently, she is friends with everyone and is proud of her work. She is the first to hand in her homework, making enormous progress in her social and emotional growth. J.S. could only complete "simple three and four letter words" coming from District and can now spell "multisyllabic words" and "understands what a word is and how it changes meanings of words."

Andrea Finnell testified on behalf of respondent. She is the speech-language pathologist for the Clark Mills School where J.S. attended in-district, grades one through five. She provided speech therapy to J.S. during the first grade for twenty-five minutes twice per week and for the period of May and June of her second grade year. J.S. did not receive speech and language therapy while in the Fast ForWord reading program during the second grade for the period from September to May, as per District policy (however, no written policy was produced to confirm this). As part of the IEP team, Finnell listed goals and objectives in the IEP of May 2013, based upon a speech evaluation done in April 2012 since she had not worked with J.S. during second grade and had no current information or evaluations to rely upon. The May 2013 IEP also stated that J.S. would be participating in the Fast ForWord Program even though she stopped participating in May 2013, which was, therefore, an error. Finnell further testified that there was nothing reflected in the September 2013 IEP discussing progress of any kind.

Finnell stated that there was no one at the IEP meeting of September 2013 to report the status of the Fast ForWord Program nor did the document reflect how J.S. progressed in speech and language from May to June 2013.

Brenda Troisi testified on behalf of respondent. She has been the resource room teacher for Manalapan since 2002. J.S. was a student in her replacement program for the 2012-2013 school year beginning with the extended school year during the summer of 2012. J.S. was in the summer program for an hour and a half two times a week for reading and working with vowel sounds. Troisi stated that she hired a reading specialist that summer to teach reading to J.S. in accordance with the Orton-Gillingham since she was not familiar with that program. In September 2012, J.S. was in Troisi's class for reading, writing, language arts, and math for approximately three hours per day.

Troisi completed the Present Level of Academic Performance (PLAP) section of the May 2013 IEP. She noted progress made over an eight-month period. J.S.'s program was individualized based upon her reading level and weaknesses in reading, math, and writing. J.S. was approximately one grade level behind in reading. A Developmental Reading Assessment (DRA) was done to determine where J.S.'s weaknesses in reading were. (P-115.) Troisi stated that J.S. made progress during the 2012 school year. She noted that according to the PLAP section of the May 2013 IEP J.S.'s DRA scores went from a six to sixteen during the year.

Troisi, when referring to the September 20, 2013, IEP (R-3) stated that J.S. started at a level eight DRA and ended with a level twenty. She felt that J.S.'s progression was ongoing throughout the year as reflected in a grid progress report, even though only one out of ten objectives was achieved. (P-64.)

Troisi further testified that J.S. struggled with spelling. Although J.S. started the 2012 school year well, she began to struggle with longer and double vowels and ultimately needed more assistance.

Francie Matthews testified on behalf of respondent. She is a learning disability specialist who maintains a private practice in that field. She was admitted by the undersigned as an expert witness in learning disabilities and dyslexia. On February 8, 2014, Matthews performed an evaluation for reading and writing at the request of J.S.'s parents. (R-41.) Matthews stated that K.S., the mother of J.S., told her that the District offered two options: individual instruction in Project Read twenty-five minutes per day with supervision two times per month by a dyslexia specialist; and the other option consisted of a certified teacher in Orton-Gillingham three times per week for thirty minutes. Matthews was of the opinion that J.S. needed much more than twenty-five minutes per day of Project Read instruction.

Matthews further testified that she administered the Woodcock Johnson III, the Comprehension Test of Phonological Processing, Test of Orthographic Competence,

Test of Written Language 4, and Informal Measures at the initial evaluation of J.S. The results of the Woodcock Johnson showed J.S.'s ability to read words in isolation at the seventeenth percentile, which corresponded to a grade 2.4. The standard score is eighty-six and J.S.'s comprehension score was at six percent relative to children with a grade level of 1.8. She also noted J.S.'s DRA scores from an earlier IEP. From September 2012 to May 2013, although the DRA numbers may not have been correct, the DRA scores increased in levels, there were subjective to interpretation from teacher to teacher. When reviewing the Woodcock Johnson III Form A tests from the previous years to the date of her testing, Matthews explained that one looks to a score of positive fifteen as the mean to determine if there is regression or progression, and if greater than fifteen it becomes statistically significant. She determined there was more than a fifteen point regression for J.S. between March 2012 and February 2014, which she attributed to Manalapan since J.S. was at Laurel for only about six months. She opined that J.S. significantly regressed in language arts because the program at the Clarks Mill School was not "intensive enough." Although the six months that J.S. was at Laurel were not sufficient enough to determine where the regression originated, the overall review of other tests like TOWRE showed that J.S. regressed while at the District in areas including listening comprehension, brief reading, academic applications, letter-word identification, story recall, passage comprehension, and applied problems.

Matthews stated that the TOWRE 2 test could not be looked upon alone since it is not standardized and scores can fluctuate from test to test. (R-60.) She could not compare the results of this test to the tests she performed on J.S. since they were essentially different tests. J.S. reading skills were in the beginning to middle second-grade level. Matthews recommended Laurel School because she felt it was a perfect fit for J.S. Although she agreed with the use of Project Read, she did not agree with the District's length of time it was offered. According to the May 2013 IEP, J.S. was offered one hour of reading and one hour of writing, but J.S. was not getting up to grade level. She felt J.S. needed more than the one hour pull-out resource room reading and writing being offered by the district. J.S. needs an hour a day of Orton-

Gillingham in addition to specialized programming of her regular schedule of reading and writing. Matthews was not aware that the Orton-Gillingham teacher was not State certified as a special education teacher, she felt that her two year rigorous training was sufficient to be able to meet J.S.'s needs. Matthews opined that J.S., who has significant oral language issues that have impacted her reading and writing, needs reinforcement every day in each program, which is being done at Laurel School but was not done at Manalapan.

Bonnie Seidel testified on behalf of petitioner. Seidel was the second-grade health teacher for J.S. during the 2012-2013 school year. J.S. received health instruction five days per week, twenty-five minutes per day from 11:30 to 11:55 a.m. J.S. then had lunch from 11:55 to 12:20. Instead of then going to recess outside, J.S. was taken out of recess by the Fast ForWord teacher five minutes before lunch ended and during her recess time. Although the Placement Form for J.S. in the second grade read she was receiving teaching in ICS science, social studies, and speech, this was an error because J.S. did not receive these while in Fast ForWord. (P-184.) The Special Needs Placement form completed by Seidel neither reflected the parents' concern of J.S.'s allergies in the classroom nor the parents' concern that J.S. was not at the level where they expected her to be when entering the second grade. The parents wanted J.S. to be in Seidel's classroom more frequently during second grade to socialize. Seidel found J.S. to be a happy and loving child. K.S. voiced concerns to Seidel throughout the second-grade year of her daughter's lack of progress, but none of the concerns was reflected in the May 2013 IEP.

Susan Caplan, M.Ed., LDT-C, testified on behalf of petitioners. She was admitted as an expert witness in special education, special education programs, and case management. She is a learning disabilities teacher consultant. She was retained by K.S. to evaluate J.S. She wrote a report dated February 23, 2014. (P-34.) Caplan attempted to observe the program offered by the District to J.S. for the third grade, but was denied access by the director Petillo.

Caplan observed J.S. on two occasions at the Laurel School. The first observation was a classroom observation on January 27, 2014. The second time she observed J.S. was after she received a subpoena to appear in court on this matter. Caplan noticed a significant difference between the time she observed J.S. in January 2014 to the current year as J.S. seemed much more outgoing and being a part of the community.

When asked to compare the results of the Woodcock-Johnson tests of 2009, 2012, and 2014 (seventeen of these months being in the District), Caplan stated, that in her expert opinion, J.S. regressed while in the District. She further opined that the District did not offer specific modifications in the September 2013 IEP for special needs but rather offered the same for general education students and special needs students. It did not address the extended school year. Caplan testified that J.S. lacked prerequisite skills to enter the third grade because she did not have the benefit of social studies and science during most of her second grade to enhance her reading and language difficulties. Caplan was further concerned with the District using fourth standard core content curriculum for math while J.S. was entering the third grade on a first- or second-grade level. She opined that this was detrimental since math was difficult for her to grasp with her dyslexia and being at the fifth percentile in her testing. She also noted that the District, as noted in the goals and objectives in the September 2013 IEP, placed J.S. in a standard 5.1 scientific process even though she did not receive science for most of her second grade and was about to enter the third grade. Furthermore, J.S. did not receive social studies for most of her second grade even though there was a sixth-grade standard for placement.

J.S. was evaluated for speech and language in the first grade. The District put goals in the September 2013 IEP based upon an evaluation that was done in the first grade, even though J.S. was entering the third grade. Caplan was not aware that Sharon Anderson, one of J.S.'s teachers at the Laurel School, was not a certified special education teacher.

Caplan opined that the Laurel School is the appropriate placement for J.S. since it offers an individualized program for her integrating the same techniques for all core subjects, tying everything together, yet teaching all students with the same methodology. Caplan confirmed that J.S.'s parents had to hire a private tutor for language therapy while J.S. was in the district, despite J.S. having a language-based learning disability.

Deardra Rosenberg, director of education at the Laurel and Newgrange Schools, testified on behalf of petitioner. Rosenberg is a learning disabilities teacher consultant. She was offered and admitted as an expert witness in dyslexia, LDT-C, and special education without objection. She stated that the Laurel School is accredited by the New Jersey Association of Independent Schools (as of February 2015), by Middle States Association (as of February 2015) and the Wilson Language Association. Rosenberg testified that the Laurel School is specialized for students with dyslexia.

Rosenberg stated that Sharon Anderson, a teacher at Laurel School, is certified in Orton-Gillingham and worked with other teachers for many years as a teacher of students with special needs. She also mentioned that Corin Rosenberg, another teacher on staff, is certified to teach students with special needs and is also a teacher of Orton-Gillingham and Wilson level one and two. All staff members are trained in Orton-Gillingham. Science and social studies are taught a few times a week and incorporated every day in other subjects.

Rosenberg evaluated J.S.'s speech, and performed a Wilson Assessment Decoding and Encoding test to determine what percent of speech sound J.S. recognized when entering Laurel School. Rosenberg found that J.S. knew eighteen percent of the sounds when she entered in 2013 and recognized sixty-six percent at the end of the current school year. Rosenberg opined that J.S. has made "incredible progress" in reading. J.S. was also given an online test "i-Ready" to measure progression compared to other students in the country in reading and math. J.S.

made “incredible progress” in phonological awareness, high frequency vocabulary, comprehension of literature and comprehension of informal texts. She also made progress in math, numbers and operations, algebraic thinking, measurement and data, and geometry between October 2, 2013, through May 2015. J.S.’s literature comprehension scores also increased to the end of the third-grade level and her comprehension of information text, such as in science and history, which began at a kindergarten level when entering the school, is now at a third-grade level.

Rosenberg further testified as to the Orton-Gillingham Assessment which showed great progress from September 2014 through June 2015. The DIEBELS assessment was given to J.S. in March 2014, June 2014, September 2014, February 2015, and May 2015. This test assesses the reading grade level of a child by testing that child three times during the school year, determining how accurate that child can read. It was determined that J.S. now reads at a fourth-grade level.

K.S. testified on her own behalf. She testified that she constantly voiced her concerns to the District about her daughter’s lack of progress. Ever since kindergarten, she had to hire a private tutor two or three times per for reading. K.S. stated that her daughter’s social skills improved after going to the Laurel School and she now has friends and play dates. While in the district, J.S. frequently went to the nurse’s office complaining of stomach aches, which she no longer does since attending school at Laurel. J.S.’ physician was not able to pinpoint a medical condition causing the stomach problems. The IEP team addressed J.S.’s needs for positive reinforcement and her low self-esteem, for which there has been significant improvement while at the Laurel School. K.S. stated that she was told by the guidance counselor at the District that there was no room in J.S.’s schedule for socialization.

## **FACTS**

The following constitutes the relevant facts that were gleaned from the testimony, arguments, and proofs presented in this matter.

1. J.S. was enrolled in the District at the Clarks Mill School until the completion of her second grade in 2013. Her parents unilaterally placed J.S. at the Laurel School for third grade where she has just completed her fourth-grade year.
2. Widom was the case manager for J.S. during her first- and second-grade school years from September 2011 through June 2013. She only worked on the May 1, 2013 IEP.
3. Widom performed a psychological evaluation on J.S. on April 27, 2012. J.S.'s WISC 4 score for April 2012, showed a full-scale IQ of 90, which was on the low scale of average. Four separate categories were included: her verbal comprehension index score was 99, within the average range; her perceptual reasoning, non-verbal was 94/ 43rd percentile which was in the average range; her working memory was 77, considered borderline and in the low-average range; her processing speed was 97 which was in the average range.
4. The April 30, 2012, IEP did not reflect that J.S. would receive Fast ForWord in ESY during summer 2012.
5. The April 2012 IEP provided for an aide for science and social studies, but J.S. was in the Fast ForWord program and not in in-class support in the second grade, as the IEP incorrectly stated.
6. The revised IEP dated September 14, 2012, did not mention Fast ForWord despite J.S. being in the program.

7. Brenda Troisi was the resource room teacher for J.S. at the Clarks Mill School in her replacement program for the 2012-2013 school year beginning with the extended school year during the summer of 2012. She instructed J.S. three hours per day for reading, writing, language arts, and math.
8. Andrea Finnell, the speech-language pathologist for the Clarks Mill School, grades one through five, provided speech therapy to J.S. during first grade for twenty-five minutes, two times per week and for May and June of her second-grade year. J.S. did not receive speech and language therapy while in the Fast ForWord reading program while in second grade from September to May 2013.
9. Bonnie Seidel was J.S.'s second-grade health teacher during the 2012-2013 school year. J.S. received health instruction five days per week, twenty-five minutes per day from 11:30 to 11:55 a.m. J.S. was taken out of recess by the Fast ForWord teacher five minutes before lunch ended and during her recess time.
10. The May 2013 IEP was written by Widom. J.S. did not receive speech and language for the majority of her second grade. The May 2013 IEP provided for pullout resource in reading, writing, and math. Widom did not review progress report grids and was aware of K.S.'s concerns for her daughter's lack of progress in reading.
11. J.S. did not receive science and social studies during her second-grade year while in Fast ForWord.
12. Melissa Hillebrecht was J.S.'s case manager beginning in September 2013.
13. Orton-Gillingham is a reading program used to address students with dyslexia. J.S. received services of this program once per week for one hour.

14. Project Read is a program used by the District to teach children with dyslexia.
15. J.S. did not receive speech and language for the majority of her second-grade year.
16. J.S. knew 18 percent of the sounds when she entered the Laurel School in 2013 and recognized 66 percent at the end of the past school year.
17. J.S. attended ESY at Manalapan for summer 2012 and summer 2013.
18. The Fast ForWord program was introduced to J.S. in September 2012.
19. The parents of J.S. were aware that J.S. was not receiving speech and language while in the Fast ForWord program pursuant to the September 14, 2012, revised IEP. They were not aware that J.S. was missing science and social studies while in Fast ForWord.
20. There was nothing in the IEP dating back prior to the summer of 2012 that reflected that J.S. was in a Fast ForWord program.
21. J.S. was evaluated for speech and language in the first grade. The District's goals in the September 2013 IEP were based upon an evaluation that was done while J.S. was in the first grade, even though J.S. was entering the third grade. The goals listed in September 2013 were the same as the May 2013 IEP goals. The parents concerns were not listed in the District's IEP's.
22. Melissa Hillebrecht, the school psychologist and case manager, performed a psychological evaluation for J.S. on August 27, 2013. J.S.'s cognitive scores (verbal comprehension, perceptual reasoning, working memory, process and speed) reflected a full-scale IQ 87, in the low-average range (80-89).

Hillebrecht did not observe J.S. in her classroom setting when she was evaluating her.

23. The Laurel School is accredited by the New Jersey Association of Independent Schools (February 2015), by Middle States Association (February 2015) and the Wilson Language Association.
24. Petillo denied the parents' evaluator/learning consultant, Susan K. Caplan, M.Ed., LDT-C, the opportunity to observe the program offered at Clarks Mill School.
25. Petillo did not arrange for the District to observe J.S. at the Laurel School until sometime in December 2014.
26. Sharon Anderson is currently a language arts, Orton-Gillingham, math, and social studies teacher at the Laurel School and taught J.S. from September 2013 to the present.
27. Anderson holds a Bachelor of Science degree in speech and language, and holds a graduate-level certificate in Orton-Gillingham, and a Wilson Level I Certificate. She is currently a language arts, Orton-Gillingham, math, and social studies teacher at the Laurel School, and taught J.S. from September 2013 to present.
28. J.S. was administered the TOWRE 2 test by Sharon Anderson on November 30, 2014, scoring a 1.8 grade level for sight-word efficiency and a 1.2 grade level for phonemic decoding. The second TOWRE test administered on January 15, 2015, by Anderson revealed a second-grade level for sight-word efficiency and a 1.8 grade level for phonemic decoding efficiency, a growth in these areas. J.S. has differentiated instruction in math and with Orton-Gillingham.

29. J.S. could only complete three or four letter words when coming from District and now can spell “multisyllabic words” and comprehends what a base word is and how to change meanings of words.
30. J.S. was going to the nurse’s office many times complaining of stomach aches while in-district and that does not occur at the Laurel School. Nothing could be found medically wrong.
31. Corin Rosenberg a teacher at the Laurel School in September 2014, was certified by the Newgrange School in Wilson Reading Program Level One and Two, Orton-Gillingham, and Project Read. Rosenberg teaches self-contained language arts, Orton-Gillingham, social studies, and math to grades four through six.
32. Rosenberg taught J.S. and six others in language arts and social studies and was also J.S.’s homeroom teacher during the 2014-2015 school year.
33. Every child entering the Laurel School receives “individualized” instruction, which is determined by this diagnostic testing at the beginning of each year.
34. When J.S. started school at Laurel, she was not able to put together a coherent sentence and she was very quiet, shy, and withdrawn. She is now writing a paragraph.
35. During the 2014-2015 school year at Laurel School, J.S. received one hour of language arts and one hour of Orton-Gillingham per day as well as additional language arts on Wednesday, Thursday, and Friday (five days per week) and science the other two days. J.S. also received social studies once per week, which was also incorporated in some lesson plans during language arts.

36. Francie Matthews, a learning disability specialist and an expert in learning disabilities and dyslexia, performed an evaluation of J.S. on February 8, 2014, in reading and writing at the request of J.S.'s parents.
37. Matthews administered the Woodcock Johnson III, the Comprehension Test of Phonological Processing, Test of Orthographic Competence, Test of Written Language 4 and Informal Measures. The Woodcock Johnson showed that J.S. had the ability to read words in isolation at 17 percent, which corresponded to a grade 2.4. The standard score was 86 and J.S.'s comprehension score was at 6 percent relative to children with a grade level of 1.8.
38. Woodcock Johnson III Form A tests from the previous years showed more than a fifteen-point regression for J.S. between March 2012 and February 2014, most of which was in the District. J.S. significantly regressed in language arts in the District because the program was not "intensive enough" to make gains. TOWRE 2 test also revealed regression while in the District.
39. J.S. regressed while at Manalapan, in areas including listening comprehension, brief reading, academic applications, letter-word identification, story recall, passage comprehension, and applied problems. When J.S. first arrived at the Laurel School, she could only compile simple three and four letter words and now spells "multi-syllabic words," and understands what a base word is and how it changes meanings of words.
40. Susan Caplan, an expert in special education, special education programming, and case management, is a learning disabilities teacher consultant. She was retained by K.S. to evaluate J.S. and authored a report dated February 23, 2014, which compared the results of the Woodcock-Johnson tests of 2009, 2012, and 2014 (seventeen of these months being in the district). She concluded that J.S. regressed while in the District.

41. The goals and objectives in the September 2013 IEP placed J.S., as a third grader, in a standard 5.1 scientific process despite not receiving science for most of her second grade and a sixth-grade standard for social studies when she did not receive social studies for most of her second grade.
42. Deardra Rosenberg, Laurel School director of education, evaluated J.S.'s speech, performing a Wilson Assessment Decoding and Encoding test to determine what percent of speech sound J.S. recognized when entering Laurel School.
43. J.S. knew 18 percent of the sounds when she entered Clarks Mill School in 2013, and recognized 66 percent at the end of the 2014-2015 school year.
44. J.S. has made progress in reading. She is able to do fourth-grade reading.
45. J.S. made progress in phonological awareness, high frequency vocabulary, comprehension of literature, and comprehension of informal texts. She is able to write a paragraph on her own.
46. J.S. made progress in math in numbers and operations, algebraic thinking, measurement and data, and geometry from October 2, 2013, through May 2015.
47. J.S.'s literature comprehension scores increased to the end of third-grade level and her comprehension of information text such as in science and history, which began at a kindergarten level when entering the school and she is currently at a third-grade level.
48. J.S. is more verbal now while attending the Laurel School, not shy as when she arrived at Laurel School, and has self-confidence that she did not have, is now comfortable with her peers, and has grown both academically and socially.

It is the obligation and responsibility of the undersigned to weigh the credibility of witnesses in this matter in order to make a determination. Credibility is the value that a fact finder gives to a witness's testimony. The word contemplates an overall assessment of a witness's story in light of its rationality, internal consistency, and "manner in which it hangs together" with other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). Credible testimony has been defined as testimony that must proceed from the mouth of a credible witness and must be such as common experience, knowledge, and common observation can accept as probable under the circumstances. State v. Taylor, 38 N.J. Super. 6, 24 (App. Div. 1955). A fact finder is expected to base decisions of credibility on his or her common sense, intuition, or experience. Barnes v. United States, 412 U.S. 837, 93 S. Ct. 2357, 37 L. Ed. 2d 380 (1973).

I **FIND** the expert testimony of Drs. Matthews and Rosenberg to be compelling and persuasive, and extremely credible and hence part of the operative **FACTS** in this case. I also **FIND** the testimony of all of petitioners' witnesses and supporting documentation to be far more credible than that of respondents, who are employed by the District. I **FIND** the testimony of respondent's witnesses to be evasive, inconsistent and unconvincing except that of the employees at the Laurel School.

### **ANALYSIS AND CONCLUSIONS**

Under the Individuals with Disabilities Education Act (2004) (IDEA), 20 U.S.C.A. § 1400 et seq., as amended by P.L. 10B-44L, children are entitled to a free and appropriate public education (FAPE) and to receive a meaningful education therein. In order to assure delivery of a FAPE, the IDEA requires school districts to provide an appropriate Individualized Educational Program (IEP) for each child with a disability,

and that includes, as appropriate, an Extended School Year (ESY) to continue servicing the needs of the child during the months when regular school is not in session in order to avoid regression.

In addition, federal law indicates that the least restrictive environment (LRE) must also be determined and apply to each classified pupil. There is a statutory preference for the least restrictive environment, which, states that:

Further, the IDEA includes the mainstreaming requirement, requiring education in the “least restrictive environment.” See U.S.C.A. § 1412(a)(5)(A). Courts in this circuit have interpreted this mainstreaming requirement as mandating education in the least restrictive environment that will provide meaningful educational benefit. The least restrictive environment is one that, to the greatest extent possible, satisfactorily educates disabled children together with children who are not disabled, in the same school the disabled child would attend were the child not disabled.

[J.B. and R.B. ex rel K.B. v. Flemington-Raritan Reg'l Bd. of Educ., EDS 6205-05, Decision (Jan. 26, 2006), <<http://njlaw.rutgers.edu/collections/oal/>> (quoting Carlisle Area Sch. v. Scott P., 62 F.3d 520, 535 (3d Cir. 1995), cert. denied, 517 U.S. 1135, 116 S. Ct. 1419, 134 L. Ed. 2d 544 (1996)).]

The IDEA and N.J.A.C. additionally provide procedural safeguards to parents who believe their child is not receiving a FAPE. One of these procedural safeguards is the right to unilateral placement. The Third Circuit has adopted the Florence County standard for unilateral placements. Judge Scirica explained:

Under Florence County, a court may award a disabled student the cost of his private placement if (1) the court determines the student’s IEP is inappropriate and (2) the student demonstrates that the private placement he seeks is proper. A private placement may be proper if it is appropriate and provided in the least restrictive educational environment. To meet the Florence County standard, a disabled student is not required to demonstrate that he cannot be educated in a public setting. Under IDEA, the

relevant question is not whether a student could in theory receive an appropriate education in a public setting but whether he will receive such an education.

[Ridgewood Bd. of Educ. v. N.E., 172 F.3d 238, 248 (3d Cir. 1999); See Florence Cty. Sch. Dist. Four v. Carter, 510 U.S. 7, 114 S. Ct. 361,126 L. Ed. 2d 284 (1993).]

The New Jersey Administrative Code, in accordance with the IDEA and the Third Circuit, further provide procedural safeguards for disabled students. See N.J.A.C. 6A:14-2. If a parent believes that a disabled child's IEP is inappropriate, they are permitted to unilaterally enroll the student in a private school. N.J.A.C. 6A:14-2.10 provides that: "[A]n administrative law judge may require the district to reimburse the parents for the cost of that enrollment if the administrative law judge finds that the district had not made a free, appropriate public education available to that student in a timely manner prior to that enrollment and that the private placement is appropriate." N.J.A.C. 6A:14-2.10(b). This codifies the policy reflected in Florence County, where the Fourth Circuit reasoned, "it hardly seems consistent with the Act's goals to forbid parents from educating their child at a school that provides an appropriate education simply because that school lacks the stamp of approval of the same public school system that failed to meet the child's needs in the first place." Florence County, 950 F.2d at 164. Critically, N.J.A.C. 6A:14-2.10 provides that an Administrative Law Judge has the authority to deem a unilateral placement "appropriate," even if the school is "unapproved," and "does not meet the standards that apply to the education provided by the district board of education." N.J.A.C. 6A:14-2.10.

Here, the District did not provide J.S. with a FAPE as mandated by the IDEA, because the District's IEP did not provide J.S. with a "Significant Learning" nor confer to her a "Meaningful Benefit" as per the Third Circuit's standards.

Under the Florence standard, the first issue that must be determined is whether the District provided J.S. with a FAPE, via a suitable IEP. It is illustrative in this regard

to analyze similar cases, and how previous Administrative Law Judges have dealt with this complex issue.

In J.N. and T.N. ex rel E.N. v. Lawrence Board of Education, EDS 13212-10, Decision (Dec. 27, 2011), <<http://njlaw.rutgers.edu/collections/oal/>>, E.N., a three-year-old child in preschool, was diagnosed with a disability. The parents of E.N. disagreed with the district as to the degree of E.N.'s disability, and eventually removed E.N. from the district's school, unilaterally placing him in a private school in Princeton, N.J., which they believed had the ability to properly address E.N.'s disability. After lengthy testimonies and a detailed analysis, Administrative Law Judge Delanoy found that the district did not provide E.N. with a FAPE.

In Ridgewood Board of Education v. N.E. ex rel M.E., 172 F.3d 247 (3d Cir. 1999), the court delineated that an IEP must provide a "significant learning," and confer a "meaningful benefit" upon the disabled child. In J.N. and T.N. however, Administrative Law Judge Delanoy found that E.N.'s IEP provided by the district offered him nothing more than "a trivial or diminished educational benefit." This assessment was predicated upon the credible and compelling testimony of numerous experts who testified in this matter. J.N. and T.N., supra, EDS 13212-10, Final Decision.

In the instant matter, the facts are analogous with those of J.N. and T.N., since J.S. was provided with nothing more than a "de minimis" education that was trivial and lacking in many respects. Expert testimony revealed that J.S. had regressed during her time at the District, despite what its IEP stated. This is evident in the testimony of Dr. Matthews, who cogently expressed that J.S. needed significantly more than the twenty-five minutes per day of Project Read instruction that the District had allotted to her, given her rare form of dyslexia. Matthews further articulated that J.S. regressed considerably while at the District, in areas such as listening comprehension, brief reading, academic applications, letter-word identification, story recall, passage comprehension, and applied problems. This was echoed by Susan Caplan, an expert

in Special Education. Caplan opined that J.S. regressed during her time at Manalapan, and that the District failed to offer her a FAPE. Caplan delineated precisely why a FAPE was not provided by the District, which included the fact that J.S.'s IEP for the 2013-14 school year not only failed to address the ESY, but lacked specificity. In other words, she concluded that J.S.'s IEP was devoid of goals and objectives, and was even illogical when it recommended that be taught science and social studies at the third grade level, when she had not received instruction in these subjects for the previous academic year.

The Third Circuit has emphasized the "IEP is the primary mechanism for implementing a Free Appropriate Public Education." C.G. v. Pennsylvania Dep't of Educ., 734 F.3d 229, 232, (3d Cir. Pa. 2013). Given that both J.S.'s IEP and the implementation of its objectives failed to provide her with the requisite education as mandated by the IDEA, the District did not provide J.S. with a FAPE.

The District's own witnesses seemed to confirm that J.S. was not receiving the specialized attention that an individual with her disability required in order to obtain a "meaningful benefit." First, Hillebrecht, the school psychologist, admitted that she did not actually observe J.S. in the classroom when she provided her evaluation. Additionally, Hillebrecht's report stated that J.S. received speech and language support bi-weekly as per the most recent IEP, even though this information was wholly inaccurate, given that J.S. was in the Fast ForWord program at the time. Further, Widom, who was J.S.'s case manager for two years, admitted that based on J.S.'s April 2012 IEP, J.S. was to be provided an in-class aide for science and social studies. However, given that J.S. was in the Fast ForWord program, she never received this in-class support. Widom admitted that those instructions were probably erroneously written into the IEP.

It is certainly evident based on the aforementioned testimony that J.S. did not receive the tailored attention, or the requisite educational programming that an individual with an advanced form of dyslexia, such as what J.S. has, is mandated by the IDEA to receive. This exact position is reiterated in K.R. and J.R. ex rel N.R. v. Vineland Board of Education, EDS 02321-07 (January 22, 2008) <[http://njlaw.rutgers.edu/collections/oal/final/eds02321-07\\_1.html](http://njlaw.rutgers.edu/collections/oal/final/eds02321-07_1.html)>, in which Administrative Law Judge Martone found that the District in that case did not provide N.R., a student with a reading disability, with a FAPE. In K.R. and J.R., Administrative Law Judge Martone reasoned that N.R. was not provided with a FAPE given that his disability “has not been properly addressed by the school district,” and additionally because “N.R. has made little progress with reading and literacy as a result of the school district’s IEPs, program and placements.” Ibid. In the instant matter, J.S.’s experiences are synonymous to N.R.’s, in that she made little or no progress while at the District because her advanced dyslexia was not appropriately addressed. Hence, similarly, the District did not provide a FAPE to J.S. as mandated by the IDEA.

Given that the District did not provide J.S. with a FAPE, as directed by the IDEA, the second prong of the test that must be met under the Third Circuit’s precedent based on Florence, is whether the unilateral placement was, under the circumstances proper. In order to be considered “proper” under the Florence standard, the unilateral placement must be appropriate and educate the student in the least restrictive environment. See Florence, supra, 510 U.S. 7, 114 S. Ct. 361, 126 L. Ed. 2d 284.

In J.N. and T.N., supra, Judge Delanoy found that E.N.’s unilateral placement, at a school called PCDI, was an appropriate one. To support his finding, the Judge Delanoy reasoned that “the witnesses presented by petitioners testified in detail about the PCDI program . . . that he is, and has been, making meaningful educational

progress in that program.” J.N. and T.N., supra, EDS 13212-10. Additionally, Judge Delanoy asserted that “the District did not provide any evidence that the program at PCDI was not appropriate for E.N.” Ibid.

J.S.’s unilateral placement at the Laurel School was and is proper because Laurel is an appropriate school where a FAPE will continue to be provided conferring meaningful benefit.

In the instant matter, the credible testimony has described how J.S. has progressed markedly since her placement at the Laurel School. Rosenberg, a general and special education teacher testified that when J.S. was initially placed at the Laurel School, J.S. was not able to put together a coherent sentence. That has changed dramatically where she can now write a sentence on her own as well as write a paragraph.

Sharon Anderson, one of J.S.’s teachers at the Laurel School, echoed these sentiments by explaining that when J.S. first arrived, she could only compile simple three- and four-letter words but now has the ability to spell “multi-syllabic words,” and understands what a base word is and how it changes meanings of words.

Rosenberg, the Director of the Laurel School, a person highly experienced in special education, further noted that J.S. is now able to do fourth-grade reading.

In addition to J.S.'s irrefutable educational progress at the Laurel School, she has made tremendous strides in her social interaction with other students. Rosenberg testified that J.S., who had been extremely shy upon arriving at the Laurel school, is now comfortable with her peers and has grown both academically and socially. Additionally, Rosenberg has pointed out that J.S. has become more independent. Such sentiments were similarly stated by J.S.'s teacher, Sharon Anderson. J.S.'s mother, K.S., also described how J.S., while at the District, had a very low self-esteem and was relatively anti-social. At the Laurel School, J.S. now has play dates and interacts with the other children at school.

Furthermore, Dr. Matthews, after she conducted an extensive evaluation of J.S., concluded that the Laurel School was a school that specializes in dyslexia, and was appropriate as a placement for J.S. Sharon Anderson, described how J.S. has progressed in word recognition and writing while Rosenberg explained how the Laurel School provides every child with an "individualized" instruction determined by diagnostic testing at the beginning of each school year.

Just as in J.N. and T.N., J.S. progressed dramatically upon being unilaterally placed at the Laurel School, both educationally and socially. This progression has been bolstered by the testimony of the experts here. Additionally, the District has not advanced evidence which might prove otherwise. Any progress that J.S. may have made while at the District, miniscule at best, was entirely irrelevant, and negligible.

The IDEA required that a disabled child should be educated in the "least restrictive environment" setting forth:

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

[20 U.S.C.A. § 1412.]

The District argued that the Laurel School is too “restrictive” an environment, and thus an inappropriate placement for J.S., noting that the Laurel School has only fourteen students in its elementary school program, all with dyslexia, and that each student shares a nearly identical educational structure. Therefore, the District posits that J.S. is not being educated in the LRE, which it argues was the case at the District since she shared classes with general education students.

In J.N. and T.N., supra, EDS 13212-10, when analyzing whether E.N. was being educated in the LRE, the judge found that “E.N. did not demonstrate the prerequisite skills to benefit from interaction with his typically developing peers . . . as such the least restrictive environment for E.N. is not a program that educates with typically developing peers.” In the instant matter, just as in J.N. and T.N., J.S. did not benefit from interacting with the other general education students. J.S. often went to the nurse’s office complaining of stomach aches which no longer occurred once she entered the Laurel School. There she interacts with her classmates with her classmates and has play dates. Similarly to J.N. and T.N., the LRE for J.S. is specifically in the Laurel School, and not in the District.

Additionally, when describing the Least Restrictive Environment, the above-named statute begins with and requires “to the maximum extent appropriate.” In J.N. and T.N., the negative side-effects experienced at the public school, demonstrated that the LRE was at the school where the child was unilaterally placed as is the case here.

Accordingly, since J.S. is being educated in the LRE, her unilateral placement was proper under the Third Circuit’s standard, and her parents are entitled to reimbursement. The District, I **CONCLUDE**, failed to provide J.S. with a FAPE.

Under the following language of 20 U.S.C.A. 1412, J.S.’s parents are entitled to reimbursement in the instant matter.

If the parents of a child with a disability, who previously received special education and related services under the authority of a public agency, enroll the child in a private elementary school or secondary school without the consent of or referral by the public agency, a court or a hearing officer may require the agency to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the agency had not made a free appropriate public education available to the child in a timely manner prior to that enrollment.

[20 U.S.C.A. § 1412].

New Jersey regulations mimic the federal law nearly identically, and state:

If the parents of a student with a disability, who previously received special education and related services from the district of residence, enroll the student in a nonpublic school, an early childhood program, or approved private school for students with disabilities without the consent of or referral by the district board of education, an administrative law judge may require the district to reimburse the parents for the cost of that enrollment if the administrative law judge finds that the district had not made a free, appropriate public education available to that student in a timely manner prior to that enrollment and that the private placement is appropriate.

[N.J.A.C. 6A:14-2.10.]

Therefore, given that the District has failed to provide J.S. with a FAPE, and that the Laurel School is proper under the Third Circuit's standard, J.S.'s parents are entitled to reimbursement in the instant matter.

The District argued that since the Laurel School only became accredited during the 2014-15 school year, and was not accredited at the time of J.S.'s unilateral placement, such placement was a violation of N.J.A.C. 6A:14-6.5(b)(1), which requires that a unilateral placement only be permitted when the nonpublic school maintains the requisite accreditation. Therefore reimbursement should be denied.

Even though Laurel School only recently achieved state accreditation, J.S.'s parents are not barred from being reimbursed by the District. New Jersey regulations lend a large amount of discretion to an Administrative Law Judge in deciding special education due process hearings. The same regulations also provide that even if a

disabled child is unilaterally placed in a school that may be “unapproved,” or deviate from the “standards that apply to the education that is provided by the district’s board of education,” that such placement is still proper. N.J.A.C. 6A:14-2.10(b), which states, in relevant part:

A parental placement may be found to be appropriate by a court of competent jurisdiction or an administrative law judge according to N.J.A.C. 6A:14-6.5 for placements in ***unapproved schools***, even if it does not meet the standards that apply to the education provided by the district board of education.

[Emphasis added.]

Therefore, given the language of the regulation, the deciding administrative law judge shall determine whether or not the unilateral placement is proper, and whether it complies with the relevant statutes and regulations. Accordingly, the deciding judge has the discretion to order reimbursement for a unilateral placement, even if a school is unapproved.

Of note is that the District failed to provide any cite—case law, statutory or otherwise—disallowing reimbursement for a unilateral placement in a school that became accredited after the placement occurred.

Lastly, the District argued that because Sharon Anderson, one of J.S.’s teachers at the Laurel School, failed to hold any professional teaching license, that J.S.’s parents should not be reimbursed for their unilateral placement, citing N.J.A.C. 6A:14-6.5(b), which requires, in pertinent part, that “all personnel providing regular education programs shall either hold the appropriate certificate for the position in which they function or shall meet the personnel qualification standards of a recognized accrediting authority.” N.J.A.C. 6A:14-6.5. The proofs, however, did establish that

Anderson has a Bachelor of Science degree in speech and language, and holds a graduate level certificate in Orton-Gillingham and a certificate for the Wilson Level I. This regulation, when applied here, requires that Anderson hold the appropriate certification for “the position in which [she] function[s].” Ibid. In this regard, Dr. Matthews testified that Anderson was not State certified but is a dyslexia specialist who had gone through two years of rigorous training to be certified in the methodology which J.S. needs. Accordingly, based upon the credible and compelling testimony of Dr. Matthews and the certificates which Anderson does hold, I CONCLUDE that Anderson’s certifications are those required for the “position in which [she] function[s] at Laurel,” as required by N.J.A.C. 6A:14-6.5. This, combined with the discretion allotted to administrative law judge, allows for reimbursement.

The record in its entirety demonstrated by clear and convincing evidence that J.S. was not making meaningful progress in the District’s programs and, accordingly, was not provided with a FAPE. For example, the District’s proposed IEP for third grade was substantially similar and incremental to the proposed second-grade IEP; while at the District, J.S. was given subjects for the following school year for which her prior education was clearly lacking and almost non-existent (science and social studies); she was a loner while at the District and has blossomed at the Laurel School, interacting with her classmates both in and out of school, she is reading and comprehending at an appropriate level, as some of the reasons why unilateral placement was appropriate.

For the reasons state above, I CONCLUDE that the District did not properly consider J.S.’s potential and educational needs, did not provide her with a FAPE and with a meaningful educational benefit in the least restrictive environment. The facts clearly demonstrated that J.S., both socially and educationally, regressed while at the District, but, conversely, have made significant positive strides in both areas at the Laurel School. Given her disability, her placement at the Laurel School was and is appropriate, where she is provided with the LRE.

**ORDER**

Based upon the foregoing, it is **ORDERED** that the District reimburse petitioners for tuition and expenses related to J.S.'s attendance at the Laurel School for the 2013–2014 and 2014-2015 school years, except for any expense associated with private evaluations.

This decision is final pursuant to 20 U.S.C.A. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2015) 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.A. § 1415(i)(2); 34 C.F.R. § 300.516 (2015). 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.

August 13, 2015

\_\_\_\_\_  
DATE

\_\_\_\_\_  
**JOANN LASALA CANDIDO, ALAJ**

Date Received at Agency

August 13, 2015

Date Mailed to Parties:

\_\_\_\_\_

**APPENDIX**

**WITNESS LIST**

**For Petitioners:**

Bonnie Seidel  
Susan Caplan  
Dr. Deardra Rosenberg  
K.S.

**For Respondent:**

Georgianna Petillo  
Melissa Hillebrecht  
Jacqueline Widom  
Corin Rosenberg  
Sharon Anderson  
Andrea Finnell  
Brenda Troisi  
Dr. Francie Matthews

**EXHIBIT LIST**

**For Petitioners:**

- P-1 Due Process Petition – 5-16-2014
- P-2 Intentionally omitted
- P-3 Psychological Evaluation of Melissa Hillebrecht, MA, NCSP, School Psychologist – August 27, 2013
- P-4 Unilateral Placement Letter – August 14, 2013
- P-5 Educational Evaluation of Iris Dorsky – September 4, 2013
- P-6 Eligibility Determination – September 20, 2013

- P-7 Eligibility Determination (unsigned) – May 15, 2012
- P-8 Eligibility Confirmation Report – May 14, 2012
- P-9 IEP – May 1, 2013
- P-10 IEP-September 20, 2013
- P-11 Report Card Grade 2 – 2012-2013 school year
- P-12 Report Card Grade 1- 2011-2012 school year
- P-13 Report Card Kindergarten 2009-2010 school year
- P-14 Literacy Evaluation of Dr. Francie Matthews, Ph.D. - February 8, 2014
- P-15 Curriculum vitae of Dr. Francie Matthews, Ph.D.
- P-16 Neuro-Psychiatric Evaluation of Dr. David J. Gallina, M.D., P.A. - February 20, 2014
- P-17 Curriculum Vitae of Dr. David J. Gallina, M.D., P.A.
- P-18 Pediatric Neuro-Developmental Evaluation of Dr. Carlo B. Melini, M.D., P.A. - January 22, 2014
- P-19 Curriculum Vitae of Dr. Carlo B. Melini, M.D., P.A.
- P-20 Correspondence of G. Petillo to Parents - February 11, 2014
- P-21 Correspondence of G. Petillo to Parents - February 18, 2014
- P-22 Correspondence of G. Petillo to Parents - February 18, 2014 (WND)
- P-23 Curriculum Vitae of Deadra Rosenberg, Laurel School
- P-24 Curriculum Vitae of Sharon M. Anderson, teacher
- P-25 Curriculum Vitae of Elizabeth A. Conaway
- P-26 Curriculum Vitae of Frances M. Kurocka
- P-27 Curriculum Vitae of Lorraine Incardona McKay
- P-28 Individual Review Plan 2013-2014 school year
- P-29 Curriculum Vitae of Carol Krakower, MA, CCC, SLP
- P-30 Curriculum Vitae of Collen McCauley, school psychologist
- P-31 Curriculum Vitae of Susan K. Caplan, M.Ed., LDT-C
- P-32 Psychological Evaluation of Collen McCauley - June 30, 2014
- P-33 Invoice of Colleen McCauley, school psychologist
- P-34 Educational Evaluation of Susan K. Caplan, M.Ed., LDT-C – February 23, 2014
- P-35 Invoice of Susan K. Caplan, M.E.D, LDT-C

- P-36 Speech Language Evaluation of Carol Krakower - June 2, 2014
- P-37 Invoice of Carol Krakower
- P-38 File Contents of Carol Krakower
- P-39 Invoice of Dr. David J. Gallina
- P-40 File Contents of Dr. Carlo B. Melini
- P-41 Report of Bernadette Chin, Tutor - August 16, 2014
- P-42 Report of Amy Bernstein, MA, CCC-SLP, March 21, 2014
- P-43 Medical Records of WeCare Pediatrics
- P-44 Unilateral Placement Letter of Parents - June 16, 2014
- P-45 Center for Dyslexia Studies, Student Data Sheet - Summer 2012 and May/June 2013
- P-46 Comprehensive Evaluation Plan Confirmation and Proposed Initial Evaluation Plan - April 20, 2007
- P-47 Psychological Report of Bernard Selman, M.Ed., school psychologist – May 8, 2007
- P-48 Speech & Language Evaluation of Rhonda Frieman, MA, CCC-SLP - May 11, 2007
- P-49 Education Evaluation of Cindi Ann Hendricks - May 24, 2007
- P-50 Social Assessment of Robyn Waller, M.S.W. - June 13, 2007
- P-51 Occupational Evaluation of Chris Afonso - June 13, 2007
- P-52 Initial Classification Summary - June 15, 2007
- P-53 Comprehensive Evaluation Plan Conference - March 12, 2009
- P-54 Collaborative Report of Bernard Selman, Jill Berlin, Beth Pike - April 20/28 and May 8, 2009
- P-55 Re-Evaluation Classification Summary (DRAF) - May 13, 2009
- P-56 Transfer Consideration of Records - June 13, 2011
- P-57 Triennial Re-Evaluation Letter & Waiver - February 24, 2012
- P-58 Re-Evaluation Plan (DRAFT) - February 24, 2012
- P-59 Re-Evaluation Plan - February 24, 2012
- P-60 Educational Evaluation of Andrea Goldstein, LDT-C - March 14, 2012
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- P-64 Progress Reporting
- P-65 IFSP - March 10, 2007
- P-66 IEP - June 15, 2007
- P-67 IEP - Revision-October 30, 2007
- P-68 IEP - May 23, 2008
- P-69 Summary of IEP meeting - May 23, 2008
- P-70 ESY Progress Sheets 2008-2009
- P-71 Summary of IEP Meeting - May 13, 2009
- P-72 Project Read 2009-2010
- P-73 IEP - May 13, 2009
- P-74 IEP - April 29, 2010
- P-75 Service Plan - May 8, 2011
- P-76 ESY/Regression/Recoupment Indicator 2012
- P-77 IEP - April 30, 2012
- P-78 IEP - May 14, 2012
- P-79 Consent to Amend Without a Meeting - June 15, 2012
- P-80 Consent to Amend without a Meeting - September 14, 2012
- P-81 ESY/Regression/Recoupment Indicator 2012/2013
- P-82 Scientific Learning-progress Tracker - April 30, 2013
- P-83 Correspondence (undated) to parents from Rachelle Gold, Fast ForWord coordinator with attachments
- P-84 Fast ForWord Progress - December 21, 2012, to April 30, 2013
- P-85 RPI Assessments - April 30, 2013
- P-86 End of Year Classroom Instructional Level - Fall 2012 through June 2013
- P-87 Progress Reporting LinkIt! G2 CC Reading Form A. MC only - May 24, 2013
- P-88 Progress Reporting LinkIt! G2 CC Math Form A. MC only - May 21, 2013
- P-89 Scientific learning Progress Tracker - February 13, 2013
- P-90 Progress Tracker - December 21, 2012
- P-91 Correspondence of Melissa Hillebrecht to parents - September 17, 2013

- P-92 Progress summary Notes of Sunny Days Early Childhood Developmental Services, Inc. - March 22, 2007
- P-93 Infant and Toddler Sensory Profile of Dr. Jodie A. Dashore, OTD, MS, OTR/L - January 25, 2007
- P-94 Correspondence of Melissa Hillebrecht to parents – September 10, 2013
- P-95 Invitation to an IEP Meeting - September 4, 2013
- P-96 Invitation to an IEP Meeting - September 3, 2013
- P-97 Meeting Confirmation Form - May 1, 2013
- P-98 Invitation to IEP Meeting - April 23, 2013
- P-99 Invitation to IEP Meeting - May 1, 2012
- P-100 Invitation to IEP Meeting - April 11, 2012
- P-101 Invitation to IEP Meeting - February 8, 2012
- P-102 Miscellaneous Correspondence from Jacqueline Widom, school psychologist and former case manager to parents
- P-103 Invitation to IEP Meeting - March 12, 2010
- P-104 Correspondence of Jill Berlin, former case manger to parents - September 16, 2009
- P-105 Invitation to IEP Meeting - April 21, 2009
- P-106 Invitation to IEP Meeting - March 19, 2008
- P-107 Invitation to IEP Meeting - March 26, 2007
- P-108 Invitation to IEP Meeting - April 23, 2007
- P-109 Miscellaneous correspondence from Bernard Selman, school psychologist and former case manger to parents
- P-110 Preschool Meeting Notice Checklist - March 21, 2007
- P-111 Student Transfer Card - August 2010
- P-112 Student Data Information Form
- P-113 DR-2 Developmental Reading assessment-December 7, 2009, and May 4, 2010
- P-114 Math Spring Envision Assessment Topics 1-8 – second grade
- P-115 DRA-2 Developmental Reading Assessment September 14, 2011, through May 2013

P-116 Health History and Appraisal and Health Information

P-117 Psychological Evaluation of Melissa Hillebrecht, M.A., N.C.S.P. - August 27, 2013

P-118 Service Plan Monmouth-Ocean Educational Services Commission first grade - May 18, 2011

P-119 Transfer Consideration of Records/Review of Eligibility/IEP - June 13, 2011

P-120 Initial Classification Summary (DRAFT) - June 15, 2007

P-121 Summary of IEP Meeting - May 23, 2008

P-122 Re-Evaluation Classification Summary (DRAFT) - May 13, 2009

P-123 Summary of IEP Meeting - May 13, 2009

P-124 Extended School Year 2007-2008 Progress Sheets

P-125 Extended school Year 2008-2009 Progress Sheets

P-126 Extended School Year 2009-2010 Progress Sheets

P-127 Extended School year Regression/Recoupment Indicator winter/spring break Project Read - 2009-2010

P-128 Assessment Report of Joanne Monroe, Ed.D., assistant superintendent of Curriculum/Human Resources and Suzy Quiles, supervisor of language arts and Gregory Schmidt, supervisor of mathematics - June 2010

P-129 Service Plan Monmouth-Ocean Educational Services Commission-Kindergarten Full Day - October 26, 2010

P-130 Correspondence of Karyn Tessler, school social worker and Stacy Costa, director of child study team Monmouth-Ocean Educational Service Commission - October 26, 2010

P-131 Monmouth-Ocean Educational Services Commission-IDEIA-B Non-Public Services Request Form-October 26, 2010

P-132 Progress Reporting-Supplemental Instruction Teacher: Karen Johnson-Ivy League Pre-School - January 19, 2011

P-133 Monmouth-Ocean Educational Services Commission Invitation to Meeting - April 11, 2011

P-134 Record Request - December 17, 2013

P-135 Record Request - December 23, 2013

- P-136 Record Request - February 4, 2014
- P-137 Record Request - May 13, 2014
- P-138 Record Request - July 24, 2014
- P-139 Record Request - August 14, 2014
- P-140 Record Request - December 4, 2014
- P-141 Correspondence of Georgianna Petillo, M.A., director of special education to M. Inzelbuch, Esq. - no additional school
- P-142 Confirmation e-mail of reports to A. Lolli, Esq. - August 15, 2014
- P-143 General Information pertaining to the Laurel School of Princeton
- P-144 Laurel School Academic Enrichment Report - September 2013 to November 2013
- P-145 Laurel School Academic Enrichment Report - January 31, 2014, to march 28, 2014
- P-146 Laurel School Progress Monitoring Sharon Anderson, Math (2013-2014)
- P-147 Laurel School Comprehensive test of Phonological Processing (CTOPP) May 14, 2011
- P-148 Laurel School-Wilson Assessment of Decoding and Encoding (WADE) Student Information Form
- P-149 Laurel School Work Samples 2013
- P-150 Laurel School Attendance Report - September 2013 through December 2013
- P-151 Laurel School Schedule 2013-2014 school year
- P-152 Laurel School Enrollment Agreement 2014-2015 school year
- P-153 Laurel School resume of Corin Burchfiel Rosenberg
- P-154 Laurel School resume of Kathleen A. Bostock, M.A.
- P-155 Laurel School resume of Deadra Rosenberg
- P-156 Laurel School resume of Sharon M. Anderson
- P-157 Laurel School resume of Lorraine Incardona McKay
- P-158 Laurel School Attendance Report September 2014 - December 2014
- P-159 Laurel School Schedule 2014-2015 school year
- P-160 Laurel School Language Arts Skills and Math Placement Tests - September 2014

- P-161 Laurel School Language Arts Skills and Social Studies - October 2014
- P-162 Laurel School Language Arts Skills and Science - November 2014
- P-163 Laurel School "The High Country" - November 6, 2014
- P-164 Laurel School "The Plant Book" - November 7, 2014
- P-165 Laurel School Work Samples October/November 2014
- P-166 Laurel School Academic Enrichment Report - November 17, 2014
- P-167 Laurel School Orton-Gillingham scope and sequence
- P-168 Miscellaneous e-mails and communications between parents and Manalapan School District administrative/staff
- P-169 Order of the Honorable JoAnn LaSala Candido - October 30, 2014
- P-170 Correspondence of Amelia M. Lolli, Esq. to ALJ Candido - December 30, 2014
- P-171 E-mail of M. Inzelbuch, Esq. to Amelia M. Lolli, Esq. - December 30, 2014
- P-172 Correspondence of M. Inzelbuch, Esq. to ALJ Candido - December 31, 2014
- P-173 Petitioners' witness list - December 31, 2014
- P-174 District Answer to Petition - September 5, 2014
- P-175 Correspondence of G. Petillo to parents - September 17, 2013
- P-176 Medical Records of Dr. Mean Scavina
- P-177 Record Request to District - January 7, 2015
- P-178 Medical Records Dr. Amanda Cox, Mount Sinai Hospital
- P-179 Correspondence of A. Lolli, Esq. to M. Inzelbuch, Esq. dated January 2, 2015, with "discovery" attachments
- P-180 Speech services invoice, Amy Bernstein
- P-181 Laurel School Accreditation
- P-182 Medical Records Children's Specialized Hospital
- P-183 Transcript of Recorded Proceedings - February 23, 2015
- P-184 District Monitoring Grids
- P-185 District Subpoena to Testify Corine Rosenberg
- P-186 District Subpoena to Testify Sharon Anderson
- P-187 Laurel School Accreditation
- P-188 Transcript of Recorded Proceedings - April 21, 2015

P-189 Standardized Testing Information Printout (formally inadvertently referenced as "P-184")

P-190 Correspondence of M. Inzelbuch, Esq. to ALJ Candido - May 28, 2015

P-191 E-Mail of M. Inzelbuch, Esq. to A. Lolli, Esq. - May 20, 2015

P-192 OPRA Request to District - May 21, 2015

P-193 Documents provided by parents from District

P-193 Transcript of Recorded Proceedings - May 20, 2015

P-194 Transcript of Recorded Proceeding - May 20, 2015

P-196 Subpoena to Testify to Deardra Rosenberg, M.M., LDT-C - May 26, 2015

P-197 Curriculum Vitae of Susan K. Caplan, M.Ed., LDT-C

P-198 Curriculum Vitae of Deardra Rosenberg

P-199 Laurel School admission process information

P-200 Laurel School information

P-201 Laurel School executive director and director information

P-202 Laurel School general information

P-203 Laurel School accreditation information/documentation

P-204 Laurel School Academic Enrichment Report - September 2013 to November 2013

P-205 Laurel School Progress Reporting - November 8, 2013, to January 31, 2014

P-206 Laurel School Progress Reporting - January 31, 2014, to March 28, 2014

P-207 Laurel School Progress Reporting-March 28, 2014, to June 17, 2014

P-208 Laurel School Academic Enrichment Report September 2014 to November 2014

P-209 Laurel School Academic Enrichment Report-November 2014 - January 2015

P-210 Laurel School TOWRE-2 Response to Intervention Booklet - October 21, 2013

P-211 Laurel School TOWRE-2 Response to Intervention Booklet - November 12, 2014

P-212 Laurel School TOWRE-2 Response to Intervention Booklet - November 12, 2014

P-213 Laurel School TOWRE-2 Response to intervention Booklet - April 22, 2014

P-214 Laurel School documents from Iris Dorksy - August 29, 2013

P-215 Laurel School WADE-November 26, 2013

P-216 Laurel School benchmark assessments

P-217 E-mail Confirmation of P-197 to P-126 to A. Lolli, Esq.- June 12, 2015

P-218 Laurel School Academic Enrichment Report September 2014 to November 2014

P-219 Laurel School Academic enrichment Report-November 2014 to January 2015

P-220 Laurel School Academic Progress Report third and fourth marking periods  
2014-2015 school year

P-221 Laurel School class student attendance report

P-222 Laurel School Wilson assessment of decoding and encoding report

P-223 Laurel School reading scores

P-224 Laurel School i-Ready Student Profile Report - May 2015

P-225 Laurel School Orton-Gillingham Assessment

P-226 Laurel School Progress Report 2014-2015

P-227 E-mail confirmation of P-218 to A. Lolli, Esq. - June 12, 2015

P-228 Transcript of recorded proceedings - June 15, 2015

For Respondent:

1. Due Process Complaint
2. Answer to Due Process Complaint
3. IEP - September 20, 2013
4. IEP - May 1, 2013
5. Psychological Evaluation by Jacqueline Widom, school psychologist, dates of exam - April 19 and 27, 2012
6. Educational Evaluation by Iris Dorsky - August 29, 2013
7. E-mail correspondence between Petillo and K.S. - August 15, 2013
8. E-mail correspondence between Petillo and K.S. - August 22 and 27, 2013
9. E-mail correspondence between Petillo and K.S. - September 3, 2013
10. E-mail correspondence between Petillo and K.S. - September 3 and 5 2015

11. Reading Disabilities description of programs offered by the District to ensure the delivery of appropriate and effective instruction for students with reading disabilities
12. CV of John Tighe
13. Report of John Tighe, to be provided upon receipt
14. List of Individuals with Orton-Gillingham Training Course Certificate
15. Psychological Evaluation by Melissa Hillebrecht, school psychologist, August 27, 2013
16. Invitation to an IEP meeting - April 23, 2013 (for May 1, 2013, meeting)  
invitation to an IEP meeting - September 3, 2013 (for September 20, 2013, meeting)
17. Invitation to an IEP meeting - September 4, 2013 (for September 20, 2013, meeting)
18. Correspondence to parents from Melissa Hillebrecht - September 17, 2013
19. Eligibility Determination - September 20, 2013
20. WIAT-III Parent Report - September 9, 2013
21. Registration Form - February 16, 2011
22. Report Card kindergarten
23. Report Card grade 1
24. Report Card grade 2
25. State of New Jersey Student Transfer Card - September 9, 2013
26. Manalapan-Englishtown Schools student data form
27. Correspondence from Petillo to K.S. - September 17, 2013
28. Standardized Testing Information LinkIt! - August 23, 2013
29. Fast ForWord Weekly Achievement for J.S.
30. Progress Tracker RPI Assessments - April 30, 2013
31. E-mail exchange between Petillo and Barbara McAuliffe - September 19 and 20, 2013
32. Farleigh Dickinson University Orton-Gillingham Dyslexia Training Course Teacher Certificates
33. List of Orton-Gillingham MERS teacher participants

34. Scientific Learning Progress Tracker
35. Correspondence from K.S. notifying of private placement - August 14, 2013
36. Report of Susan K. Kaplan, M.Ed. - February 23, 2014 (Educational Evaluation)
37. Report of Carol Krakower, M.A. CCC-SLP - June 2, 2014 (speech and language/evaluation)
38. Report of Carlo B. Mellini, M.D., P.A. - January 22, 2014 (developmental pediatrician)
39. Report of Dr. David Gallina - February 20, 2014 (neuropsychiatric evaluation)
40. Report of Francine Matthews, Ph.D. - February 8, 2014 (literacy evaluation)
41. Colleen P. McCauley - June 30, 2014 (school psychologist)
42. Correspondence from Georgianna Petillo to petitioners re: Resolution Session- May 28, 2014
43. Email exchange between K.S. and Ms. Hillebrecht - February 4, 2013
44. Email exchange between Ms. Hillebrecht and Georgianna Petillo - February 4, 2013
45. Email exchange between K.S. and Ms. Hillebrecht - February 12, 2014
46. Email exchange between Ms. Hillebrecht and "Meagan" - September 19, 2013
47. Email exchange between K.S. and Ms. Hillebrecht - September 13, 2013
48. Email to Ms. Dorsky from Ms. Hillebrecht with attached WISC results for J.S. - September 3, 2013
49. Melissa Hillebrecht School Psychologist Certificate (State of New Jersey)
50. Email from K.S. to Georgianna Petillo, private placement - June 16, 2014
51. Email exchange between Michael Inzelbuch, Esq. and Georgianna Petillo re: resolution session - June 2, 2014
52. Email from Georgianna Petillo to K.S. - September 3, 2013
53. Email exchange between Bonnie Siedel and K.S. - May 21, 2013, and June 24, 2013
54. Email exchange between Brenda Troisi and K.S. - March 17 and 18, 2013
55. Correspondence from Georgianna Petillo to K.S. - May 28, 2014
56. Email exchange between J.S. and Bonnie Siedel - May 21 and 22, 2013
57. J.S. Graph Information

58. Email exchange between Ms. Hillebrecht and Maribeth Feliciano Cruz -  
September 18, 2013
59. TOWRE test scores