



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 10202-18

AGENCY DKT. NO. 2018-28123

C.S. AND J.S. ON BEHALF OF J.S.,

Petitioners,

v.

**PARSIPPANY TROY HILLS BOARD
OF EDUCATION,**

Respondent.

Lori M. Gaines, Esq., for F.S. and H.S. on behalf of C.S. (Barger & Gaines,
attorneys)

Eric L. Harrison, Esq., for Parsippany Troy Hills Board of Education (Methfessel
& Werbel, attorneys)

Record Closed: May 23, 2019

Decided: June 19, 2019

BEFORE **ANDREW M. BARON**, ALJ:

STATEMENT OF THE CASE

Petitioners, C.S. and J.S. (the parents) on behalf of J.S., filed a Petition for Due Process against the Parsippany-Troy Hills Board of Education (the Board or District), alleging that the District's proposed in-District program for J.S. for the 2017-2018, and

2018-2019 school year was not appropriate, and that an out-of-district placement at the Craig School was appropriate.

Petitioners seek thirteen (13) forms of relief, including but not limited to a finding that the District failed to meet its educational obligations to J.S. under FAPE and IDEA for the 2017-18 and 2018-19 school years; that the Craig School was an appropriate unilateral placement for J.S. to meet her special educational needs; that petitioners are the prevailing party in this action; that petitioners are entitled to full reimbursement for said placement; that the IEP be revised to reflect the placement; that the District provide transportation for J.S. to the Craig School; that petitioners be reimbursed for all expert fees and costs; and that compensatory education be awarded to remedy the denial of FAPE.

PROCEDURAL HISTORY

On or about May 25, 2018, the parents filed a Petition for Due Process against the District, seeking ESY Placement at the Craig School, reimbursement for all fees associated with the matter and compensatory education. The parties agreed to mediate, which was unsuccessful on July 17, 2018. On July 18, 2018, the matter was transmitted to the Office of Administrative Law, and a settlement conference was scheduled for August 8, 2018. Again, the matter did not resolve. The District filed an Answer and Affirmative Defenses on June 7, 2018. With Consent from counsel for the District and the undersigned, an amended due process Petition was filed in August 2018.

Hearing dates were scheduled for November 14, 2018, November 28, 2018 and December 3, 2018. Two additional hearing dates on January 18, 2019 and January 25, 2019 were scheduled and testimony was taken on each of those days. The final transcript for the hearing on January 25, 2019 was received on February 22, 2019. Following requests for extension to file post -hearing submissions, Petitioners and the District filed their submissions on March 28, 2019 and April 1, 2019 respectively. Oral Argument was held on April 12, 2019, and a final conference was conducted on May 23, 2019 and the record closed.

TESTIMONY AND DISCUSSION

Five witnesses testified for Petitioner, including Sarah Stampler, a school psychologist, Johanna Greco a learning disabilities teacher-consultant who was admitted as an expert in the field of special education, Christina Lopez, a certified special education teacher was admitted as an expert in the area of special education, and who served as J.S.'s pull-out language arts resource classroom teacher, Carolyn Lynch a certified speech language pathologist testified as an expert in the field of speech language pathology, Andrea Axt, J.S.'s pull-out math teacher, was admitted as an expert in the field of special education and elementary education, Rosemary Moore, J.S.'s general education teacher for science and social studies also testified as an expert in elementary education and Debra Huffman, the District's current Supervisor of Special Education also testified as an expert in the field of special education.

Testifying for petitioners was Marissa Brunner, an expert in speech language pathology and language-based learning disabilities as well as S.S., J.S.'s mother and advocate.

Having had an opportunity to consider the evidence and to observe the witnesses and make credibility determinations based on the witnesses' testimony, I **FIND** the following **FACTS** in this case:

By way of background, J.S. is a third-grade student now privately placed by petitioners at the Craig School. During her time in pre-school, J.S. evidenced signs of multiple language and learning disabilities that were visible to her pre-school teachers. Following the recommendation of those teachers and without a specific diagnosis, petitioners held J.S. back from entry into kindergarten with the expectation that she would benefit from an additional year of learning pre-academic skills. (T5P142-143L23-8).

As she transitioned to kindergarten, J.S. continued to show signs of struggling with reading skills, which was reported to petitioners by her kindergarten teacher. (T5P144L6-13). It is undisputed that J.S. did not receive a referral while in kindergarten either to the

Intervention and Referral Services Team (I&RS) or the Child Study Team. Instead, petitioners were advised in March 2016 that J.S. would receive Basic Skills Instruction in reading and math upon entering first grade in September 2016. (T5P145-146L8-3).

After more than five months of basic skills instruction in first grade, petitioner C.S. testified that J.S. was not progressing as expressed to petitioners by both her long-term substitute general education teacher and her regular teacher upon her return from medical leave. (T5P146-147L21-6 to T5P148L13-16). In essence, the first-grade general education teacher reported to petitioners that J.S. could not read sight words, or sound out words, her spelling was impaired as was her reading comprehension.

According to S.S., J.S.'s academic challenges carried over to home, where it would take her several hours to complete homework with a tremendous amount of assistance from her mother, (T5P181-182L24-13). And, J.S. also experienced severe stress and anxiety which led to throwing up and diarrhea every day as she became more self-aware of her challenges. (T5P149-T5P172).

Recognizing that the basic skills interventions weren't working, C.S. repeatedly ask District officials to bring in the Child Study Team to evaluate J.S. It was explained to S.S. that before doing so, by law the District was required to prepare an I&RS plan to gather additional information. (T5P155L5-8). Not satisfied with this explanation or result, S.S. continued to put forth her concerns that as first grade continued without a greater intervention, her child was falling further behind and getting more frustrated. (T5P155L11-19).

Ultimately, S.S. appealed directly to the Director of Special Services at the time who directed the staff that was resisting the evaluation to conduct a Child Study Team review. The need to conduct such a study was also supported by J.S.'s teachers, at least one of whom, Ms. O'Toole, expressed her strong beliefs that C.S. needed to be evaluated by the Child Study team with a view towards receiving services as a special education student.

The initial determination by the Child Study Team was that J.S. did not need to be classified as a student in need of special education. (J-7). J.S.'s mother was in disbelief concerning this outcome, and pressed on, taking her complaint to the District's Director of Special Services at the time. (T5P160L19-24 to T5P162L20-5). (J-8).

As a result of her Petitioner's perseverance, the Child Study Team met again on February 14, 2017, yet again refused to identify J.S. as a student in need of special education. This time, J.S.'s teacher Ms. O'Toole was so outraged, she actually walked out of the meeting, and refused to agree with the findings of the team. (T5P165-T5P167).

Refusing to accept this determination that seemed so contradictory to the needs of J.S. and what her classroom teachers were saying, J.S.'s mother sought another meeting of the Child Study Team, which finally relented and agreed to evaluate J.S.'s need for special education services.

The first witness called by the District was Sarah Stampler, a certified school psychologist who was also admitted as an expert. She explained that before a student is referred for special education services, the I&Rs process is followed, which includes an assessment of the interventions the child's teachers put in place short of a formal special education classification. (1T51:1-3). According to Ms. Stampler, student responses to the interventions as well as data has to be evaluated as part of this process. (1T51:8; 1T192-1T193; 1T52).

Ms. Stampler first became involved in J.S.'s case in January 2017. During the course of her testimony, she candidly admitted that she was initially unaware of any of the prior concerns expressed about J.S.'s academic performance in kindergarten or first grade, and she only learned some of the history after a conversation with C.S. (1T62-17 to 1T64-10).

Ms. Stampler was involved in the initial meeting on February 7, 2017, which was also attended by Johana Greco, the learning disabilities teacher consultant, Christina Lopez a special education teacher and the general education teacher Ms. O'Toole, In an effort to support the District's position that it was premature to classify J.S., Ms. Stampler

explained that because the I&RS process had not generated enough data yet about J.S., the Child Study Team process could not move forward. (T65:2 to 1T67:15 and 1T215:22-216:9) Accordingly, the Child Study Team agreed to re-convene in a few weeks when more data from the interventions that had been introduced together with more testing results would be available. (1T187-6:19; 1T196:2-4; 1T67:4-20).

Still undeterred in her efforts to secure additional services for J.S., C.S. demanded that the team meet again. (R-8). Ultimately, the Child Study Team, including Ms. Stampler completed and reviewed evaluations of J.S. that demonstrated the existence of a significant learning disability, as well as a discrepancy between her cognitive ability and her I.Q., (1T84:13) The outcome was that J.S. needed significant help in reading comprehension, reading fluency, oral expression and listening comprehension (1T90:15 to 1T91:17).

In an effort to expedite the process, petitioners retained their own independent audiologist as well as a neurologist. (1T92:11 to 1T95:4-16; R-17). The Team agreed to review and utilize these reports as part of its determination. Among other things, these private reports secured by the family confirmed that J.S. was attempting to overcome the existence of dyslexia and auditory processing disorder. (J17,21) Needless to say, C.S. was disturbed that the District had ignored signs of these learning challenges sooner, and it was not until the end of first grade when an IEP was offered. (T5P176-177) and even with these findings, the District had to be pushed to offer an Extended School year program to J.S. during the summer between first and second grade. (T5P 194:22-24).

The next witness called by the District was Johanna Greco, the learning disabilities teacher consultant who was qualified as an expert in the field of special education. She supported the process that initially did not result in the implementation of an IEP until May of 2017. (2T8:11-16; 2T99:20-25). Like Ms. Stampler, she explained that many students who receive interventions under and I&Rs process do not necessarily need more services and do not have a disability. (2T95:15-19; 2T104:1 to 105-5:6).

During her testimony, Ms. Greco confirmed that J.S. scored in the low range of phonemic awareness, reading fluency, reading comprehension and vocabulary skills.

(2T15:9-13; 2T15:25-16.1; 2T15:20-21 and R-12). Ms. Greco went on to confirm that the testing revealed that J.S. had limited understanding of grade or age appropriate math application tasks, spelled words in a laborious and non-automatic manner, read passages very slowly, struggled with application of syntactic and semantic use, solved calculation problems slowly. (2T120:5-121:9).

However, Ms. Greco candidly admitted that despite the fact that she was the District's Learning Disabilities Coordinator, she was not responsible for monitoring J.S.'s progress during 2nd grade. She confirmed that throughout 2nd grade, she never observed J.S. in the classroom, and she was not included in the May 2018 IEP meeting. Not surprising, she has responsibility for approximately 70 special education students, an admittedly heavy caseload. (T2P54L1-6; T2P34I2T2P139-141L24-L4;T2P226L4-11).

The rest of the testing confirmed what J.S.'s mother C.S. suspected all along, and yet had a hard time convincing District officials; that despite the lack of cognitive or other physical challenges that would be self-evident, J.S. had severe multiple learning disabilities, the cumulative effect of which required immediate attention. (J-12,13,14 and 44) There was extensive testimony and documentation about the Child Study Team testing results, (T2P105L3-6).

Without citing every single detail and document, the results revealed a reading level in the 4th percentile; letter-word identification in the 4th percentile; with performance in this area in the low range, making it nearly impossible for J.S. to perform these tasks; her word attack skills were in the 7th percentile (J-14) her broad reading skills were at the 2nd percentile, making it nearly impossible for her to perform broad reading skills.

A troubling pattern emerged in several other areas as well with similar low percentile numbers, including but not limited to reading fluency, reading comprehension, passage comprehension, oral reading, and recall, reading rate and applied problems needed for math. In each of these categories, the testing results revealed very low to very low scores scores only ranging from the 1st to the 6th percentile, making performance in these areas extremely limited to nearly impossible. (J-12,13,14, 44)

Now almost two thirds of the way through 1st grade, a year ahead in chronological age of her peers, and having been identified by trained teachers as early as kindergarten that J.S. needed significant help, the combined scores and test results together with the observations and opinions of at least four teachers raised several questions for petitioners as to why the District did not identify the need to test J.S. sooner and put supports in place to help her start to overcome her significant challenges. (T1P216L11-12); (T1P226L2-11).

In addition to her multiple reading challenges, the test results also revealed similar poor results in J.S.'s oral language skills: Oral language skills produced a score in the 4th percentile; and test results for understanding directions oral comprehension sentence repetition, oral expression and listening comprehension all fell within the low range demonstrating yet more reasons and questions why the District did not see the need to put significant supports in place for J.S. much earlier.

Once the testing is completed showing a need to put supports in place, Districts have 90 days to prepare an IEP. After a collaborative effort, an IEP was prepared for J.S. on May 16, 2017, just one month before the end of 1st grade. Ms. Greco, who was a member of the team, identified J.S. as needing help in math, language arts and writing. (2T24:14 to 25:8-9). She also recognized the need for a structured literacy component identified as Orton-Gillingham. (2T24:15-20; 2T25:1-7; 2T36:3-13).

It was determined that J.S. would participate in pull-out support for language arts, math, reading and would also receive group speech language therapy. J.S. would learn science and social studies in a general education class. The IEP also included an Extended School Year summer program, the concept of which was to prevent an interruption in educational programming and to promote potentially emerging skills. (J-22).

Approximately ninety (90) days after the initial meeting as allowed by law, on May 16, 2017, the District offered the family an initial IEP., which included Extended School Year (ESY) services, pull-out language arts and math resource classrooms, pull-out supplementary reading instruction and speech-language therapy. (1T112:3 to 1T122:11).

Because of the timing and delays between the I&RS, and the Child Study Team testing, there was only one month left of first grade when the IEP was finalized. In essence, that left no time to see if the support program for J.S. would have a favorable impact where she would showed marked improvement in all of the areas where deficiencies were identified. She was only able to attend part of the ESY program between first and second grade, but petitioners were hopeful that the supports implemented under the IEP for second grade would result in improved performance in all of the areas identified. For reasons unknown, although the IEP called for pull-out resources in the areas previously identified, there were few if any goals with the supports that were put in place.

By way of example, missing from the May 16, 2017 IEP were goals for achievements in reading comprehension, reading, recall, writing, specialized literacy design, and proper word choice. (J-22). And although this was unknown at the time the IEP was created, J.S. would be placed in a large general education class of twenty-six students, an environment that would not help a student like J.S. that was attempting to overcome multiple challenges. (T1P277L23-24)

To address the result of the second grade IEP from May 2017, the District called three teachers, Ms. Lynch, Ms. Axt, and Ms. Moore. From the outset, it was clear to the undersigned that all three of these witnesses were dedicated, concerned and empathetic individuals who were doing their best to help J.S.

Ms. Lynch, the speech-language pathologist has experience working with children like J.S. who have central auditory processing issues and dyslexia. (4T190:13-193-6) Prior to working with J.S., she reviewed the evaluation from St. Barnabas Medical Center which was secured by C.S. The report identified a deficiency in all three neurological areas that make up central auditory processing.

After providing J.S. with speech therapy during second grade, Ms. Lynch testified that she believed J.S. made meaningful progress as a result of the speech language services provided to her. (4T195:8-16). She participated in the monthly meetings with the

child study team, charted J.S.'s progress using the FM system in the classroom and communicated with all three of J.S.'s teachers Ms. Moore, Ms. Lopez and Ms. Axt in an effort to maximize her learning experience through preferential seating, small group instruction, repeating directions and other modifications necessary to overcome J.S.'s central auditory processing challenge. Based on her experience working with J.S. during the course of the year, Ms. Lynch was of the opinion that the goals and objectives set forth in the May 2017 were appropriate to meet J.S.'s needs. (4T226:1-16; 4T205:7-12); (4T196:10-18).

However, as of March 2018, two months before the next IEP was proposed, Ms. Lynch indicated that J.S. had not achieved any of her goals. Yet by May, just before the next IEP was prepared, in her opinion J.S. had mastered a few of her speech language goals. (4T268:18 to 269:13) It is not clear from her testimony what changed from not meeting any goals in March to mastering a few in May. In her consultations with Ms. Axt and Ms. Lopez, she was told that J.S. was making similar progress with her reading specialist using Orton- Gillingham, with her math teacher, and on social studies and science tests in the general education classroom. As a result, Ms. Lynch offered an opinion at the conclusion of her testimony that J.S. was making meaningful progress, and the goals and objectives set forth in the May 2018 IEP going into third grade were appropriate. (4T232:10-17; 4T245:1-12; 4T244:7-25).

Also testifying was Ms. Axt, who taught J.S. math in a pull-out class with one other student 45 minutes per day. Ms. Axt was familiar with J.S, having tutored J.S. once a week while she was in first grade. (4T281:2-13; 4T279:12-17) She too was of the opinion that J.S. had made meaningful progress during second grade, even though she was behind grade level. (4T282:18-20.) As a participant in the IEP prepared at the end of second grade in May 2018, Ms. Axt believed that the IEP offered J.S. a free, appropriate education in the least restrictive environment that met J.S.'s needs. (4T298:24-299-3).

Not satisfied with seeing measurable progress, and with her still struggling, petitioners engaged the services of Marissa Brunner, who testified as an expert witness in the areas of Speech Language pathology and Language Based Learning Disabilities. (T3P43L13-22). In her opinion, based on objective testing results, comparison of testing

over time, observation of J.S., the District's educational program did not meet J.S.'s needs.

In addition to the aforementioned expertise, Ms. Brunner also holds a degree in Audiology, and received training in auditory processing disorder, a condition where an individual can hear, but is not able to process what they are hearing. (T3P10L12-14).

Ms. Brunner's comprehensive evaluation included an assessment of her reading, spelling, reading comprehension and writing skills. ((J-31); (T3P50L14016). She reviewed the District's educational testing from the prior year, so she could gauge progress from first to second grade. (T3P53L13-23). She concluded that J.S. had severe oral language deficits, that she was reading at the 4th percentile, and her reading fluency was nearly non-existent. (T3P58L11-25). Ms. Brunner noted that the second IEP itself, indicated that "the essential skills, of reading, fluency and comprehension posed a challenge." (J-22). Upon learning that J.S. faced multiple challenges of auditory processing disorder and dyslexia, Ms. Brunner was not surprised to see her poor performance in these areas, and she opined that the District's special education program and IEP did not adequately address J.S.'s need. (T3P69L2).

With deficits in all the essential areas of reading as referenced in the District IEP, Ms. Brunner also testified that the 30 minutes of Orton-Gillingham instruction J.S. was receiving was insufficient, as well as the fact that this type of instruction was not carried over to J.S.'s other classes. (T3P78L14-23) In addition, in J.S.'s general education class of twenty-six students, there was no special education teacher in the room on a daily basis to help J.S. apply the strategies she was being taught in the pull-outs and apply it to the general education areas. (T3P887-88L23-8). Finally, Ms. Brunner also indicated that the IEP did not contain any multi-sensory writing instruction. (T3P87L2-19)

Ms. Brunner also found the District's IEP deficient in other areas. With only two group speech language therapy sessions per week, and with J.S. scoring in the low 3rd percentile in this area, she found the IEP deficient for J.S.'s speech language needs.(T3P98L2-14) (T3P99L1-16). Other missing areas from the IEP included word retrieval, narrative skill development and verbal expression organization. (T3P170L1-

4;T3P172L11-16;T3P174L16-18). As for her general education learning in social studies and science, Ms. Brunner indicated there were a lot of oral receptive language demands that J.S. simply did not have the skills to meet and which were not addressed in her IEP. ((T3P103-104L21-21). She further noted that J.S. was in a large general education class of twenty-six students, which was not conducive to implementation of the skills necessary to overcome her multiple learning deficiencies. ((T3P188-189L1-6) Although it seems evident that Ms. Moore, the classroom teacher did her best to cope the size of the class, efforts to add another section which would have benefited J.S. were unsuccessful. (T5P203-204L12-12). (T3P130L5-21).

Similar reservations about J.S.'s performance in math, and the District's approach to improving her skills in this area were also found insufficient by Ms. Brunner. Her numerical operations skills was deemed to be at level 2.0. Her math fluency was deemed to be at level 1.0. Indeed, it was evident that the end of 2nd grade, J.S. was also struggling so much in math that she was unable to work independently. (T4P288L3-11; T2P172L7-11).

Tests conducted by Ms. Brunner that towards the end of second grade, and with another IEP offered, J.S. was struggling to read still at first grade level, her reading decoding was in the 1st percentile, her sight word reading was at the 4th percentile, and her reading comprehension was at the 2nd percentile. (J-31) Accordingly, in her expert opinion, J.S.'s reading and writing had failed to progress. And the District's preferred method of reading instruction through a program entitled " Readers Workshop" was insufficient to meet J.S.'s needs. (T3P260261L18-16).. Simply put, J.S. needs more intensive instruction than the District is offered through the IEP. (T3P176L16-21).

And through the second proposed IEP, the same methods of instruction in the general education classes was proposed, as the District admittedly had no alternative placement available for J.S. Indeed, in Ms. Brunner's opinion, with a heavy reading component required for general education in the third grade, J.S. would continue to struggle. (T3P132L14;T1P272-273: J-22,T2P288L2T2P311L6-9). She also expressed surprise that given all of J.S.'s challenges, the District did not honor petitioners'

request for J.S. to attend ESY for the summer between second and third grade. (T5P70L-5-10;2-13;J-30).

After thorough review of the District's test results, J.S.'s report cards, personal observation and her own testing, Ms. Brunner reached the conclusion that the IEP was deficient in several areas, including but not limited to its failure to incorporate goals for reading fluency, reading comprehension and writing. Also omitted was an proposed method to deal with J.S.'s poor self-esteem as a result of her own recognition that she was doing poorly compared to her peers. (T5P69L5-13). Essentially, Ms. Brunner determined that the goals in the IEP for third grade were incomplete and did not meet J.S.'s educational needs. (J-30).

On cross-examination, the District attempted to minimize Ms. Brunner's test results, due to fatigue by J.S., as well as the fact that Ms. Brunner did not devote sufficient time to personal classroom observations of J.S.

The final witness called by the District was Debra Huffman, the Supervisor of Special Education, who also was qualified as an expert in the field of special education. All the child study teams from preschool to grade level 5 throughout the District reported to Ms. Huffman. (5T5:12-6:2-6; 5T20;1-3) She too was a credible and forthright witness, and appeared to care about J.S. and did not take any deliberate actions to hurt her.

In an effort to explain the delays in testing and implementation of services for J.S., Ms. Huffman stated there was a process the District was required to follow. Citing the Code, general interventions must only be implemented backed by specific data, and the student's response to an initial intervention must be tracked before a determination is made if further testing is warranted. (5T17;22-18-6) She candidly admitted that even J.S.'s teachers were concerned that their recommendation for a referral would be met with resistance. (5T16;4-23). She defended the actions of the Child Study team because they lacked pertinent information. (5T19:10-17) Although not identified, the Child Study Team suspected that there were other factors impacting J.S.'s performance in school. (5T17:15-18-21). Because the Code provides that unless other variables could be ruled out, it is not appropriate to suspect a disability. (5T22:6-25).

As an example of other possible factors contributing to J.S.'s struggles, she cited the number of teachers J.S. had between kindergarten and first grade (5T22:6-25; 5T17:15-18-21). This is but one of the factors that while finding this witness to be genuine and credible, caused the undersigned to give less weight to her testimony since the rotation of teachers was out of J.S.'s control and with an ultimate determination that J.S. has auditory processing and dyslexia challenges should have been addressed by the District much sooner than it was.

And after some delay in including ESY to J.S.'s first IEP, Ms. Huffman explained that ESY is limited to students whose challenges are so severe, they will regress and to avoid regressing as a new school year is started beyond that which is expected of a typical student. (5T29:1-5;5T28:18-2). Petitioners were told although ESY would be offered for the Summer between first and second grade, they should not expect it every year, because the child Study team would rely on a different set of data to determine if ESQ should be offered again. ((5T32:13-20).

As it turned out and predictably, ESY was not offered with the second IEP despite pleas from petitioners because the team determined that J.S. was making progress and there was no evidence of regression or a problem with an emergent skill. (5T18;2-20.

As to the issue of the general education classes, Ms. Huffman found that the decision of the Child Study team to leave J.S. under the same circumstances in social studies and science was sound because the Code calls for children to learn in a least restrictive environment. (5T46:1-9). She did not believe that J.S. would be adversely impacted by a class size of 26 because in her words "that is not where the goals and objectives were highly academic." (5T114:11to115-15).

Ms. Huffman was candid and forthright with her testimony, and did her best to defend the actions of other District officials. However, her testimony, albeit presented in a credible manner, is given less weight by virtue of the fact that it seemed eminently clear from the testimony of other witnesses, Ms. Brunner and J.S.'s mother, that it should have been clear to all involved much earlier that a full Child Study team review was warranted,

that even with pull-out resources in second grade J.S. was not showing significant improvement, and that to prevent further regression going into third grade, the District should have offered ESY again to J.S.

The final witness was C.S., J.S.'s mother. Understandably emotional at times, she recounted the struggles she observed J.S. go through in school, even from the start of pre-school. She recounted the physical and emotional illness she observed in J.S. as a result of stress and anxiety from being unable to perform her schoolwork. (5T148:3-150-17) She sought private evaluations which confirmed the existence of dyslexia and auditory processing issues. (5T182;20-185-1). She confirmed J.S.'s difficulty with math (5T189:9-25). In November of second grade, with the first IEP in place, she expressed concern to J.S.'s principal that her general studies class size was too large (twenty-six), and that the District could have considered adding a third class. (5T204:23) She was told because it was after October, the District would not do so. (5T204:23tp205-16). It was not until more than midway through second grade, that the District assigned a paraprofessional to share both second grade classes to assist in managing the class. (5T206:11-25 to 207:1-24).

C.S. continued to share her concerns about J.S.'s lack of progress with reading, math homework, speech and language. (5T216;17-217-6) (5T217:9-21). When presented with the second IEP in May 2018, there were essentially no changes from the first one, with the exception that ESY was not being offered for the Summer between second and third grade. Upon receipt of Ms. Brunner's report that recommended more robust services including another session of ESY, C.S. forwarded it to the District and requested that Ms. Brunner's recommendations be included in the new IEP and ESY be offered. She also gave the District notice of her intention to unilaterally place J.S. at the Craig School for ESY because she did not expect the District would reconsider. The letter also advised she would be filing for due process, invoked 'stay put.'" (5T222:17 to 223-6 (5T222:1-10). With no response forthcoming from the District. C.S. went ahead and enrolled J.S. for ESY at Craig School at a cost of \$2,000. As to the other IEP issues, a mediation conference with the District was held on July 19, 2018, and a settlement conference was conducted on August 9, 2018. Neither of these sessions resulted in a resolution, so C.S. went ahead with her plans on notice to the District that she was

enrolling J.S. for third grade at the Craig School where she pays \$3,862 a month plus transportation costs. (5T250;2-12).

According to C.S. she has seen great improvement by J.S. in all the areas she was previously struggling.

FINDINGS OF FACT

1. J.S. is a third-grade student at the Craig School, a private school which specializes in meeting the educational needs of students with learning disabilities.
2. While in pre-school, J.S. showed early signs of multiple language and learning disabilities.
3. At the recommendation of her pre-school teachers, Petitioners withheld J.S.'s enrollment in kindergarten to allow for an additional year of learning pre-academic skills.
4. Almost immediately, J.S. showed continued signs of struggling with reading skills in kindergarten.
5. Parsippany school district officials did not make a referral for possible intervention while J.S. was in kindergarten.
6. Petitioners were advised in March 2016 that J.S. would receive Basic Skills Instruction in reading and math upon entering first grade.
7. While in first grade, J.S.'s teachers reported she could not read sight words, sound out words and her spelling and reading comprehension was impaired. From kindergarten and first grade J.S. went through a rotation of teachers due to pregnancy leaves, thus leading to some inconsistency in her learning process.
8. J.S. struggled with her assignments at home, evidencing symptoms of anxiety about completing schoolwork including but not limited to frequently throwing up at night throughout first grade. When seen by a medical doctor, no signs were present of a physical problem.
9. For reasons unknown, District officials delayed an I&RS review of J.S. while she was in first grade. She continued to fall further behind in her schoolwork and failed to develop the requisite skills necessary for reading, math and other academic areas of instruction.

10. After several failed attempts to secure involvement by the Child Study Team, in February 2017, J.S. underwent an evaluation.
11. Remarkably, despite comments by her teachers and Petitioners concerning her struggles, the initial finding by the team was that no intervention or classification was warranted, and J.S. was not in need of further services.
12. After continued advocacy by petitioners, specifically C.S., the Child Study Team met again in February 2017 and finally saw the need for further intervention. Among other things, the outcome after further review was that J.S. needed significant help in reading, reading comprehension, reading fluency, oral and listening comprehension and math.
13. Taking the 90 days to come up with a plan as allowed by law, in May 2017, with one month left in first grade, the team developed an IEP for J.S.
14. Although not initially included in the first IEP, C.S. successfully sought the inclusion of an Extended School year (ESY) during the Summer of 2017 so J.S. would not regress further. C.S. was told by the Director of Special Services not to expect this again, as there is a yearly evaluation of whether it should be offered.
15. The IEP at the end of first grade called for pull out language, reading speech and math resources. Social Studies and Science would be taught in a general education class to maintain the District's obligation to keep her in a Least Restrictive environment. What C.S. was not told was that the District would only be offering two second grade classes in J.S.'s school, thereby placing her in a class of twenty-six students.
16. Seeking to address further deficits J.S. was experiencing in school and at home, petitioners engaged the services of an independent audiologist and neurologist.
17. The results of these studies confirmed the existence of auditory processing disorder and dyslexia. The results of these studies were shared with the District and school officials and teachers.
18. The District's Learning Disabilities Teacher Consultant confirmed that J.S. scored low in the areas of phonemic awareness, reading comprehension vocabulary and age appropriate math tools.
19. The results of the Child Study team testing also revealed low scores across the board in letter-word identification, word attack skills, broad reading skills, reading fluency math attack skills and general oral language skills.

20. The IEP that was offered at the end of first grade was implemented by three teachers in second grade; Ms. Lynch, Ms. Axt and Ms. Moore. It was clear from their testimony that they genuinely care about J.S. and did their best to help her improve her learning skills in their respective areas. However, the progress each of them discussed is in direct contravention of the daily observation of J.S.'s mother, as well as Petitioner's expert Ms. Brunner.
21. Ms. Brunner, the expert retained by the family put J.S. through a rigorous amount of testing. The results showed towards the end of second grade with almost a full year with an IEP that J.S. still had severe oral language deficits, she was reading in the 4th percentile and her reading fluency was non-existent.
22. Ms. Brunner was also troubled that J.S. was placed in a general education class of twenty-six students for science and social studies, and it was only mid-year, after parents complained about the size that a paraprofessional was added.
23. Other test results by Ms. Brunner revealed a lack of numeric operations skills and math fluency. Towards the end of second grade, J.S. was still reading at a first-grade level and remained in a very low percentile for reading decoding, sight word reading comprehension and writing. It is undisputed that going into third grade, more is expected of students in all of these areas as demands on comprehension and subject matter understanding become more important and a certain minimum level of skills is expected by teachers. I **FIND** C.S.'s testimony to be credible and unbiased as the mother of a second-grade student who was genuinely concerned about her daughter's lack of progress in several critical areas of learning, and as the individual who saw the struggles her daughter was going through every evening and weekend. Her observations were confirmed by the report and testimony of Ms. Brunner, who while serving as an expert hired by petitioners to advance their position, I deem very credible. She did not seek to criticize J.S.'s teachers, rather, she identified several areas where J.S. continued to underperform, and without a more robust intervention, would fall further behind.
24. As the end of second grade approached, in May 2018, another IEP was prepared for J.S. Citing the progress that teachers believed J.S. had made, this one virtually mirrored the first IEP with the exception of not offering ESY. When pressed on this request, this service was denied, and Petitioners started the process of enrolling

- J.S. for ESY at the Craig School on notice to District officials. It is undisputed that the Craig School was a valid placement and a recognized school.
25. Stay put was invoked, and the District was also put on notice that if additional recommendations made by Ms. Brunner were not added to the second IEP, petitioner would enroll J.S. at the Craig School for the next school year.
 26. With no further response to this request, and mediation and settlement conferences failing, Petitioners did just that.
 27. C.S. reports that J.S. has thrived at the Craig School, and while she still has challenges from auditory processing and dyslexia, her skills in all deficiency areas have improved.
 28. Ironically, after the decision was made to enroll J.S. outside the District, a third class was added for third grade by the District which has fifteen students instead of twenty-six. This was not communicated to petitioners while negotiations ensued over the second IEP.
 29. I **FIND** that both prongs of the unilateral placement were met by petitioners in that they gave proper leave notice to the District of their intention, and they acted reasonably in effecting the placement after discussions with the District failed. As such, I **ORDER** petitioners are entitled to full reimbursement of their placement cost at Craig, including but not limited to tuition and travel expenses.
 30. I further **FIND** that the District violated FAPE under IDEA and under Section 504. Therefore, entitling them to reimbursement of all cost related to the private evaluations and expert witnesses identified herein. As such, I further **ORDER** that petitioners be reimbursed for these expenses. I further **FIND** and **ORDER** that J.S. is entitled to remain at the Craig school for the next school year under the provision of her IEP as I **FIND** this program is appropriate and is permitting J.S. to experience significant learning and meaningful educational benefit.
 31. I also **FIND** that even if the District was willing to change the IEP to allow J.S. to return to the District, it does not seem to have the necessary staff or programming to meet her needs at this time.

LEGAL ANALYSIS AND CONCLUSIONS

The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400–1482, ensures that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living, and ensures that the rights of children with disabilities and parents of such children are protected. 20 U.S.C. § 1400(d)(1)(A), (B); N.J.A.C. 6A:14-1.1. A “child with a disability” means a child with intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities, and who, by reason thereof, needs special education and related services. 20 U.S.C. § 1401(3)(A). J.S. has been diagnosed with autism and classified as a preschool child with a disability.

States qualifying for federal funds under the IDEA must assure all children with disabilities the right to a free “appropriate public education.” 20 U.S.C. § 1412(a)(1); Hendrick Hudson Cent. Sch. Dist. Bd. of Educ. v. Rowley, 458 U.S. 176 (1982). Each district board of education is responsible for providing a system of free, appropriate special education and related services. N.J.A.C. 6A:14-1.1(d). A “free appropriate public education” (FAPE) means special education and related services that (A) have been provided at public expense, under public supervision and direction, and without charge; (B) meet the standards of the State educational agency; (C) include an appropriate preschool, elementary school, or secondary school education in the State involved; and (D) are provided in conformity with the individualized education program required under 20 U.S.C. § 1414(d). 20 U.S.C. § 1401(9); Rowley, 458 U.S. 176. Subject to certain limitations, FAPE is available to all children with disabilities residing in the State between the ages of three and twenty-one, inclusive. 20 U.S.C. § 1412(a)(1)(A), (B).

An individualized education program (IEP) is a written statement for each child with a disability that is developed, reviewed and revised in accordance with 20 U.S.C. § 1414(d); 20 U.S.C. § 1401(14); 20 U.S.C. § 1412(a)(4). When a student is determined to be eligible for special education, an IEP must be developed to establish the rationale for

the student's educational placement and to serve as a basis for program implementation. N.J.A.C. 6A:14-1.3, -3.7. At the beginning of each school year, the District must have an IEP in effect for every student who is receiving special education and related services from the District. N.J.A.C. 6A:14-3.7(a)(1). Annually, or more often, if necessary, the IEP team shall meet to review and revise the IEP and determine placement. N.J.A.C. 6A:14-3.7(i). FAPE requires that the education offered to the child must be sufficient to "confer some educational benefit upon the handicapped child," but it does not require that the school district maximize the potential of disabled students commensurate with the opportunity provided to non-disabled students. Rowley, 458 U.S. at 200. Hence, a satisfactory IEP must provide "significant learning" and confer "meaningful benefit." T.R. v. Kingwood Twp. Bd. of Educ., 205 F.3d 572, 577-78 (3d Cir. 2000).

The Supreme Court discussed Rowley in Endrew F. v. Douglas County School District RE-1, __ U.S. __, 137 S. Ct. 988 (2017), noting that Rowley did not "establish any one test for determining the adequacy of educational benefits" and concluding that the "adequacy of a given IEP turns on the unique circumstances of the child for whom it was created." Id. at 996, 1001. Endrew F. warns against courts substituting their own notions of sound education policy for those of school authorities and notes that deference is based upon application of expertise and the exercise of judgment by those authorities. Id. at 1001. However, the school authorities are expected to offer "a cogent and responsive explanation for their decisions that shows the IEP is reasonably calculated to enable the child to make progress appropriate in light of his circumstances." Id. at 1002.

In Lascari v. Ramapo Indian Hills Reg'l Sch. Dist., 116 N.J. 30, 46 (1989), the New Jersey Supreme Court concluded that "in determining whether an IEP was appropriate, the focus should be on the IEP actually offered and not on one that the school board could have provided if it had been so inclined." Further, the New Jersey Supreme Court stated:

As previously indicated, the purpose of the IEP is to guide teachers and to insure that the child receives the necessary education. Without an adequately drafted IEP, it would be difficult, if not impossible, to measure a child's progress, a measurement that is necessary to determine changes to be made in the next IEP. Furthermore, an IEP that is incapable of review denies parents the opportunity to help shape their

child's education and hinders their ability to assure that their child will receive the education to which he or she is entitled.

[Id. at 48-9. (citations omitted).]

In accordance with the IDEA, children with disabilities are to be educated in the least restrictive environment (LRE). 20 U.S.C. § 1412(a)(5); N.J.A.C. 6A:14-1.1(b)(5). To that end, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are to be educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment should occur 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. § 1412(a)(5)(A); N.J.A.C. 6A:14-4.2. The Third Circuit has interpreted this to require that a disabled child be placed in the LRE that will provide the child with a “meaningful educational benefit.” T.R., 205 F.3d at 578. Consideration is given to whether the student can be educated in a regular classroom with supplementary aids and services, a comparison of benefits provided in a regular education class versus a special education class, and the potentially beneficial or harmful effects which placement may have on the student with disabilities or other students in the class. N.J.A.C. 6A:14-4.2(a)(8).

The District contends that it provided FAPE to J.S in the least restrictive environment. Conversely, petitioners contend that the District’s proposed program was not appropriate to meet J.S.’s individualized needs and would not provide J.S. with a FAPE. The District bears the burden of proof and the burden of production whenever a due process hearing is held pursuant to the provisions of the IDEA. N.J.S.A. 18A:46-1.1.

Notably, the witnesses from both sides do not significantly disagree on J.S.’s present levels of achievement and functional performance. Yet, there are several overriding factors that J.S. is not receiving FAPE.

The record is replete with evidence that during the summer in between second and third grade J.S, given the District’s views the J.S. was making reasonable progress, she would have benefited from enrollment in the District’s Summer 2018 ESY Program, so as

to avoid regression that so many students face, many of whom do not have the same challenges J.S. has, including but not limited to auditory processing disorder and dyslexia. upon entry into third grade would have benefited from a a one-to-one aide. The IEP that was offered did not address these issues. And having struggled with being in a second-grade general education class of twenty-six students, she also would have benefited from a smaller class size, even if it was not as small as the one she enrolled in at the Craig School. Again, given the challenges of being in a large second grade class, the second IEP that was offered was silent on this issue as well. I further **CONCLUDE** that with these and other issues discussed above not included in the second IEP, petitioners were well within their rights to make the determination that J.S. should be enrolled at the Craig School, effective Summer 2018. (Ironically, well after after J.S. left the District, a third section was added for third grade which had a maximum of fifteen students)

The continuation of an out-of-school placement after determining a District did not provide a student with FAPE is well-established: see M.F. and L.F. o/b/o N.F. v. Secaucus Board of Education EDS 10762-06 (2007) see also: D.B. and C.B. o/b/o D.B v Windsor Twp. Board of Education EDS 933-11 (2011). Each of these cases resulted in an award of reimbursement to petitioners for all charges and expenses related to the unilateral placement of a student in another school.

Several of the goals and objectives in the IEP were not appropriate because J.S. lacked the prerequisites for those goals and the criteria for mastery did not require independent mastery and therefore were not appropriate to establish meaningful progress. I **CONCLUDE** that the District was well represented by Mr. Harrison, who presented a thorough case and was a zealous advocate for his client. But after consideration of all the testimony and evidence, I **CONCLUDE** that the District did not sustain its burden that J.S. was receiving FAPE in the Least Restrictive Environment, and that J.S. rights under Section 504 were violated. I therefore **CONCLUDE** that Petitioners, who also were represented by Ms. Gaines in a thorough and professional manner, are the prevailing party in this matter.

That said, the evidence does support that the District's proposed program and IEP leading into third grade for the 2018-19 were not appropriate for J.S. Moreover, with all

the documented challenges J.S. was facing, the denial of ESY for the summer between 2nd and 3rd grade was also improper.

Based upon the testimony and documentary evidence, I **CONCLUDE** that the District's IEP was not appropriate to meet J.S.'s educational needs for the 2018-19 school year, and did not provide her with a FAPE. Parsippany-Troy Hills is a large school district. As set forth in the testimony, there are ten elementary schools. The undersigned does not believe that district officials deliberately set out to deny J.S. FAPE, and an education is a Least Restricted Environment. It was obvious throughout the proceeding that all of the teachers and district officials who testified are dedicated professionals who cared about J.S.

Nonetheless, I **CONCLUDE**, that the cumulative effect of the delay in the decision to move forward with I&RS, the delay in the decision with a Child Study Team Review, the initial reluctance on the part of the District following the Child Study Team review to classify J.S. as a student in need of services; the decision to only provide two second grade classes at J.S.'s school which led to her being in a general education class for science and social studies with twenty-six students, and the denial of the request and failure to include in the second IEP the opportunity to participate in Extended School Year (ESY) between second and third grade is sufficient to constitute a denial of FAPE as well as a violation of J.S.'s Section 504 rights.

I **DO NOT REACH THE SAME CONCLUSION** that FAPE was denied for the 2016-2017 school year, as there was insufficient information available and as a matter of fairness to the District, an insufficient amount of time to evaluate the results of the first IEP as it was only put in place with a month to go in the first-grade school year.

Unsatisfied with the IEP offered for 2018-2019 third grade school year, the parents unilaterally placed J.S. at the Craig School. Craig is a center-based program with small classes and one-on-one attention for students like J.S.

The credible testimony and the documentation from Ms. Brunner and C.S. reflect that Craig's program was appropriate for J.S. and allowed her to make meaningful educational progress. The District failed to provide J.S. with a FAPE and I **CONCLUDE**

that it was reasonable for petitioners to unilaterally place J.S. at the Craig School for the summer session 2018 and for the 2018-19 school year.

Pursuant to 20 U.S.C. § 1412(a)(10)(C)(i), and subject to 20 U.S.C. § 1412(a)(10)(A), a local education agency is not required to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if that agency made FAPE available to the child and the parents elected to place the child in such private school or facility. See also N.J.A.C. 6A:14-2.10(a). However, if the parents 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 has not made FAPE available to the child in a timely manner prior to that enrollment. 20 U.S.C. § 1412(a)(10)(C)(ii); see also N.J.A.C. 6A:14-2.10(b). When a state fails to provide a free appropriate public education, it must reimburse parents for resulting private school costs. See T.R., 205 F.3d at 577 (citing Sch. Comm. of Burlington v. Dep't of Educ., 471 U.S. 359, 370 (1985)). Such reimbursement is subject to limitation as set forth in 20 U.S.C. § 1412(a)(10)(C)(iii).

The New Jersey Supreme Court has also addressed the issue of reimbursement in Lascari as follows:

We are sensitive to the possibility that parents may select a private school that affords their child an education that is more elaborate than is required. Conceivably, parents might select a boarding school even though a day program would furnish their child with an appropriate education. It would be anomalous, however, to recognize the parents' right to reimbursement, but to deny completely that right merely because they selected a school that furnished an education beyond that which the district is obliged to offer. See Alamo Heights Indep. School Dist. v. State Bd. of Educ., 790 F.2d

As set forth above, the District failed to provide J.S. with a FAPE for the 2017-2018 school year. Having reviewed the criteria for reimbursement, I **CONCLUDE** that the District should reimburse petitioners for the cost of J.S.'s placement at the Craig School, including transportation, for the Summer of 2018 to attend the Craig School ESY Program, which was

not offered by the District, and for the 2018-2019 third grade school year at the Craig School.

ORDER

Based on the foregoing, it is hereby **ORDERED** that certain relief sought by petitioners is **GRANTED**, with the exception for the request for compensatory education reimbursement. Specifically, it is **ORDERED** that the District reimburse petitioners for the costs of J.S.'s placement at the Craig School including tuition and transportation, for the 2018-2019 school year, beginning on September 1, 2018, and for the summer ESY Program at the Craig School, beginning on or about June 20, 2018. It is further **ORDERED** that petitioners are also entitled to be reimbursed for the costs of Ms. Brunner's services, including but not limited to her testing, reports and testimony. Reimbursement is also **ORDERED** for the private neurological and audio reports. No compensation is Ordered for compensatory education as there is no way for the undersigned to evaluate the need for same, and it appears J.S. is already receiving the services she needs through the cost of tuition at the Craig School.

It is further **ORDERED** that petitioners and the District should meet within thirty days of this decision or as soon as practical to create an IEP for J.S. to reflect her continued placement at the Craig School for the 2019-2020 school year, if the family wishes to continue her enrollment there.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2018) and is appealable by filing a complaint and bringing a civil action either in the Law Division of the Superior Court of New Jersey or in a District Court of the United States. 20 U.S.C. § 1415(i)(2); 34 C.F.R. § 300.516 (2018).

June 19, 2019

DATE

mm



ANDREW M. BARON, ALJ

APPENDIX

Witnesses

For Petitioners:

C.S.

Marissa Brunner

For Respondent:

Sarah Stampler

Johanna Greco

Christina Lopez

Carolyn Lynch

Andrea Axt

Rosemary Moore

Debra Huffman

Exhibits

Joint

- J-1 Petition for Due Process, dated May 25, 2018
- J-2 Answer, dated June 7, 2018
- J-3 Amended Due Process Petitioner, dated August 20, 2018
- J-4 Answer to Amended Due Process Petition, dated August 22, 2018
- J-5 Morris Medical Center Discharge Instructions, dated November 24, 2016
- J-6 Letter to CST, dated January 19, 2017
- J-7 Initial Identification and Evaluation Planning-Proposed Action, dated February 2, 2017
- J-8 Email to A. Giordano, dated February 13, 2017
- J-9 Meeting Sign-In Sheet, dated February 14, 2017
- J-10 Initial and Identification and Evaluation Planning-Proposed Action, dated February 21, 2017
- J-11 Consent for Initial Evaluation, dated February 28, 2017

- J-12 Initial Educational Evaluation, dated March 7, 2017
- J-13 Woodcock Johnson IV Score Report, dated, March 7, 2017
- J-14 WJ-IV Protocols, dated March 7, 2017
- J-15 WISC-V Protocols, dated March 22, 2017
- J-16 Consent for Additional Assessment, dated March 23, 2017
- J-17 Audiological and Auditory Processing Evaluation, dated March 30, 2017
- J-18 Psychological Evaluation, dated March 31, 2017
- J-19 Social Assessment, dated April 4, 2017
- J-20 Letter to case manager, dated April 19, 2017
- J-21 Advocare Comprehensive Neurology Report, May 11, 2017
- J-22 IEP, dated May 16, 2017
- J-23 Parental concerns, dated May 16, 2017
- J-24 Email to CST, date May 18, 2017
- J-25 Email chain, June 7th-December 2017
- J-26 Occupational Therapy Observation and Consultation, June 5, 2017
- J-27 2016-2017 ESY Student Progress Indicators, dated June 29, 2017
- J-28 New Jersey Dyslexia Handbook, dated September 2017
- J-29 The Craig School Registration Form/Summer Program, February 14, 2018
- J-30 IEP, dated May 14, 2018
- J-31 Comprehensive Language Evaluation, dated May 16, 2018
- J-32 Letter to Board Solicitor, dated May 21, 2018
- J-33 Letter to E. Harrison, dated June 20, 2018
- J-34 Unilateral placement letter, dated July 19, 2018
- J-35 Counsel's response to unilateral placement letter, July 20, 2018
- J-36 Parsippany-Troy Hills attendance records
- J-37 Parsippany-Troy Hills report cards
- J-38 Parsippany-Troy Hills goals and objectives progress reports
- J-39 INTENTIONALLY LEFT EMPTY
- J-40 WRMT-III, dated September 13, 2018
- J-41 WIAT-III, dated September 17, 2018
- J-42 Progress to College and Career Report, dated October 18, 2018
- J-43 Craig School information packet
- J-44 Woodcock-Johnson IV Reports, Recommendations, and Strategies

- J-45 Craig School Program Description and Analysis
- J-46 Craig School student schedules 2018-2019
- J-47 CV – Andrea Axt (sped 17-18)
- J-48 CV – Marisa Brunner
- J-49 CV – Kathleen Cash (CM 17-18)
- J-50 CV – Victoria Chomut (LCSW)
- J-51 CV – Anthony Giordano
- J-52 CV – Johanna Greco (LDTC)
- J-53 CV – Deborah Huffman
- J-54 CV – Christina Lopez (sped 17-18)
- J-55 CV – Carolyn Lynch (ccc-slp)
- J-56 CV – Sarah Stampler (psych, CM 15-16, 16-17, 17-18)
- J-57 CV – Rosemary Moore
- J-58 CV – Maura O’Toole
- J-59 I&RS Action Plan, dated February 7, 2017
- J-60 Case manager notes from Brunner observation, dated May 7, 2018
- J-61 Work samples, 2017-2018
- J-62 Math work, 2017-2018
- J-63 Email and letter from parent, dated July 31, 2018
- J-64 Email from superintendent to parent, dated August 8, 2018
- J-65 CM response to evaluator questions, dated November 2, 2018
- J-66 Miscellaneous emails between CS and staff
- J-67 Pearson reading chart
- J-68 Craig School present levels of performance, dated December 2018
- J-69 CV – Melissa Arnot
- J-70 PTH assessments
- J-71 Sherry Brunner classroom observation and review of education program dated 10/24/18
- J-72 Instructional Level Expectations for Reading Fountas & Pinnell
- J-73 Progress Report for IEP Goals and Objectives 2018-2019 dated November 19, 2018