



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 14185-16

AGENCY DKT. NO. 2017-25030

S.P. AND R.P. ON BEHALF OF N.P.,

Petitioners,

v.

GLASSBORO BOARD OF EDUCATION,

Respondent.

Bradley Flynn, Esq., appearing for petitioners (Montgomery Law LLC, attorneys)

Susan S. Hodges, Esq., appearing for respondent (Parker McKay, attorneys)

Record Closed: February 4, 2019

Decided: March 6, 2019

BEFORE **SUSAN M. SCAROLA**, ALJ (Ret., on recall):

STATEMENT OF THE CASE

The petitioners, S.P. and R.P. on behalf of their child N.P., allege that the respondent Glassboro Township Board of Education (Board or District) failed to provide a free and appropriate public education to N.P. in violation of the Individuals with Disabilities Education Act (IDEA) and the New Jersey Special Education Laws, particularly in sixth, seventh, and eighth grades; failed to provide appropriate individualized education programs (IEP's); failed to provide N.P. with ambitious

programming; failed to provide an adequate amount of homebound instruction; and excluded the parents from the IEP team. Petitioners seek compensatory education and reimbursement of expert fees.

The District contends that N.P. has made meaningful educational progress during the years he attended school within the District, and that it has successfully implemented the provisions of the child's IEP.

PROCEDURAL HISTORY

On August 11, 2016 (after the completion of eighth grade), the petitioners filed a petition for due process. An answer was filed by respondent. The petition was subsequently amended, and an answer was timely filed. The Office of Special Education Programs (OSEP) transmitted petitioners' claim to the Office of Administrative Law, where it was filed on September 22, 2016. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13.

The hearing was held on September 19, and November 15, 2017; February 16, March 19, July 17, and September 25, 2018; and February 4, 2019.¹ The parties, at their request, filed written summations on February 4, 2019.

FACTUAL DISCUSSION

Testimony

For the District:

Laura Krick, a certified school psychologist and N.P.'s case manager, was admitted as an expert in the identification, evaluation, and classification of special-education students and in the development and oversight of IEP's. She has been employed by the District since 1987. She has attended 600–700 IEP meetings and

¹ Earlier dates were offered for hearing, but the parties were not available. Efforts to settle this matter were not successful, the issue of counsel fees demanded by petitioners preventing resolution.

generally oversees fifty-five to eighty-eight children per year. She works as part of the child study team (CST) and performs psychological evaluations during the school year.

N.P. had been deemed eligible for special-education services based on a medical condition, not a learning disability. As a child he had been diagnosed with atopic dermatitis, a severe form of eczema. His placement was home instruction based upon his treating physician's statement. His classification was "other health impaired," as his health issues affected his educational performance.

Krick was familiar with N.P. and was his case manager for seventh and eighth grades, and participated in his IEP meetings for eighth and ninth grades, although she never met N.P. in person.²

The initial eligibility conference in January 2012 was attended by N.P.'s mother. Following the meeting, the District conducted social, psychological, psychiatric, and educational evaluations.

The psychological evaluation conducted by Helen Craig, school psychologist, showed that N.P. had an average IQ of 100 on the Wechsler Abbreviated Scale of Intelligence. His educational evaluation showed that N.P. scored within the average range. The social evaluation, completed by N.P.'s parents, showed that N.P. had poor adaptive behaviors at home. The psychiatric evaluation conducted by Dr. Ricardo Oasin also showed performance in the average range. N.P. was also diagnosed with anxiety disorder (not otherwise specified) and ADHD, for which his medication was effective. The recommendation was for continued medical treatment for the skin condition, outside psychiatric and psychological treatment, and family counseling.

Krick noted that the District does not provide therapeutic treatment or counseling as part of IEP support services, but that social- and emotional-skills support services are offered in the school setting if the child were to attend school.

² Krick had been invited to his sixth-grade annual review for seventh grade, but did not participate.

On March 27, 2012, N.P. was deemed eligible for special-education services as “other health impaired.” N.P.’s parents consented to this classification. Initial placement was home instruction for ten hours per week, including math, language arts, science, and social studies. N.P.’s parents consented.

Since fifth grade (the 2012–2013 school year), N.P. has been on home instruction at the request of his parents, who provided supporting documentation from N.P.’s doctor that home instruction is medically necessary.

For school year 2013–2014 (sixth grade), the ten hours per week of direct home instruction were continued at the parents’ request with medical documentation. A delay of two weeks occurred at the start of the school year for the instruction, but it was rectified quickly, and the hours were made up. Part of the reason for the delay was that the District began to subcontract with K&K Educational Services to provide homebound instructors. Until the instructor was provided by K&K, the District used another certified teacher to provide the instruction. At the end of the school year, N.P. had met his goals and was progressing.

For school year 2014–2015 (seventh grade), an IEP meeting was held in March, and again the parents requested and provided documentation for medical homebound instruction. The District continued ten hours per week of direct home instruction.

At N.P.’s triennial reevaluation meeting in November 2014, the District offered to obtain reevaluations, but the parents did not feel that they were necessary and waived them. The parents again requested homebound instruction based on N.P.’s condition and provided medical documentation.

For school year 2015–2016 (eighth grade), the District again provided ten hours per week of home instruction. A two-week delay at the start of the school year was made up by extending the instruction through June. A new instructor was obtained at the end of the school year, but the parents refused the new tutor and declined the services at the end of the school year. For that school year, N.P. received 346 hours of instruction.

For school year 2016–2017 (ninth grade), the District again provided ten hours per week of home instruction.

In March 2017, the District conducted physical-therapy, occupational-therapy, functional-behavior, and educational evaluations. The physical-therapy evaluation showed that N.P. displayed average body coordination, and physical therapy (PT) was not recommended. The occupational-therapy evaluation showed that N.P. was capable of meeting the demands of his school program and that occupational therapy (OT) was not necessary. N.P. was to use a computer for writing assignments and was to practice fine motor skills as he performed daily household activities. The functional-behavior assessment (FBA) recommended a transition plan to attend high school. The educational evaluation showed that N.P. was average, except for low average in oral expression and listening comprehension. Overall, N.P. was achieving on the appropriate level.

The parents obtained independent physical-therapy, occupational-therapy, and psycho-educational evaluations. The OT evaluation showed that N.P. did not require OT services; the PT evaluation showed that he demonstrated adequate coordination, balance and strength when compared to his peers. The psycho-educational report indicated that N.P.'s IQ was 84, low average. However, Krick noted that this was a different test from the one previously administered and had a timed component requiring N.P. to use paper and pencil, which could have affected the result because of the eczema on his hands.

When medical home instruction is requested and documented by the physician, the district is obligated to provide it. Naturally, the homebound educational experience is not the same as that in a school setting. Other students attending the school cannot be compelled to go to N.P.'s home. However, at all times, N.P. was welcome to attend school classes, activities, and events. A calendar was provided to N.P.'s parents so they were aware of what was happening in the school. N.P. was never excluded from any activity at the school; indeed, the school offered N.P. the opportunity to attend

classes, even on a part-time basis. N.P.'s mother said she would rather wait until N.P. was in high school.

Further, N.P. made meaningful academic progress in school. His grades were mostly A's, with some B's. He is on track to graduate with his class.³ He was instructed with grade-level materials and was taught with the same materials used by the District's general-education students.

Smriti "Gina" Keating was N.P.'s case manager at the high school, and manages between twenty and seventy students per year. She has been at the District for seventeen years and holds a school psychologist certificate in New Jersey. She helps in creating IEP's approximately eighty times per year; she also performs about thirty psychological evaluations per year, and one to three FBA's. She was accepted as an expert in special education.

She became N.P.'s case manager in September 2016 when he went to the high school. N.P.'s instruction is at home, as required by medical prescription. Keating is familiar with him, and has had interactions with N.P.: she completed an FBA and she met him in his home (which is not required). She also saw him when he came in for the IEP meeting, and when he took PARCC tests and the driver's-education course. Keating encouraged him to come to the Renaissance party at the end of the year, which he did with his cousin, who also attends the school. She also spoke regularly with his mother and him, as well as his home instructor, to encourage him to attend activities.

In May 2017, N.P. took a tour of the high school; it was part of his FBA and was to try to get him comfortable in the high-school setting. He met with the nurse, and the teachers doing the home instruction. He has been told about clubs, but he does not want to participate. When he came to school for driver's education, Keating tried to give him space. She did not want to overwhelm him because it could create more anxiety. A couple of days he stayed for lunch and went to Mr. Woods's (his tutor's) class. He has anxiety and feels isolated, and was excited about coming to school.

³ He ranks fourth in his class.

In August 2016, Keating received a letter from K&K Educational Services that said K&K would not be available for home instruction for N.P. in September. As N.P.'s case manager, she had to find another agency or person who could do the instruction. The Board then hired a District employee, who provided the home instruction required. In 2016–2017, N.P. was in ninth grade. The District provided all the hours required, and exceeded that amount by thirty-seven hours. They wanted to be sure N.P. could finish Algebra One, so he went past the last day of school to finish the subject. PARCC testing hours were also added.

A PT evaluation was completed on March 10, 2017, which showed that N.P.'s skills were average or above average. An OT evaluation completed on April 10, 2017, recommended that he use a computer for writing and to work on his fine motor skills. The District offered a laptop, but N.P. used his home computer at his parents' request. OT for school looks at what barriers keep the student from accessing education. To address writing concerns, N.P. can use a computer for all of his assignments. Nothing impedes his access to education.

In doing the FBA, the goal was how to make N.P. more comfortable on his return to school. The District wanted him to be involved in transition. His home instruction would continue, but N.P. was encouraged to attend school or go to activities at the school. N.P. came in for the IEP, he took the PARCC tests at the school, and he took a tour. It was a positive improvement, but he still stayed home.

An educational evaluation by Nancy Moore in March 2017 showed that N.P. was average and consistent with his peers.

The draft IEP for tenth grade (2017–2018 school year) continued the medically required placement of home instruction. The parents agreed at the meeting, but the IEP was not signed by them. Instruction was increased to twelve hours per week to give N.P. additional hours as the materials became more advanced and they wanted to be sure he understood everything. He had two instructors, one for English and music, one for mathematics and history. N.P. also participated in the Educere online program that

provides material supplemented by his teachers, which he can access at any time. N.P. was able to maintain his grade level in English, mathematics, history, music, social studies, and health. He took driver's education at the school and got his permit.

An IEP meeting was held on January 19, 2018, prior to the semester change. N.P. was encouraged to take Spanish and computer-programming classes, which were offered back to back in the school. Transportation to the school was offered. A similar discussion was held so that N.P. would know that he could participate in managing the baseball team, as his doctor would not clear him to play ball. Keating can only propose these activities. It is up to N.P.'s doctor to clear him for school or activities, and for N.P. to decide to join in. In the meantime, he presently receives twelve hours of home instruction per week and is on track to meet graduation requirements.

Keating was aware that Kingsbury tested N.P.'s IQ at 84, which was different from the 100 he had scored in 2012 on the Wechsler Abbreviated Scale of Intelligence. N.P. performed poorly on one of the subtests for processing speed, which could have affected his overall score, given that it was a pen-and-paper test which could be affected by N.P.'s eczema and difficulty in grabbing a pencil. When he was tested in 2017, he had been on home instruction for several years, and lack of exposure to the classroom setting and peer interactions could have impacted performance on verbal comprehension. However, despite this, N.P. has made steady progress and is taking all appropriate grade-level courses.

N.P. is on pace as far as grade level and is scheduled to graduate with his peers. She believes N.P. is making meaningful educational progress. His grades are A's and B's. She cannot ask or compel other students to go to his house, as it is neither practical nor feasible. N.P. receives his instruction after school from 3:00 p.m. to 6:00 p.m., although there can be some flexibility in the schedule depending on the instructors. Home instruction does not bar social interaction; N.P. is welcome at the school at any time, but the District has an obligation to provide instruction in the home as required by the medical professionals.

Social goals were not included in the IEP because N.P. was on home instruction. They are trying to get N.P. to come to school; once he starts there, they would reconvene the IEP meeting in a week or two to add counseling.

The District did not provide PT to N.P. because he is exempt from physical education pursuant to his doctor's orders. Because he does not attend school, he is not eligible for PT, which is considered part of physical education. Once in school, this issue could be addressed if necessary. However, the PT evaluation conducted during the 2016–2017 school year did not show the need for any PT.

The FBA done in April 2017 recommended that N.P. come to school, even if only for one or two periods a day. Part of N.P.'s not going to school is anxiety in social situations related to his physical condition. When he came to school he was covered up. The District cannot force N.P. to come to school when his doctor has prescribed homebound instruction for medical reasons.

N.P.'s ninth-grade IEP included four classes in the first half of the year (English, math, science, and social studies), and four classes in the second half (English, math, health, and computer studies). Modifications were permitted, including the use of a computer and typed responses. While no one disputes that N.P. would do well with classroom exposure, his medical doctor continues to prescribe home instruction, which the District must follow. At any time, N.P. is welcome to come to the school.

Keating reviewed Kingsbury's evaluation from July 2017. N.P. has low processing speed, which can be impacted by pace. Students develop pace when they are around other students who can set the pace of learning. At the time of his evaluation, N.P. was on home instruction, which impacted the pace of his work. He did not have the opportunity to benefit from school due to the required medical home instruction. Similarly, his vocabulary was impacted by home instruction. It is not just teaching instruction, but discussion with students, that informs vocabulary.

For petitioners:

Sevena Sachs worked at K&K Educational Services for fifteen years and provided home instruction to N.P. for two years starting in October 2014 (seventh grade) to June 2016, when he was in eighth grade. She had on-the-job special-education experience with elementary-school, middle-school, and high-school students, but had received no formal training in special education.

N.P. was out of school for severe medical conditions: he had extreme eczema and his whole body was full of itchy rash. He also had asthma. The eczema left him with difficulty in normal functions in his hands. His small motor coordination was very compromised, such as tying his shoes. Particularly in seventh grade, his medical condition would not let him pick up a pencil. He gradually reached the point where he could, but he still had trouble manipulating a pencil or crayon. It could take him two or three times as long to do his work or his homework.

She noted that his social skills were lacking and that he did not seem to be able to understand basic relationships from one person to another, like understanding how children relate to each other. He did not participate in extracurricular activities until eighth grade, when he participated in the dance and graduation.

The District had been late in setting up home programming instruction. Everything was delayed a couple of weeks in seventh and eighth grade, but it should have been scheduled during the summer. She thought those hours were not made up by the end of the school year, as well as time he missed because of illness (more in seventh grade), when he could not concentrate at all. She thought there were ten to fifteen hours that needed to be made up in seventh grade, but N.P. had been working with another tutor before she was assigned.

Sachs asked for the curriculum and was provided books for mathematics, language arts, and reading, plus science for the first semester and social studies for the second. She had to push through the agency to get the books, and used the agency's

curriculum. Sometimes she was given information about the subjects in the curriculum when she reached out to find where the class was in the materials.

She worked with N.P. from middle September 2014 to June 2016. She wanted to work through July to complete seventh-grade work in math, but was not permitted to do so. At the end of eighth grade, the Board asked for someone else to tutor N.P., and they did not want her to finish. At beginning of ninth grade, the mother asked her to assist N.P., which she did, but stopped once the District sent the instructor.

Sachs spoke with Krick, the case manager, once in a while about the IEP, and K&K checked in once a month. Sachs attended the IEP meeting in spring 2015. She was never advised on instruction. The CST focused on math and reading, and Krick asked for information in writing. No one discussed the IEP outside the meetings, and the CST never checked in with her. The CST never asked about N.P.'s anxiety; he needed work in establishing his self-esteem, especially because of the eczema, and, when stressed, his asthma could be provoked.

Sachs reported no problems with N.P.'s mother. She had a positive relationship with N.P. and his family and spoke with them on a regular basis. While working with N.P., she was working with his sister privately on mathematics. She was aware that K&K had problems obtaining tutors willing to go to the house. The first tutor assigned to N.P. in seventh grade had difficulty with the eczema.

Most of the time N.P.'s grading was that which Sachs provided. Any assignments were given to the school, and they used her grades. Sachs handed in grades each month to K&K, and K&K sent them to the school. In eighth grade there were additional forms, and K&K handed them to school district. Her grades did not match the report and had to be changed to be accurate.

Sachs taught three basic subjects: math for four hours, reading and language arts for four hours, and science or social studies for two hours. She believed it was not enough time for these subjects, especially for a child with health needs. This slowed the process, but he had strong support at home. He was trying to catch up because he

was behind in some of his math skills, and she had to catch him up on the subject. He received no art, music, or health instruction. She did not teach him how to do research papers, as this was not part of the assignment.

Any kind of writing was a struggle for N.P. These skills were normally taught in lower grades. She tried to give him as little frustration as possible to encourage his self-esteem. As far as grading, she would test him with her test or the test assigned by his teachers and would grade accordingly. There may have been some do-overs—like a homework assignment that could be redone. She gave as many do-overs as needed on homework and classwork, but not on his tests. His grades reflected the best he had done on his tests and work.

Sometimes N.P. was distracted and had trouble focusing, so she would do something else, like a math game, or talk about sports, which seemed to help to put him back in the mood for learning. She did not know if distraction was addressed in his IEP. The math games also reinforced math skills and were an appropriate way to provide educational skills.

She wrote a letter to Krick in the spring of 2016 in preparation for the IEP meeting to continue the tutoring in the summer because she wanted N.P. to complete his studies. She thought another month would prepare him for high school, and there were gaps in math, especially some of his pre-algebra skills. He refused to show his work, so it was hard to see where he was having a problem. She was concerned that as things got more difficult, he would not progress in a more rigorous curriculum. She wanted him to feel he was a good learner. He was not behind in his courses, but he was behind in skill development and needed more time and more instructions.

The District provided the books, and she followed K&K's curriculum. In April 2016 she participated in an IEP meeting. She was not aware that the Board provided scope and sequence every month. N.P.'s reading, science, and math were all on an eighth-grade level at the end of eighth grade. N.P.'s student progress reports were completed by Sachs, signed, and then sent to K&K and then to the District. She spent

one-third to one-half of her instruction time re-teaching and reviewing the skills—particularly in seventh grade. At times he needed reinforcement.

In the 2014–2015 (seventh-grade) school year, each month’s progress report showed all A’s. N.P. also received all A’s on his report card in eighth grade.

Sachs was not aware that missing hours were made up with other tutors, just that the hours were not made up by her. She also was not aware that the District had requested that she complete the school year, but K&K did not.

Sachs thought N.P. should receive fifteen instruction hours per week because that would be half a school day, and because the instruction was one-to-one, it would provide N.P. with the opportunity to cover the materials and master the skills he needed. She told this to K&K, but did not know if K&K had told the District.

His report cards and progress reports showed that he mastered subjects. In seventh grade, the homework would be turned in, and the teachers would send it back. In eighth grade, the teachers did not send anything back. Most of the time she got the assignments back again. Sachs had to push N.P. to write more: sometimes she could get him to do this, but sometimes he would not. N.P. earned and received A’s, but there was room for improvement. Sachs was able to individualize the teaching plan and adjust it as necessary.

Sachs wanted to make up hours and complete the book. They had moved slowly to complete the tasks. She told the District that N.P. was behind in math, and she was trying to get more hours. When asked if she ever told the District that N.P. had difficulty completing assignments, she said it was on some paperwork she gave to K&K, but she did not know if it was given to the District. She may have said it orally.

R.P. is the father of N.P. He also has a daughter, age twenty-two, who also had an IEP and graduated from Rowan University. R.P. was a Marine who had been deployed in the Pacific theater from 2013 to 2015, and who retired in January 2017 after twenty-three years of service.

N.P. has numerous disabilities: his fine motor skills are not good, and he has allergic reactions to many things. He will never be normal. Academically, he is smart as a whip in many ways, but is behind in others. R.P. corrects N.P.'s pronunciation and his reading.

N.P. has been homebound since second grade. He was first classified in kindergarten and had his first IEP in fourth grade. Since he was three years old, he has had severe eczema and open wounds. His wounds cause mobility issues; he has good days and bad days. It is not possible for N.P. to attend school because he does not have a normal immune system. He has been to specialists all over. R.P. took orders just to get N.P. to the Children's Hospital of Philadelphia.

The eczema affects N.P.'s education. It looks like a case of chicken pox; he misses class time because of treatments. N.P. has depression and social-anxiety issues and difficulty with people he does not know. For years he would not wear shorts or short-sleeve shirts. Now he does. R.P. tells him not to care about what other people think.

N.P. is close to his cousin, who also attends school in the District. R.P. has educational goals for N.P. They are a blue-collar family. He wants the same education for N.P. as anyone else receives. Their daughter is the first in their family to graduate from college.

N.P. believed the school had neglected N.P. for three years, which had a ripple effect, so he was behind by the end of eighth grade. N.P.'s teacher, Sachs, said he was behind in math, and R.P. was told they would make it up. When that time came, Sachs was no longer the teacher, and R.P. was concerned because the District sent someone else. R.P. questioned having a new tutor because N.P. has social anxiety, and the agency sent someone who was a germaphobe.

There was a good working relationship with the District in elementary school, but not now. There was a lapse, and N.P. is behind. R.P. wants to know how the school is

maximizing his son's potential, as N.P. is on bare-minimum instruction across the board, and R.P. wants his son to be the best he can be.

In seventh grade, nothing happened. Everything stayed the same—N.P. was on the same path. In seventh grade, he received ten hours of instruction per week in math, reading, and language arts. He had no other courses. Teachers would try to accommodate them if N.P. were sick and try to reschedule to a later time. At the end of the year, there was still a lapse.

They filed for due process in 2016 after eighth grade. His son is not where he needs to be in relation to school. The District did what was required for seventh and eighth grades, but N.P. was out of sight, out of mind. R.P. is just asking for education. The District did try to make up time, but time has fallen through the cracks.

In seventh grade (2014–2015), N.P. had reading, math, and science/social studies. R.P. was concerned, as he knew middle school was important for high-school preparation. N.P. was not receiving a foreign language or art; he had no electives, no OT, no PT, no social-skills training, and no counseling. R.P. saw nothing preparing N.P. for high school. N.P.'s handwriting and penmanship are bad.

R.P. has had concerns about academics since N.P.'s second-grade year. He was concerned that N.P. would be left behind every child who is out there, and would end up living in his basement until he was sixty-five. R.P. wants his son to have education to better himself in life. He wants his son to go online and get a college degree. N.P. struggles just to turn in his homework. He will not have the same support as other children.

R.P. was concerned about time being missed, as different teachers said he was behind. They asked for additional instruction time in eighth grade, and communications broke down. R.P. felt this was going to be a concern, as the time wasn't always made up. In eighth grade, N.P. was receiving reading, math, science, and social studies, but no electives.

R.P. wants home instruction as preparation for college. Someone should be guiding N.P. as to college preparation: languages, courses, etc. R.P. does not want the basics, he wants more; he does not believe N.P. is where he is supposed to be, as he has more bad days than good and cannot go to school.

N.P.'s case manager for seventh and eighth grade was Krick. R.P. met her two times: once for an IEP meeting and again in court. She never visited his home; she called and spoke with his wife, not him. The present case manager has come to the house and sat down with him.

R.P. has sat in with the IEP team since eighth grade, and wanted to know what the District could do to assist his son. N.P. is an honor-roll student with the bare minimums. When R.P. asked for additional help, he was promised help with math, and then the District switched instructors, but his wife declined the services of the new instructor. He wanted just a few extra hours in the summer with Sachs, and the District said no. So he and his wife paid Sachs and rejected the Board's instructor.

Starting in late September 2016, he told the District about his concerns with the IEP. Krick was there. He also called the superintendent twice and never got a call back. He thinks he worked with the District very well. Krick said any hours lost would be made up. Then K&K said to his wife that it was sending out a different instructor. That instructor was rejected by his wife and never came to the house.

On good days, N.P. would participate in baseball or go fishing. Outside activities depend upon the weather. He is very good at computers, he can type, and he likes video games.

At the end of eighth grade, N.P. went to the dance and attended graduation. In ninth grade, he liked his instructor, Misty Speck, who worked with N.P. to fill in the holes. She adjusted the instruction to meet N.P.'s needs, for the most part. He spoke with his wife every day, and in the ninth and tenth grades, N.P. was doing much better. In tenth grade he audited driver's education and showed up to a couple of classes. N.P. does not know what he could be. And he cannot do what other kids do. R.P. tries to

steer him in a different direction—to get an education. His daughter graduated from Rowan—he wants N.P. to have that opportunity, too.

R.P. wants to be sure that this never happens again; that N.P. gets everything and all the education he should have gotten from Glassboro; that N.P. is prepared to go out into the world; and that an educational fund is set up to pay for his education.

Janice Kingsbury has worked in schools since 1996. She has a degree in school psychology and a master's degree in counseling. She taught special education for seven years and has participated in developing IEP's over 1,000 times. Kingsbury was accepted as an expert in special education and school psychology.

On July 6, 2017, Kingsbury evaluated N.P. She performed the Wechsler Intelligence Scale for Children (WISC) IQ test and the Woodcock-Johnson test; evaluated his social skills; and interviewed him and his mother. Kingsbury noted that N.P.'s affect was flat, and he seemed nervous and unsure of himself. He seemed to have no confidence in his abilities and was not assertive. These characteristics affect his ability to access his education. He has no coping skills and is afraid of criticism. N.P.'s mother expressed concern and said that she received no cooperation from the school.

Kingsbury administered the full WISC IQ test and N.P. tested at 84, which is below average. On his last test in 2012 (an abbreviated form which should be reliable) he scored 100. The drop in his score might mean he has not been exposed to the same stimulations as other children his age. It might also be related to processing speed, as well as using the pen and paper for portions of the test. N.P. performed worse on processing speed, and this discrepancy was not noted in the report. Low processing speed contributed to the total score, and general-ability scores also have to be looked at to get a complete picture. Other factors can influence scores, such as fatigue, effort, and whether N.P. was apathetic when she tested him. If IQ scores were compared, the error in measurement must be known. Generally, a typical range is six points above or below.

On the Woodcock-Johnson test, he was mostly average to low average. He has a lack of knowledge and no general fund of information. His overall academic range was average to low average. He only received instruction in math and reading and nothing else. His IEP called for accommodations, which did not happen. Nothing in the IEP covered socialization. Typically, his peers are in school five and a half hours a day, and he received less than half of that. She thought he was limited in history and social studies and had problems with reading. His fine motor skills and anxiety might have impacted his performance.

Kingsbury's social and emotional assessment showed that N.P. lacked assertiveness and problem-solving skills. He did not relate to his peers. According to Kingsbury, N.P. was not invited to extracurricular activities, no lunch with students, and no rallies. Even one class a day could have helped him.

Kingsbury reviewed the IEP prepared March 12, 2014, for the sixth grade and it had no goals and objectives at all. There was no provision for assistive technology. N.P. cannot write with his skin condition. Kingsbury felt the same way about the IEP for seventh grade: the instruction was not sufficient, and no social skills were provided. She thought permanent homebound instruction required more. She was concerned that the IEP included no provisions to get him into school to attend class, rallies, and social activities.

The eighth grade IEP for 2015–2016 was also the same: no assistive technology, nothing for anxiety, no extended school year, no social skills. No reference was included as to whether he had met the previous year's skills or how his IEP goals were developed.

In 2016–2017 (ninth grade), the instructional time remained the same. There were no goals and objectives, no humanities courses, and no provision to get him into the school.

N.P. received homebound instruction for ten hours per week, which was not sufficient for him to keep up with his peers. No services were added to the IEP.

N.P. has social issues. He has been bullied for years; he has no coping skills; he has been isolated; and he has had no positive interactions with his peers.

The District could have incorporated social experiences into his IEP. He could have come to one class; he could be encouraged to join the computer club; he could have Skyped a class; he could have attended pep rallies and other activities; he could attend a lunch group; he could be encouraged to return to school.

Kingsbury recommended increased instructional hours; remediation for science and social-studies gaps; assistive technology; foreign language (by Rosetta Stone program); extracurricular activities; counseling and career exploration; social support group at school; and single classes to get him comfortable with school. Physical-education and language graduation requirements were not addressed in the IEP. She believed N.P. was behind and had not received an education equivalent to that of his peers.

Kingsbury was not an occupational therapist and was not aware that N.P. had had an OT evaluation that said he did not need assistance at this time. N.P. used a computer provided by his parents and turned down the school's offer of one. She did not know if N.P. required any other assistive technology. Kingsbury was unaware that N.P. took driver's education at the school in tenth grade; that he attended the eighth-grade dance; and that his case manager had brought him to the school. She agreed that if the medical professional required homebound instruction for the child, then the child gets educated at home and not in the school. The medical note does not preclude the parents from asking the doctor to permit the child to attend school. She was not aware that N.P. could meet his language requirement in the eleventh and twelfth grades. She was not aware that N.P. had completed the school's career-exploration program. In the Woodcock-Johnson, N.P.'s scores were all average.

Kingsbury was not surprised that N.P. gets A's and B's in his school work. The psychological evaluation she gave does not tell what N.P.'s cognitive abilities are.

For the District: Keating (testifying on recall)

Keating is a high-school case manager and was N.P.'s case manager for the ninth, tenth, and eleventh grades. She did not create the middle-school IEP's. The parents filed in August 2016, just after N.P. had completed the eighth grade.

N.P. was still on medical homebound instruction for the 2018–2019 school year. He came in for PARCC testing and the ELA 10 test. He received a 4 on the PARCC; a 3 or above is good. He got a 4 on the ELA. State requirements were met.

The parents refused the District's offer of a laptop computer and said they would use their own. Keating suggested that N.P. come in for Spanish and a computer-programming course—he never came.

Driver's education is considered part of physical education. N.P. participated in the school's driver's-education program. He was asked if he wanted to participate in physical education and gym, but it was determined he was not physically able to do so.

N.P. showed improvement from grades nine to ten. He now gets twelve hours of direct instruction per week plus access to the Educere program. He is taking Spanish on Educere. Although school would be the better option for him, N.P.'s mother was happy with the home instruction. All hours of instruction in last year's IEP were provided; this year he is two days behind and it will be made up. N.P. has the same instructor as last year, and everyone likes the instructor.

There were no years where N.P. did not receive the hours he was entitled to. His IEP's allowed him to make significant academic progress. He is on time to graduate with his class. His grades are primarily A's, with some B's. He is ranked fourth in his class of 112 students and he passed the PARCC test. He has been provided with a program that is tailored for him: he is taking Honors History, plus math, for a full year. He is a member of the school's Renaissance program, which means he can come to fairs each year and participate. (He came to one.) His instructional needs and the

courses he requires have been incorporated into his IEP; he does not need any additional hours of instruction.

Keating did not think it was appropriate to compare the IQ from fourth grade to the one in ninth grade. The fourth-grade one was an abbreviated test and in fourth grade he had been in a typical classroom. In June 2017, his school experience had been homebound instruction for years, which can affect performance.

Findings

For testimony to be believed, it must not only come from the mouth of a credible witness, but it also has to be credible in itself. It must elicit evidence that is from such common experience and observation that it can be approved as proper under the circumstances. See Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961). A credibility determination requires an overall assessment of the witness's story in light of its rationality, internal consistency, and the manner in which it "hangs together" with the other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). Also, "[t]he interest, motive, bias, or prejudice of a witness may affect his credibility and justify the [trier of fact], whose province it is to pass upon the credibility of an interested witness, in disbelieving his testimony." State v. Salimone, 19 N.J. Super. 600, 608 (App. Div.), certif. denied, 10 N.J. 316 (1952) (citation omitted).

In determining credibility, I am not unaware that the District employees would want to support the program they developed for the child and would believe that the District's program would provide the child with FAPE. I am also aware that the petitioners would want the best program for their child.

Here, I accept the testimony of the District's witnesses as credible. In particular, Keating presented as a professional educator who was focused on ensuring that N.P. received the services he was entitled to under his IEP's.

The IEP's developed for the sixth, seventh, and eighth grades provided for home instruction as per the medical prescription originally provided in the fifth grade. For school year 2013–2014 (sixth grade), the ten hours per week of direct home instruction was continued at the parents' request with medical documentation. A delay of two weeks occurred at the start of the school year for the instruction, but it was rectified quickly, and the hours were made up.

For school year 2014–2015 (seventh grade), an IEP meeting was held in March 2014, and again the parents requested and provided documentation for medical homebound instruction. The District continued to provide ten hours per week of direct home instruction.

At N.P.'s triennial reevaluation meeting in November 2014, the District offered to obtain reevaluations, but the parents waived them. The parents again requested homebound instruction based on N.P.'s condition and provided medical documentation, and again the District provided it.

For school year 2015–2016 (eighth grade), the District again provided ten hours per week of home instruction. A two-week delay at the start of the school year was made up by extending the instruction through June, but the instructor's offer to the petitioners was rejected. That school year, N.P. received 346 hours of instruction.

I cannot accept the conclusion of Kingsbury that N.P.'s IEP's for seventh and eighth grade were inadequate or that he regressed because her testing had indicated that N.P.'s IQ had fallen. Indeed, the level of achievement reached by N.P. in his classes, course work, and PARCC and ELA testing indicates that he has more than low-average intellectual ability.

Kingsbury was not aware that N.P. had had an OT evaluation that said he did not need assistance. She did not know that N.P. had turned down the school's offer of a computer. She did not know if N.P. required any other assistive technology. She was unaware that N.P. had taken driver's education at the school in tenth grade; that he had attended the eighth-grade dance; and that his case manager had brought him to the

school. She was not aware that N.P. could meet his language requirement in the eleventh and twelfth grades. She was not aware that N.P. had completed the school's career-exploration program. She was not aware that the school had an open-door policy and that N.P. would have been welcome at the school at any time. She claimed he was not receiving history classes, yet he has been taking Honors History in eleventh grade.

She claimed that the District could have incorporated social experiences into his IEP; that he could have come to one class; that he could have been encouraged to join the computer club; that he could have Skyped a class; that he could have attended pep rallies and other activities; that he could have attended a lunch group; and that he could have been encouraged to return to school. However, the District did all of these things, yet N.P. chose not to attend the school where he could participate in social or educational activities. Moreover, the District could not compel other students to go to N.P.'s house to socialize, as Kingsbury suggested. N.P. was on homebound instruction, which precluded the District from offering services that might be available in the school building.

LEGAL ANALYSIS AND CONCLUSION

The petitioners present the following issues, specifically with regard to N.P.'s sixth-, seventh-, and eighth-grade IEP's:

1. The District did not provide appropriately ambitious programming in light of N.P.'s circumstances.
2. The District failed to provide IEP's that were calculated to provide FAPE and did not produce IEP's that met N.P.'s academic needs.
3. The District did not program for N.P.'s social and emotional needs.
4. Ten hours of instruction per week fell far below the standard of appropriately ambitious education.

5. The District denied FAPE to N.P. when it was late or missed homebound instruction.
6. The District denied FAPE when it failed to timely evaluate him. The District neglected N.P.'s triennial evaluations.
7. The District unreasonably delayed evaluating N.P. after the parents requested updated evaluations.
8. The District's refusal to include parents as members of the IEP team compounded the denial of FAPE.
9. The District's deficient programming and lack of meaningful instruction caused N.P. to regress.
10. The District's arguments that N.P. received good grades do not show that he made progress.

The petitioners seek: a finding that the District denied FAPE to N.P.; a finding that the IEP's were insufficient to provide N.P. with FAPE; a finding that the homebound instruction did not provide N.P. with FAPE; reimbursement for the cost of Kingsbury's evaluation; and 1,900 hours of compensatory education and programming, consisting of supplemental instruction, a social-inclusion plan, a social-skills program, school counseling, and supplementary study aides.

The District contends that it provided N.P. with a free and appropriate public education in the least restrictive environment; that home instruction was appropriate, as it was required by law once prescribed by the child's physician; that it satisfied its obligation to perform evaluations and develop IEP's for N.P. as required by law; that the hours of home instruction conferred a meaningful educational benefit and were reasonably calculated to enable N.P. to make progress in light of his circumstances; and that the District always included N.P. in social activities at the school.

The Individuals with Disabilities Education Act (IDEA) provides federal funds to assist participating states in educating disabled children. Hendrick Hudson Cent. Sch. Dist. Bd. of Educ. v. Rowley, 458 U.S. 176, 179 (1982). One of the purposes of the IDEA is “to ensure that all children with disabilities have available to them a [FAPE] that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.” 20 U.S.C. § 1400(d)(1)(A). In order to qualify for this financial assistance, New Jersey must effectuate procedures that ensure that all children with disabilities residing in the state have available to them a FAPE consisting of special education and related services provided in conformity with an IEP. 20 U.S.C. §§ 1401(9), 1412(a)(1). The responsibility to provide a FAPE rests with the local public school district. 20 U.S.C. § 1401(9); N.J.A.C. 6A:14-1.1(d). The district bears the burden of proving that a FAPE has been offered. N.J.S.A. 18A:46-1.1.

The United States Supreme Court has construed the FAPE mandate to require the provision of “personalized instruction with sufficient support services to permit the child to benefit educationally from that instruction.” Rowley, 458 U.S. at 203. New Jersey followed the federal standard that the education offered “must be ‘sufficient to confer some educational benefit’ upon the child.” The Rowley standard was recently amplified by the United States Supreme Court in Endrew F. v. Douglas County School District RE-1, 580 U.S. ____, 137 S. Ct. 988 (2017), which Court remanded for further proceedings consistent with its decision. The Supreme Court determined that a school district must show a cogent and responsive explanation for its decisions that shows that the IEP is reasonably calculated to enable the child to make progress that is appropriate considering the particular student’s circumstances.

The New Jersey Supreme Court and the United States Court of Appeals for the Third Circuit cases require similar inquiry into the educational proposal of the district in compliance with the requirements of Lascari v. Board of Education of Ramapo Indian Hills Regional High School District, 116 N.J. 30, 47 (1989) (citing Rowley, 458 U.S. at 200). The IDEA does not require that a school district “maximize the potential” of the

student, Rowley, 458 U.S. at 200, but requires a school district to provide a basic floor of opportunity. Carlisle Area Sch. v. Scott P., 62 F.3d 520, 533–34 (3d Cir. 1995).

In addressing the quantum of educational benefit required, the Third Circuit has made clear that more than a “trivial” or “de minimis” educational benefit is required, and the appropriate standard is whether the IEP provides for “significant learning” and confers “meaningful benefit” to the child. T.R. v. Kingwood Twp. Bd. of Educ., 205 F.3d 572, 577 (3d Cir. 2000); Ridgewood Bd. of Educ. v. N.E., 172 F.3d 238, 247 (3d Cir. 1999); Polk v. Cent. Susquehanna Intermediate Unit 16, 853 F.2d 171, 180, 182–84 (3d Cir. 1988), cert. den. sub. nom., Cent. Columbia Sch. Dist. v. Polk, 488 U.S. 1030 (1989).

In other words, the school district must show that the IEP will provide the student with “a meaningful educational benefit.” S.H. v. State-Operated Sch. Dist. of Newark, 336 F.3d 260, 271 (3d Cir. 2003). This determination must be made in light of the individual potential and educational needs of the student. T.R., 205 F.3d at 578; Ridgewood, 172 F.3d at 247–48. The pertinent inquiry is whether the IEP offered a FAPE and the opportunity for significant learning and meaningful educational benefit within the least-restrictive environment.

Toward this end, an IEP must be in effect at the beginning of each school year and be reviewed at least annually. 20 U.S.C. § 1414(d)(2) and (4); N.J.A.C. 6A:14-3.7. A complete IEP must contain a detailed statement of annual goals and objectives. N.J.A.C. 6A:14-3.7(e)(2). It must contain both academic and functional goals that are, as appropriate, related to the Core Curriculum Content Standards of the general-education curriculum and “be measurable,” so both parents and educational personnel can be apprised of “the expected level of achievement attendant to each goal.” Ibid. Further, such “measurable annual goals shall include benchmarks or short-term objectives” related to meeting the student’s needs. N.J.A.C. 6A:14-3.7(e)(3). The New Jersey Supreme Court has recognized that “[w]ithout 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.” Lascari, 116 N.J. at 48.

In this matter, the petitioners specifically question the appropriateness of the 2013–2014 (sixth-grade), 2014–2015 (seventh-grade) and 2015–2016 (eighth-grade) IEP’s. The due-process petition was not filed until August 8, 2016, more than two years after the completion of sixth grade. When a school district fails to provide a student with a FAPE, a parent must file for due process on behalf of their child “within two years of the date the parent . . . knew or should have known about the alleged action that forms the basis of the due process complaint.” 34 C.F.R. § 300.511(e) (2018); 20 U.S.C. § 1415(f)(3)(C); N.J.A.C. 6A:14-2.7(a)(1). The petitioners contend that the sixth-grade IEP was deficient and failed to provide N.P. with FAPE. However, given the testimony of Sachs in which she told the petitioners of issues that allegedly affected N.P., any claims for his sixth-grade year should have been brought within the two-year period. They were not. Accordingly, any claim for a denial of FAPE in the sixth grade (2013–2014) is out of time and denied.

As far as the petitioners’ other claims, the District’s hands were tied, as it was constrained in the services it could offer to the child because of the medically required homebound instruction. The child’s physician provided appropriate documentation that homebound instruction was necessary. The District provided ten hours per week of that instruction from the fifth grade on as required by N.J.A.C. 6A:14-4.8(a)(4):

Instruction shall be provided for no fewer than 10 hours per week. The 10 hours of instruction per week shall be accomplished in no fewer than three visits by a certified teacher or teachers on at least three separate days.

While some sessions may have been missed on occasion and later made up, overall, N.P. received all the instructional hours that were required by his IEP.

Homebound medical instruction is a most-restrictive environment and limits what services the District can provide. N.P. contends that the school should have socialized him more and provided counseling. The school cannot bring or force children to go to N.P.’s home for socialization purposes. The school offers counseling to children attending the school, but does not offer therapeutic treatment or counseling to students on homebound instruction.

Here, the school had an open-door policy for N.P. He was free—at any time—to try to audit courses, to attend classes, and to participate in activities. Clubs and extracurriculars were offered. However, the District could not compel the child to attend, although he did attend the eighth-grade dance, a Renaissance fair, and driver's education. He and/or his parents chose not to participate in any other school social or educational activities that were offered to him. In addition, the District was constrained by the medical directives from the child's physician: the District offered physical-education participation, but N.P.'s health prevented him from participating. The District offered a computer, but the parents preferred to use their own. Had N.P. attended classes in school, other services could have been considered or offered by the child study team, but he did not.

The petitioners urge that this lack of participation in school activities is somehow the fault of the District. Nothing could be more off the mark. School was open to this child at any time; his home instruction was mandated by his physician. The school could not have compelled the petitioners or N.P. to participate in any school activity.

The petitioners contend that ten hours per week of instruction is not sufficient, and that additional hours should have been provided in "ambitious programming." However, N.P. has made substantial academic progress since fifth grade. He receives all A's and a few B's; he is taking Honors History; he is ranked fourth in a class of 112. He is on track to graduate with his peers. No special-education curriculum could have provided more by way of success than that achieved by N.P. in spite of his health concerns. The petitioners allege that grades are not the indicia of a successful educational plan. However, in addition to receiving high marks, N.P. has successfully passed the PARCC testing and the ELA 10 testing. He has achieved much academically.

The petitioners also contend that N.P. was denied triennial evaluations in 2015. However, the parents were offered evaluations at that time and declined them. For whatever reason, the petitioners waived their right to have these evaluations done. The school should not now be held responsible for failing to obtain additional evaluations

when it acted in good faith upon the parents' representations that they knew their rights to such evaluations and waived them. The petitioners contend that the evaluations in 2017 were delayed. However, nothing in the record indicates that any delay was unreasonable.

The petitioners also contend that they were not part of the "IEP team." However, the IEP's prepared each year show that the parents (particularly N.P.'s mother) participated in the meetings with the child study team and in preparing the IEP's. The petitioners acknowledged numerous communications with the case managers. No evidence was proffered by the petitioners that the District ever refused to include them as members of the IEP team.

The petitioners' claims that the District denied FAPE to N.P., that the IEP's were insufficient to provide N.P. with FAPE, and that the homebound instruction did not provide N.P. with FAPE are denied. Their requests for reimbursement for the cost of Kingsbury's evaluation and for 1,900 hours of compensatory education and programming,⁴ consisting of supplemental instruction, a social-inclusion plan, a social-skills program, school counseling, and supplementary study aides, are also denied.

While it is understandable that the petitioners feel that the District could have done more, nevertheless, the District has met all of its obligations under the IDEA and New Jersey statutes and regulations. Although there may have been some minor lapses in case management from time to time, the IEP's in place from the fifth through the eleventh grades provided N.P. with an educational program suitable for his classification and were implemented appropriately. Indeed, not only did the IEP's confer a substantial educational benefit to N.P., they provided meaningful educational and academic progress, leading to N.P.'s success.

⁴ The number of hours of compensatory education sought appears to have been pulled out of thin air. No testimony was proffered to even suggest that N.P. was in need of such an amount of proposed instruction.

ORDER

I **ORDER** that the petitioners' complaint for due process be **DISMISSED**.

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). 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 Programs.

March 6, 2019 _____

DATE



SUSAN M. SCAROLA, ALJ (Ret., on recall)

Date Received at Agency:

Date Mailed to Parties:

SMS/cb

APPENDIX

WITNESSES

For petitioners:

Sevena Sachs
R.P.
Janice Kingsbury

For respondent:

Laura Krick
Smriti "Gina" Keating

EXHIBITS

For petitioners:

- P-1 Letter dated August 10, 2016, from petitioners' attorney
- P-2 Letter from attorney for Board dated August 30, 2016
- P-3 Draft IEP dated January 24, 2017
- P-4 IEP school year 2016–2017
- P-5 Letter to petitioners dated June 15, 2015
- P-6 IEP 2014–2015 school year
- P-7 Annual Review dated April 25, 2013
- P-8 Transition Summary Report dated May 13, 2011
- P-9 Letter from Mark Cox, Ph.D., dated September 30, 2016
- P-10 Evaluation from Center for Emotional Fitness (undated)
- P-11 Letter dated April 22, 2016, requesting homebound instruction
- P-12 Evaluation Plan dated January 9, 2012
- P-13 Psychological Evaluation dated February 22, 2012
- P-14 Educational Assessment dated February 21, 2012
- P-15 Social Case History dated January 18, 2012
- P-16 Psychiatric Evaluation dated January 30, 2012
- P-17 Emails

- P-18 Letter from K&K dated August 2, 2016
- P-19 Medical Health Plan dated September 4, 2008
- P-20 Progress Report for IEP Goals and Objectives 2016–2017
- P-21 Progress Report
- P-22 Progress Report
- P-23 Eligibility Conference Report dated March 27, 2012
- P-24 Homebound Instruction/Tutor Record forms
- P-25 Letter from Sachs 2016
- P-26 Emails
- P-27 Fax to Dr. Palmer dated September 19, 2012
- P-28 Medical Homebound Instruction Notes
- P-29 Physical Therapy Evaluation dated May 8, 2017
- P-30 Psychological Evaluation by J. Kingsbury dated July 6, 2017
- P-31 Occupational Therapy Assessment dated May 11, 2017
- P-32 Resume of Janice Will-Kingsbury

For respondent:

- R-1 Invitation to December 20, 2011, IEP meeting
- R-2 CST initial planning meeting documents dated January 9, 2012
- R-3 Psychological Assessment dated February 22, 2012
- R-4 Educational Assessment dated February 21, 2012
- R-5 Social Case History dated January 18, 2012
- R-6 Psychiatric Evaluation dated January 30, 2012
- R-7 Eligibility Conference Report dated March 27, 2012
- R-8 IEP dated March 27, 2012
- R-9 Parental Notice of Eligibility dated April 30, 2012
- R-10 Parental Request for Homebound Instruction dated August 23, 2012
- R-11 IEP Amendment dated September 14, 2012
- R-12 Parental Request for Homebound Instruction dated April 23, 2013
- R-13 IEP dated April 18, 2013
- R-14 IEP notification dated May 28, 2013
- R-15 Progress Report for IEP Goals and Objectives 2013–2014
- R-16 Parental Request for Homebound Instruction dated February 28, 2014

- R-17 IEP dated March 21, 2014
- R-18 Email from Laura Krick to S.P. re: homebound instruction for N.P. dated September 4, 2014
- R-19 Interoffice emails re: homebound instruction for N.P.
- R-20 Reevaluation Notice dated November 13, 2014
- R-21 IEP dated November 11, 2014
- R-22 Homebound Instruction Student Progress Reports for the 2014–2015 school year
- R-23 Attendance Reports and Home Instruction Verifications for 2014–2015 school year
- R-24 Homebound Instruction/Tutor Record forms for 2014–2015 school year
- R-25 Invoices from K&K Educational Services for 2014–2015 school year
- R-26 Summary of Hours provided for 2014–2015 school year
- R-27 Parental Request for Homebound Instruction dated April 10, 2015
- R-28 IEP dated June 8, 2015
- R-29 Attendance Reports and Home Instruction Verifications for 2015–2016 school year
- R-30 Tutor Record forms for 2015–2016 school year
- R-31 Invoices from K&K Educational Services for 2015–2016 school year
- R-32 Summary of Hours provide for 2015–2016 school year
- R-33 IEP dated April 7, 2016
- R-34 Progress reports for IEP goals and objectives 2016–2017; School request for homebound instruction, dated September 23, 2016
- R-35 2016–2017 MPI report card dated November 29, 2016
- R-36 Letter from K&K Educational Services re: homebound instructor request for N.P. dated August 2, 2016
- R-37 Attendance Reports and Home Instructor/Tutor Record form for 2016–2017 school year
- R-38 Summary of Hours provided for 2016–2017 school year
- R-39 Summary of Hours provided for 2014–2015, 2015–2016, and 2016–2017 school years
- R-40 Resume of Laura Krick
- R-41 Resume of Yvette Council Clark

- R-42 Occupational Therapy Evaluation dated February 15, 2017
- R-43 Physical Therapy Evaluation dated March 10, 2017
- R-44 Functional Behavior Assessment dated April 10, 2017
- R-45 Educational Evaluation dated March 17 and 24, 2017
- R-46 IEP dated May 4, 2017