



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 07839-22

AGENCY DKT. NO. 2023-34796

S.M. AND A.M. ON BEHALF OF M.M.,

Petitioners,

v.

WATCHUNG HILLS REGIONAL

BOARD OF EDUCATION,

Respondent.

Julie Warshaw, Esq., for petitioners (Warshaw Law Firm, L.L.C., attorneys)

Eric L. Harrison, Esq., for respondent (Methfessel & Werbel, P.C., attorneys)

Record Closed: July 17, 2023

Decided: July 19, 2023

BEFORE **SARAH G. CROWLEY**, ALJ:

STATEMENT OF THE CASE

In this matter, petitioners S.M. and A.M. (parents), on behalf of M.M., bring an application against the respondent, Watchung Hills Regional High School Board of Education (Watchung) seeking an appropriate placement for M.M., an Applied Behavior Analysis (ABA) home program, parent training, compensatory education, and counsel fees for cost in connection with this action. The primary issue in this application relates to whether the Watchung's placement provided a free and appropriate public education

(FAPE) to the petitioner in the least restrictive environment (LRE) in the 2021–2022 and 2022–2023 school years, as well as compensatory education for those years.

M.M. is a eighteen-year-old male who has been diagnosed with autism, ADHD, OCD, mood disorder and maladaptive behaviors. Prior to relocating to Watchung in June of 2021, M.M. had been at the Keswell School (Keswell) in New York City. Keswell is a private school for individuals with autism. M.M. had been at Keswell from age five to age fifteen, in a twelve-month program. In the spring of 2021, the family contacted Watchung about their planned move to New Jersey and to prepare for M.M.'s transition into the Watchung School District. Watchung started looking for an appropriate out-of-district placement and provided an individualized education program (IEP) which included a one-on-one aide and home schooling until they could find an opening in an appropriate out-of-district placement. Watchung developed an IEP based on what had been provided by Keswell and the family for placement in the Developmental Learning Center (DLC), an out-of-district placement. In November of 2021, M.M. was accepted and placed in the program at DLC. M.M. challenges this placement as not providing FAPE in the LRE.

PROCEDURAL HISTORY

The request for due process was received by the Office of Special Education Programs (OSEP) and transmitted to the Office of Administrative Law (OAL) where it was filed as a contested case on September 13, 2022, pursuant to N.J.S.A. 52:14B-1 to 15; N.J.S.A. 52:14F-1 to 13. The matter was assigned to the undersigned. Hearings were held on February 13, 2022, February 17, 2022, February 22, 2022, March 6, 2022, March 7, 2022, and March 16, 2022, and the record closed after submission of post-hearing briefs and a conference on July 17, 2022, to clarify a discrepancy between the record and the exhibits.

TESTIMONY AND FACTUAL FINDINGS

For respondent

Nicole Kelly is the case manager and school social worker for the Watchung Hills Board of Education. She has been employed with Watchung in the field of Special Education for twenty-two years. She was accepted as an expert in Special Education. She was advised that M.M. was moving into the district in May 2021, and that she would be his case manager. She accessed the information about M.M. through the district's portal, which included his Keswell records. She met with M.M.'s mother in a Zoom meeting at the end of May. The school guidance counselor was also present at that meeting. They understood immediately that M.M. would need an out-of-district placement to address his many needs including behavior issues. She testified that they focused on ABA principals. She also understood that due to his age, community involvement and life-training skills were also important.

The next meeting took place on June 7, 2021, again via Zoom. M.M.'s psychiatrist was present at that meeting. He recommended a program at Caldwell. However, that program was not approved by the State Department of Education, and the District would only look to unapproved programs if they could not find an appropriate program which was approved by the State. The IEP that they prepared was based on the IEP from Keswell and other records that they had received as well as discussions with the parent. M.M. was approved and there was an opening at DLC, and he was there consistent with the IEP that had been developed. The District sent his records to several other placements, but ultimately placed him at DLC.

Ms. Kelly testified that M.M. has some maladaptive behaviors, but the progress notes indicated that he was adjusting. These were the same behaviors that were reported by the Keswell school. The completed a behavior assessment on M.M. and he had a behavior intervention plan, and he was provided with a one-on-one aides. Ms. Kelly was aware that M.M. continued to exhibit dumping and throwing behavior, but they were targeting and working on these behaviors. They did not expect to eliminate these behaviors in M.M., as they had been ongoing at his prior school and there was some

adjustment expected after transitioning to a new school. They were addressing the issues and he was making meaningful progress.

Heather Epstein is a special education teacher at the DLC. She is a board-certified behavior analyst (BCBA) and has been certified since 2016. She was qualified and accepted as an expert in special education and an expert in behaviors. She has a master's degree in special education and certified teacher of students with disabilities. She has been working at the DLC since June of 2022. She assists in the classroom, performs behavior assessments, creates intervention plans, works with the parents of special education students and helps to develop IEP. She testified that M.M. did have maladaptive behaviors, which were not unusual for autism students. However, they were aware of his behaviors and did not consider him a danger to himself or others. Moreover, he was a new student, and this was a new placement after years in a prior placement. Some difficult behaviors were to be expected and would have been experienced at any new placement for a student with M.M.'s diagnosis. She worked with Diana D'Ambola in creating the behavior assessment and a behavior intervention plan for M.M.

Ms. Epstein was questioned about the frequency of flopping, aggression, and elopement from M.M. She observed M.M. in the school setting and believed in her expert opinion that he was making meaningful progress and was meeting some of his goals and objectives. She reviewed his annual progress reports which she testified demonstrated that he was meeting his goals and objectives. They made necessary modifications based on reported behaviors to address some of his maladaptive behaviors. He was continuing the flop and dump, which were behaviors that were noted in his records from his prior school. However, they continued to try to help him with his adjustments and address these behaviors. For example, if he needed to be redirected, this is what they would do. It did not mean that they blocked him from any movement, but that they redirected him to avoid any elopement. She further testified that these are behaviors that existed at his prior school, and the transition to a new placement was going to take some adjustment for M.M. A review of the progress reports indicated in her expert opinion that M.M. was making meaningful progress. In her expert opinion, M.M. was available for learning, and he was making meaningful progress and he was being provided FAPE in the LRE. The increase in some maladaptive behaviors did not mean that he was not making meaningful

progress. These behaviors have always existed for M.M. which is why they had the behavior intervention plan in place. It would be changed and adjusted as they obtained more data and as he transitioned into his new school.

Lauren Lupton is a BCBA. She is employed by the DLC. She worked as a BCBA for Watchung and was accepted as an expert in special education and behaviorism. She became M.M.'s BCBA after Ms. Epstein moved to another building in September of 2022. She discussed M.M. with Ms. Epstein when she took over and reviewed his records and progress notes. She reviewed the progress reports, the data and charting which indicated that he was making meaningful progress. She testified that the IEP had appropriate goals and objectives for M.M. She believed that the tracking sheets indicated that he was mastering some of the skills and he was getting into the community. Ms. Lupton did not deny that he was still exhibiting some maladaptive behaviors, but in her opinion, he was stable and meeting his goals and objectives. She believed that his IEP which included a placement at the DLC was appropriate and provide an appropriate education in the least restrictive environment. She indicated that the records she reviewed from Keswell demonstrated that these behaviors were still present when he was attending school there. She testified that just because M.M.'s behaviors were not eliminated did not mean that DLC was not an appropriate placement for him and that he was not making meaningful progress.

Ms. Lupton discussed the behavior intervention plan that was completed for M.M. and testified that it was appropriate to address the behaviors that M.M. exhibited. She was aware of the incident involving throwing the fire extinguisher, but that in her opinion did not mean that the placement was not appropriate. M.M. has a habit of putting things in his mouth, which occurred at Keswell and well. They were aware of this behavior and he had a one-on-one aide with him at all time. The continuing behaviors did not indicate to her that the placement inappropriate for him, as there are many students at DLC that exhibit the same or similar maladaptive behaviors. She opined in her expert opinion that M.M. was making meaningful progress in the LRE at DLC.

For petitioners

Sharon Reeve, is a BCBA at Caldwell University and is the co-owner of Capstone Center. She is a doctorate level BCBA and was accepted as an expert in special education, autism, and maladaptive behaviors. She was contacted about M.M. being considered for the program at Caldwell University. She conducted an assessment of M.M. and performed a functional behavior assessment as well. She opined that M.M. needed a doctorate level BCBA, and that the program at Caldwell was appropriate for him and he was accepted into the program in November of 2022. She acknowledged that her program is not accredited by the Department of Education as a special education school. She offered some opinions over an objection about how the program at DLC was not appropriate for M.M. However, she did not review the behavior plan for M.M. or observe him at DLC or in his prior placement at Keswell. She was assessing him for his acceptance at Caldwell, and not for a comparison with the current or past placements.

Carole Fiorile is a professor at Long Island University in the special education program. She is a board certified BCBA. She was accepted as a doctorate level BCBA, an expert in special education, autism, maladaptive behaviors, and behaviorism. She reviewed reports from M.M.'s prior placement at the Keswell school and summarized the behavior issues that M.M. had and continues to have of flopping, throwing, elopement and pica. She had reviewed the letter from M.M.'s doctor which recommended the EPIC program. She observed M.M. at the DLC for ninety minutes and opined that he was regressing, as some of the skills that he had mastered were no longer present. She also felt that him being at horseshoe desk for most of the day and not getting into the community was detrimental to his ability to learn.

Ms. Fiorile was questioned about whether the pandemic may have added to the regression of M.M.'s skills during the transition from Keswell to DLC, she said the only issue that she noted in this regard were staffing issues. She spoke with people at Keswell and reviewed reports from them but did not review any raw data on the frequency of the maladaptive behaviors at Keswell. She was aware that M.M. had some remote learning during the pandemic as well as during his transition to New Jersey. However, she did not feel that this transition and being moved from a school he had been at for over ten years

had much of an impact on his regression. She opined in her expert opinion that DLC was an appropriate placement for M.M.

James Agostino, is a former Keswell employee who worked with M.M. during his time at Keswell. He worked with M.M. as his teacher and his case manager. He testified that M.M. had some maladaptive behaviors such as dumping and shredding and some physical aggression. They had procedures in place at Keswell to address these issues. He also exhibited pica and some eloping issues at Keswell. He continued to see M.M. after the family moved to New Jersey and removed him from the Keswell School. He testified that he believed that these issues had been under control and that he was available for learning and making meaningful progress at Keswell. However, he saw a significant regression in M.M. after his move to New Jersey and his transition to a new school.

Charles Cartwright, is the Director of Autism Spectrum Health Associates. He was accepted as an expert in Child and Adolescent Psychiatry and Autism Spectrum Disorder. Dr. Cartwright has been M.M.'s psychiatrist since 2016, and has treated him for his autism spectrum disorder, compulsive-impulsive spectrum behaviors, anxiety disorder and mood disorder. He manages his medication. He opined that M.M. needed a placement that had a high level of ABA intervention and that he did not think DLC could provide the level of care that M.M. needed. He spoke of several other facilities which he felt could better address M.M.'s maladaptive behaviors. He discussed the regression that M.M. has experienced as it was shared with him by M.M.'s mother.

S.M. is M.M.'s mother. She testified about M.M.'s regression after they moved to New Jersey and he was placed at DLC. She indicated that his maladaptive behaviors were increasing since they moved, and his challenging behaviors could be dangerous to him and others. M.M. had been at the Keswell School in New York City for eleven years. She believed that he had continued to make meaningful progress at Keswell and that they had the appropriate behavior plan in place to address his maladaptive behaviors. She notified Watchung of her plans to move into the district and provided them with all the records for M.M. in the spring of 2021. She participated in the IEP meetings with the district prior to his placement at DLC. She toured the facility and did not think it was an

appropriate placement for M.M. and she recommended several other out of district placements, including EPIC and Caldwell. Although some of his maladaptive behaviors such as flopping and dumping had increased prior to him starting at DLC as he was anxious about new surroundings and a new school, she felt that he had regressed since he left Keswell and that the DLC was not an appropriate placement for him.

FINDINGS OF FACT

It is the duty of the trier of fact to weigh each witness's credibility and make a factual finding. Credibility is the value a fact finder assigns to the testimony of a witness, and it contemplates an overall assessment of the witness's story considering its rationality, consistency, and how it comports with other evidence. Carbo v. United States, 314 F.2d 718 (9th Cir. 1963); see, In re Polk, 90 N.J. 550 (1982). Credibility findings "are often influenced by matters such as observations of the character and demeanor of witnesses and common human experience that are not transmitted by the record." State v. Locurto, 157 N.J. 463 (1999). A fact finder is expected to base decisions on credibility on his or her common sense, intuition, or experience. Barnes v. United States, 412 U.S. 837 (1973). A trier of fact may reject testimony because it is inherently incredible, or because it is inconsistent with other testimony or with common experience, or because it is overborne by other testimony. Congleton v. Pura-Tex Stone Corp., 53 N.J. Super 282, 287 (App. Div. 1958).

I found the testimony of Nicole Kelly, Heath Epstein, and Lauren Lupton to be sincere, credible, and supported by documentary evidence as well as their firsthand knowledge of the progress M.M. was making. They all testified in a manner that demonstrated their firsthand knowledge of M.M. and the development and the implementation of his IEP after he arrived in the district in 2021. They all demonstrated a familiarity and understanding of M.M. and his placement at DLC in November 2021. Their expert and factual testimony was supported by the progress reports and other documentation and demonstrated that M.M. was engaged and participated in learning and was making meaningful progress and that he was being provided FAPE in the LRE. Accordingly, I **FIND** as **FACT** that M.M. was making meaningful progress and was receiving FAPE in the LRE.

The petitioner's witnesses were not as credible and their opinions were not based on the documents and data regarding M.M.'s progress at DLC. Moreover, their failure to acknowledge that the change in housing, change in a school that M.M. had been in for ten years, as well as remote learning for the pandemic and pending placement had not had a significant affect on M.M. was not credible and not very objective. In addition, several of the witnesses for the petitioner were providing an opinion as to why another school or program could provide FAPE in the LRE, which is not the issue here. The issue is whether the District is providing FAPE in the LRE though the IEP which placed M.M. at the DLC. M.M.'s mother was sincere and credible but did not provide any credible evidence or testimony to support the allegation that M.M. was not making meaningful progress and was not receiving FAPE in the LRE.

LEGAL ANALYSIS AND CONCLUSION

The Individuals with Disabilities Education Act (IDEA), as amended by the Individuals with Disabilities Education Improvement Act (IDEIA), 20 U.S.C. §§ 1400-1482, provides the framework for special education in New Jersey. It is designed "to ensure that all children with disabilities have available to them free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living." 20 U.S.C. § 1400(d)(1)(A); see, generally Id. § 1400(c), (d) (describing need for, and purposes of, the IDEA). A state may qualify for federal funds under the IDEA by adopting "policies and procedures to ensure that it meets" several enumerated conditions. This Act requires that boards of education provide students between the ages of three and twenty-one who suffer from a disability, with a free appropriate public education, or FAPE. In fulfilling its FAPE obligation, the board must develop an IEP for the student, and the IEP must be reasonably calculated to confer some educational benefit. Hendrick Hudson District Board of Education v. Rowley, 458 U.S. 176, 192, 73 L.Ed. 2d 690, 703, 102 S. Ct. 3034 (1982) (Rowley).

The Third Circuit Court of Appeals has clarified the meaning of this "educational benefit." It must be "more than trivial and must be significant" and "meaningful." Polk v. Central Susquehanna Intermediate Unit 16, 853 F.2d 171, 180 (3rd Cir. 1988), cert.

denied, 488 U.S. 1030 (1989) (Polk); Ridgewood Board of Education v. N.E., 172 F.3d 238, 247-48 (3rd Cir. 1999) (Ridgewood). In evaluating whether a FAPE was furnished, an individual inquiry into the student's potential and educational needs must be made. Ridgewood, 172 F.3d at 247. In providing a student with a FAPE, a school district must provide such related services and support as are necessary to enable the disabled child to benefit from the education. Rowley, 458 U.S. at 188-89. If an administrative law judge finds that a district has not made FAPE available to a student who previously received special education in a timely manner prior to his enrollment in a nonpublic school, the judge may require the district to reimburse the parents for the cost of that enrollment if the private placement is appropriate. N.J.A.C. 6A:14-2.10.

Parents who are dissatisfied with an IEP may seek an administrative due process hearing. 20 U.S.C. § 1415(f). The burden of proof is placed on the school district. N.J.S.A. 18A:46-1.1. The Board will satisfy the requirement that a child with disabilities receive a FAPE by providing personalized instruction with sufficient support services to permit that child to benefit educationally from instruction. Hendrick Hudson Cent. Sch. Dist. Bd. of Educ. v. Rowley, 458 U.S. 176, 203, 102 S. Ct. 3034, 3049, 73 L. Ed. 2d 690, 710 (1982). To meet its obligation to deliver a FAPE, a school district must offer an IEP that is reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. Endrew F. v. Douglas Cnty. Sch. Dist., 580 U.S. (2017); 137 S. Ct. 988; 197 L. Ed 2d 335. In Endrew, the District Court for the District of Colorado initially upheld the school denial of a reimbursement for an out-of-district placement. However, the Supreme Court reversed the finding that an IEP should be appropriately ambitious in light of the child's circumstances, and "tailored to the unique needs of a particular child."

In Endrew F. v. Douglas County School District RE-1, 137 S. Ct. 988, 1001 (2017), the United States Supreme Court construed the FAPE mandate to require school districts to provide "an educational program reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." The Court's holding in Endrew E. largely mirrored the Third Circuit's long-established FAPE standard, which requires that school districts provide an educational program that is "reasonably calculated to enable the child to receive meaningful educational benefits in light of the student's intellectual potential and individual abilities." Dunn v. Downingtown Area Sch. Dist. (In re K.D.), 904

F.3d 248, 254 (3rd Cir. 2018) [quoting Ridley Sch. Dist. v. M.R., 680 F.3d 260, 269 (3rd Cir. 2012)]. In addressing the quantum of educational benefit, 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. Andrew F., 137 S. Ct. at 1000–01; T.R. v. Kingwood Twp. Bd. of Educ., 205 F.3d 572, 577 (3d Cir. 2000); Ridgewood Bd. of Educ. v. N.E. ex rel. M.E., 172 F.3d 238, 247 (3d Cir. 1999), superseded by statute on other grounds as recognized by P.P. v. W. Chester Area Sch. Dist., 585 F.3d 727 (3d Cir. 2009); Polk v. Cent. Susquehanna Intermediate Unit 16, 853 F.2d 171, 180, 182–84 (3d Cir. 1988). Hence, an appropriate educational program will likely “produce progress, not regression or trivial educational advancement.” Dunn, 904 F.3d at 254 (quoting Ridley, 680 F.3d at 269).

M.M. is an eighteen-year-old male who moved into the district in the fall of 2021. He has been diagnosed with autism, ADHD, OCD, Mood Disorder and Maladaptive behaviors. Prior to moving to Watchung, M.M. was in a special education school in New York City. The district knew immediately when contacted by the family in the spring of 2021, that an out of district placement would be necessary for M.M. The district reviewed M.M. records from Keswell and looked at several potential placements for M.M.

M.M. was provided with in home instruction until an appropriate out of district placement could be found. The district assembled a Child Study Team with appropriate disciplines and met with the parents in the Spring of 2021 to discuss and IEP for M.M. The child study team prepared an IEP which recommended M.M. for placement at the DLC with a one-on-one aid. The IEP also included a behavior intervention plan and other supports to address the behavior issues. The family toured the facility but did not approve of the program, and made several specific recommendations for alternate placements, included one unapproved facility and another which was clinical in nature.

The petitioner’s case focused on M.M.’s maladaptive behaviors, and presented experts of how to address maladaptive behaviors, and focused primarily on programs to address the programs that other placements had to address maladaptive behaviors. The district however, provided credible testimony from several witnesses who were involved

in the development of M.M.'s IEP and with firsthand knowledge of his progress at the DLC. M.M.'s maladaptive behaviors, are addressed in the IEP and the expert and factual testimony from the district has demonstrated by a preponderance of the credible evidence that M.M. is making meaningful progress and being provided FAPE in the least restrictive environment. Moreover, M.M. exhibited these behaviors at his prior placement where he had been for over ten years. He continued to exhibit such behaviors at home prior to his placement at the DLC. These behaviors were being addressed and did not prevent M.M. from making meaningful progress. M.M. was available for learning at the DLC. and receiving FAPE in the LRE.

I therefore **CONCLUDE** that Watchung has met its burden of demonstrating by a preponderance of the evidence that M.M. was properly placed at the DLC with appropriate supports and was making meaningful progress during the period in question and was being provided with FAPE in the LRE.

ORDER

It is therefore **ORDERED** that the petition should be and hereby is **DISMISSED** and the relief requested therein is **DENIED**.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2023) 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 (2023). 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.

July 19, 2023

DATE



SARAH G. CROWLEY, ALJ

Date Received at Agency:

Date emailed to Parties:

SGC/sm/lam/kl

APPENDIX

WITNESSES

For petitioners

Sharon Reeve
S.M.
Charles Cartwright
James Agostino
Carole Fiorile

For respondent

Heather Epstein
Sharon Reeve
Nicole Kelly

EXHIBITS

For petitioners

- P 1 The Keswell School Behavior Reduction Plan July 2020–June 2021
- P 2 The Keswell School Speech and Language Mid-Year Progress Report July 2019–June 2020
- P 3 The Keswell School Speech and Language End-of-Year Progress Report July 2020–June 2021
- P 4 The Keswell School Occupational Therapy Annual Progress Report, dated June 1, 2021
- P 5 The Keswell School Occupational Therapy IEP Goals 2021–2022 and Integrated Individual Education Plan 2021–2022
- P 6 NY DOE IEP at The Keswell School, dated May 28, 2020
- P 7 NY DOE IEP at The Keswell School, dated July 5, 2021
- P 9 DLC IEP, dated December 20, 2021

- P 10 Letter from Morris Union Jointure Commission Board of Education with December 2021 Progress Report for Home-Based Applied Behavior Analysis Services, dated January 2022
- P 11 DLC Behavior Assessment and Intervention Plan December 2021–September 2022
- P 12 DLC Daily Recall Sheets from November 16, 2021–March 16, 2022
- P 13 DLC Daily Recall Sheets from March 17, 2022–August 9, 2022
- P 14 DLC Daily Recall Sheets from August 9, 2022–January 20, 2023
- P 15 DLC Daily Recall Sheets from January 20, 2023–January 31, 2023
- P 16 DLC Daily Communication Book Re: Multiple Behavioral Incidents December 16, 2021–March 23, 2022
- P 17 DLC Communication Book Re: Multiple Behavioral Incidents March 24, 2022–January 19, 2023
- P 18 DLC Communication Book Re: Behaviors from January 19, 2023–January 31, 2023
- P 19 DLC Communications Re: Fire extinguisher from July 29, 2022–August 3, 2022
- P 20 DLC Communications Re: Fire extinguisher from July 29, 2022–August 3, 2022
- P 21 DLC Communications Re: behaviors and fire extinguisher from September 22, 2022–November 2, 2022
- p 22 DLC Student and Teacher Injury Reports from November 17, 2021–August 2, 2022
- P 23 DLC Student and Teacher Injury and Poison Control Reports from September 30, 2022–October 25, 2022
- P 24 DLC Student Injury Report Re: Flopping from October 14, 2022
- P 25 DLC Incident Report and Parent Contemporaneous Note Re: November 22, 2022 Cabinet and Fire Extinguisher
- P 26 DLC Student Injury Reports from January 17, 2023, and January 31, 2023
- P 27 DLC Behavior Charts for Flopping, Inappropriate Behavior, Aggression January 2022–September 2022
- P 28 DLC Skills Tracking Sheets for December 20, 2021 IEP Group Skills, Daily Life Skills, Functional Communication, Interaction Skills, Vocabulary,

Questions, Auditory Processing, Functional Directions, Sight Words, Typing
Sight Words, Money Skills, Counting, Science/Weather, Safety Skills,
Community Workers, Work Behaviors, Community Skills, Appropriate
Behaviors

- P 29 DLC Progress Report, dated June 1, 2022
- P 30 DLC Progress Report, dated August 9, 2022
- P 31 Dr. Ivy Feldman, Keswell School letter, dated April 19, 2021
- P 32 Dr. Kavita Sinha, Neurodevelopmental/Neuropsychiatric Evaluation, dated September 10, 2021
- P 33 Dr. Charles Cartwright letter, dated November 8, 2021
- P 34 Dr. Carol Fiorile Report, dated June 17, 2022
- P 35 Dr. Carol Fiorile Addendum Report, dated January 29, 2023
- P 36 Dr. Sharon Reeve Notes from call with DLC, dated October 28, 2022
- P 37 Caldwell University Center for Autism and Applied Behavioral Analysis Acceptance Letter, dated November 8, 2022
- P 38 Caldwell University Center for Autism and Applied Behavior Analysis Treatment Plan and Progress Report by Dr. Sharon Reeve, dated December 2022
- P 39 Caldwell University Center for Autism and Applied Behavior Analysis Assessment and Goals Meeting, dated December 16, 2022
- P 40 Email correspondence with Danielle DeCroce
- P 41 Email Correspondence Re: bus issues/changes
- P 42 Email Correspondence with Matthew Fernandez, Principal Re: microwave
- P 43 Email Correspondence with Allison Pryce, Speech Therapist Re: feedback and lessons
- P 44 Email Correspondence Re: rough weekend and throwing/dumping advice
- P 45 Email Correspondence Re: iPad/dumping behaviors and changes in schedule
- P 46 Email Correspondence Re: broken iPad/dumping/injury
- P 47 Email Correspondence Re: behaviors returned i.e. licking, eating leaves, paper and dumping food, drink, items in home
- P 48 Email Correspondence Re: Kathryn Bisignano injured/trigger
- P 49 Email Correspondence Re: incident/injury/trigger not recorded

- P 50 Email Correspondence Re: threw iPad and injured Kathryn Bisignano in elbow
- P 51 Email Correspondence Re: threw Chromebook forcefully to floor and broke it
- P 52 Email Correspondence Re: garbage bag and M.M. observant
- P 53 Email Correspondence Re: snacks
- P 54 Email Correspondence Re: bag of chips
- P 55 Email Correspondence Re: skills tracking sheets
- P 56 Email Correspondence Re: ESY
- P 57 Email Correspondence Re: IEP meeting
- P 58 Email Correspondence Re: moving to Warren and information provided to DLC, transiting to DLC
- P 59 Email Correspondence Re: M.M.'s first day
- P 60 Email Correspondence Re: Allegro School
- P 61 Email Correspondence Re: alternate out of district placements
- P 62 Email Correspondence between counsel
- P 63 Dr. Carol Fiorile Curriculum Vitae and Resume
- P 64 February 1, 2023 DLC Communications Re: Behaviors
- P 65 The Keswell School Behavior Reduction Plan 2021–2022
- P 66 The Keswell School Mid-Year Progress Report 2020–2021
- P 67 The Keswell School IEP Goals for Community Skills, Academics, Life Skills, Social and Leisure, Health and Safety, and Behavior Reduction for 2020–2021
- P 68 Dr. Sharon Reeve Curriculum Vitae
- P 69 Email and Letter Re: Garden Academy
- P 70 Relevant Emails re: IEP meeting, parental concerns, correspondence between counsel
- P 71 Dr. Charles Cartwright Curriculum Vitae
- P 75 Various photos and videos

For respondent

- R 4 Registrar email, dated May 18, 2021
- R 5 Nicole Kelly/mom email, dated June 7, 2021

- R 6 Proposal for additional evaluation, dated August 13, 2021
- R 7 IEP, dated September 30, 2021
- R 8 Email chain regarding IEP and out-of-district placements, dated October 21, 2021
- R 9 Letter from private psychiatrist, dated November 8, 2021
- R 10 Notice of Placement, dated November 15, 2021
- R 11 IEP, dated December 20, 2021
- R 12 Home-based ABA report, dated January 10, 2022
- R 13 Recommendation for Individual Speech and Language Therapy, dated February 18, 2022
- R 14 Amended IEP, dated February 23, 2022
- R 16 Behavior management data, dated March–April, 2022
- R 17 Private Educational Review Dr. Fiorile, dated June 2022
- R 18 DLC progress report, dated August 9, 2022
- R 19 Skills tracking data through September 2022
- R 20 IEP, dated September 22, 2022
- R 24 Raw data and graphs, inappropriate behavior, dated September–December, 2022
- R 25 Raw data and graphs, flopping, dated August–December, 2022
- R 26 Raw data and graphs, aggression, dated July–December, 2022
- R 27 Recall sheets, dated December, 2022
- R 31 CV - Heather Epstein
- R 33 CV - Nicole Kelly
- R 35 CV - Lauren Lupton