



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 05806-21

AGENCY DKT.NO. 2021 32939

R.R. and L.R. o/b/o B.R.,

Petitioner,

v.

WEST ORANGE BOARD OF EDUCATION,

Respondent.

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

Marc Macciolo, Esq. for respondent (Methfessel & Werbel, P.C., attorneys)

Record Closed: January 6, 2023

Decided: January 18, 2023

BEFORE **KIMBERLY A. MOSS**, ALJ:

Petitioners, R.R. and L.R. on behalf of their child B.R. allege that respondent, West Orange Board of Education's (District) Individualized Education Plan (IEP) did not provide B.R. with a free and appropriate public education (FAPE) and the District should have placed B.R. in Winston Preparatory School (Winston NJ).

PROCEDURAL HISTORY

On July 12, 2021, the Office of Special Education Programs transmitted the matter to the Office of Administrative Law (OAL) under Docket No. EDS 5806-2021. The hearings were held on April 28, 2022, July 13, 2022, August 4, 2022, August 22, 2022 and January 4, 2023, on which date the record closed.

FACTUAL DISCUSSION

Testimony

Yelena Grushko

Yelena Grushko (Grushko) is a school psychologist in the District. She is also a case manager. She services children ages four to fifteen in kindergarten to eight grade. Her duties as a case manager include provide counseling, write psychological reports, collaborate with teachers and parents on IEP's. She also does psychological counseling and cognitive evaluations. The testing she does includes the Wexler fifth edition, Wexler preschool, BASC adaptive rating scale. She also reviews the reports of the speech and occupational therapist and all those who have done evaluations on the student.

Grushko has completed approximately three hundred eligibility determinations and IEP's. She works with children who have autism and difficulties with executive functions. She understands the assessments on Occupational Therapy (OT) and Speech Therapy, but she does not give the data.

Grushko did not administer any testing to B.R. She is familiar with B.R. from a letter sent in March 2021 stating that he would be coming to the district. He was previously in an out of district placement in New York. His parents wanted him in an out of district placement in New Jersey. She was assigned to case manage B.R. Grushko reviewed the records and reached out to the parents. She received B.R.'s New York IEP. The New York program B.R. was placed in was Winston Prep New York (Winston NY) which is an out of district program with eight students and two adults in B.R.'s class. The

related services in that program were counseling individual and group once per week and OT three times per week for forty minutes each session.

The prior neuropsychological testing showed B.R.'s WISC-V score was average to superior. His full-scale IQ was in the superior range at 129. Grushko testified that B.R. should be able to function in a general education setting. However, B.R. has difficulty with executive function and hyperactivity. His processing speed was 108. He was in the solidly average range. B.R.'s processing speed is a relative weakness; he struggles with keeping on task and on pace.

The District's child study team (CST) found that B.R. was eligible for special education services under the classification of other health impaired. There was an IEP meeting that determined eligibility and programming. Petitioners and their attorney were at the IEP meeting. There was no dispute as to eligibility. The programming offered was at Liberty Middle School. Half of his classes would be in class resource in a general education class with a special education teacher and a one-to-one para-professional to help him navigate the building and for re-direction. Speech therapy would be group once per week for thirty minutes and a speech consult. OT would be once per week group and an OT consult. He would also have counseling once individually and once in group. ESY was also part of the IEP for learning language disability (LLD) and for related services.

Grushko believes that the IEP programming was appropriate for B.R.'s needs. He previously had more speech therapy.

All the students were new to the building. The end of the prior school year was hybrid programming. Some of the students had never been in the school building. The staff was aware that it would be the first time in the school for many students.

B.R.'s IEP included the evaluations provided by the parents. This does not mean that the District agrees with the evaluations. Grushko does not typically include recommendations from outside evaluations in the IEP.

Grushko did not speak with Winston NY representatives, but she received information from them and gathered information from teachers at Winston NY. She used this data as well as other information to formulate the goals and objectives for B.R.'s IEP. The modifications in the IEP are from B.R.'s New York IEP. The one-to-one aide in the IEP would be re-evaluated in thirty days to modify with input from teachers and speaking to the student. Petitioners were concerned with B.R. going from a small class setting to a larger class setting. Petitioners did not sign the IEP.

Grushko did an observation of B.R. at Winston NY on May 10, 2021. It as a virtual observation. B.R. was in a one-to-one focus session. He was often distracted by tabs on the computer. He was benefitted by redirection. He benefitted from a timer and verbal prompts.

The petitioners rejected the District's June 4, 2021 IEP and wanted B.R. to attend Winston NJ. Grushko observed B.R. at Winston NJ on March 3, 2022. This was an in-person observation for forty-five minutes. There were ten students and one teacher. B.R. was very engaged, raised his hand. He sometimes blurted out answers and apologized. He scrolled at a laptop but was still engaged. He worked promptly, his responses for the most part were correct. He did not have significant support or modifications. His related services were interrelated in the class. The teachers at Winston are not required to be certified. Winston does not follow New Jersey core curriculum standards.

Grushko does not have any concerns about B.R. going to school in district. She believes that the IEP is appropriate in the least restrictive environment. B.R. can do general education work with aid and supports.

The District knew that B.R. was in Winston NY prior to his enrollment. It knew that B.R. was placed in Winston NY by the New York Department of Education. The District's 2021-2022 IEP did not provide LLD or resource room for B.R. Grushko read B.R.'s September 8, 2020, IEP from New York.

B.R. always attended special education schools in New York. He was never in a general education class in New York. B.R. was classified in the New York IEP as Speech and Language impaired. The Wechsler Individual Achievement test was done in the Spring 2019-2020 when B.R. was in the sixth grade.

Grushko stated that the District did not offer B.R. a small, structured class because that is no longer appropriate for him. He has advanced. The New York IEP did not consider General Education classes for B.R. The District considered pull out resources but did not feel that it was appropriate for B.R. The District did not do a psychological or educational evaluation of B.R. It did not do a social history. The District accepted the reports it received but not the recommendations of Dr. Fiorito-Grafman's. The IEP does not include any recommendations of Dr. Fiorito-Grafman. It does not state why it rejects the recommendations. Dr. Fiorito-Grafman's impressions are in the IEP. Dr. Fiorito-Grafman's diagnostic impressions include that B.R. has autism spectrum disorder and attention deficit hyperactivity disorder- combined type.

Dr. Fiorito-Grafman's report showed in the WIAT III that B.R. 's oral reading accuracy was in the forty-seventh percentile, his essay composition was in the twenty-seventh percentile, his word count was in the twenty-third percentile, his theme development and text organization was in the thirty second percentile and his oral discourse comprehension was in the sixty-third percentile. In math, his mathematics composite was in the forty-seventh percentile, math problem solving was in the fifty-eight percentile, numerical operations were in the thirty-ninth percentile, math fluency was in the twenty-fifth percentile, math addition was in the nineteenth percentile, subtraction was in the thirty-second percentile, multiplication was in the thirtieth percentile and math written expression was in the twenty-first percentile. There is a discrepancy between IQ and scores. Most of the scores are in the average range, therefore it would not be difficult for B.R. in a general education class.

In the District IEP speech and OT could be specialty or advisory. Advisory is in class to make up missed work. At both Winston's, speech is incorporated into the

program. Grushko received all of the Winston records prior to the IEP meeting. The neuropsychological report of Dr. Fiorito-Grafman's states that B.R. has intellectual, social, and emotional needs. Dr. Fiorito-Grafman's notes that B.R. was diagnosed early and received early intervention services. Dr. Fiorito-Grafman believes that he continues to struggle and recommends that he receive a specialized placement.

A teacher's at Winston NY noted that staying focused was difficult for B.R. He has internal and external distractions and is verbally impulsive. If B.R. is not interested he is less attentive. He requires significant support across the board to combat autism, ADHD and other issues. He has social and pragmatic problems and problems communicating with peers. Dr. Fiorito-Grafman's notes that B.R. is intellectually gifted but struggles with autism, ADHD, and executive functioning issues. He has weakness in cognitive processing. Working memory and processing speed are also areas of weakness for B.R. according to Dr. Fiorito-Grafman's. He could be more distracted in a classes with speaking and music.

Dr. Fiorito-Grafman's notes that B.R. has weakness with auditory comprehension, comprehension, and math skills. In a controlled class with a one-to-one aid, B.R. can be easily redirected, but he will struggle in a larger class. B.R. needs to feel connected and equal to his peers academically and socially. Lack of support will impact his ability to make meaningful progress. These are the recommendations of Dr Fiorito-Graftman. The District did not incorporate the recommendations of Dr Fiorito-Graftman in its IEP.

B.R. has a sensitivity to sound, such as loud noises and class bells. The OT report states that loud noises distract B.R. but he gets right back on task.

B.R.'s speech services were cut from forty to thirty minutes. In the general education classroom, there are ten students with IEP's and the rest do not have IEP's. B.R. in a large school general education class is the opposite of the recommendations of Dr. Fiorito-Grafman's.

Grushko's class observation at Winston NY was in a one-to-one setting. The teacher redirected B.R. several times. He could be re-directed and work through the lesson.

In the West Orange IEP, B.R. would have seven general education and four special education teachers daily. He made progress and actively participated at Winston NY. In Winston NY, B.R. was in a small class.

The District did not consider an autistic class for B.R. There was no evidence that B.R. could not keep up with his peers. The District did not do any social, emotional or academic evaluations of B.R.

In the general education class the general education teacher would give instructions verbally and the special education teacher would write the instructions on the board. Grushko did not see Dr. Fiorito-Grafman's observations report before she wrote her observations report.

Grushko stated that B.R. would not be singled out with a one-to-one aid because there was another student in the class with a one-to-one aid. Redirection of B.R. could be done by an adult in the room. During the speech evaluation, B.R. had difficulties with planning, prioritization, and organization during conversations. He had difficulty with transitions during conversations.

B.R.'s scores and evaluations made Grushko believe that he can be in a general education setting. The BASC test in Dr. Fiorito-Grafman's report shows that in some areas B.R.'s score is clinically significant and at-risk categories.

B.R. would struggle with keeping on task and have difficulty in having conversations but within time it would get better. He did not need LLD or a resource room setting.

Grushko had input from the teachers at Winston NY regarding B.R.'s IEP. They spoke about related services. She was told that the services were integrated. Winston Prep is an accredited school.

Regarding the WAIT test, the grade equivalent score is one portion of a score, She believes using standardized scores give the best estimate of where a child is. B.R. does not need a bell chair. She did not see him using a bell chair.

Grushko did not believe that a social history evaluation was necessary because the neuropsychological evaluation did a deep history.

The one-to-one aid would be used for thirty days for transitions and lunch, but B.R. would have the aid in the classroom for the school year.

When Grushko observed B.R. at Winston, he did not get one-to-one instruction all day. He had a one-to-one focus session. One-to-one reading, writing and math were not appropriate for B.R. B.R.'s pragmatic speech needs can be addressed in class as well as in group counseling and OT. Other students' activities and noise level can affect B.R. in any school setting.

In the class size of twenty, B.R. would wait if the special education teacher was assisting another student.

Melissa Fioroto-Grafman

Fioroto-Grafman is employed by the Center for Neuropsychology and Psychotherapy. She has been a pediatric neuropsychologist since 2010. She has been a licensed psychotherapist since 2010. She did a fellowship in neuropsychology after attaining her PHD. She has provided initial diagnosis, clarified a diagnosis, and provided recommendations. She has worked in a hospital setting as well as private practice.

B.R. attended Parkside from Kindergarten to fifth grade. At Parkside, B.R. had a one-to-one aid. He needed prompts and redirection to control his body and mind. He had issues with internal regulation and different environmental variables. He was distracted by the other students. He had difficulty initiating tasks. He needed continuous support throughout the day. He was shown tools and taught strategies for attention, processing speed and regulation. When he completed the fifth grade, his reading was at a fourth-grade level.

At Winston NY B.R. had issues dealing with frustration and could be argumentative. His teachers specialized in ADHD and executive function disorders. His focus teacher, who provided daily support, was a liaison to the teacher and focused on language issues. B.R. worked on self-regulation, problem solving and self-advocating. Active listening strategies were used. Difficulties for B.R. included raising his hand. He was impulsive. He had issues with taking turns in class or conversation, elaborating on the ideas of others, going on tangents and he would perseverate. He needed to pay attention to what others said. He needed a lot of support. He had movement breaks. The strategies worked and helped B.R. learn.

He had a hard time sustaining attention and moving on. He was internally and externally distracted. He needed to be reminded to focus. B.R.'s related services were independent and group counseling, OT and speech therapy.

B.R. has difficulty with regulation. The tools that worked for him at Winston NY included use of a calendar, graphs, external support from others and support from the teachers. B.R.'s social, emotional needs include support across all areas of function. His social emotional supports must be integrated through the day, not compartmentalized. Social skills should be integrated throughout the day.

To meet his needs, B.R. needs a specialized school for high functioning students with ADHA and language disorders. He needs a small school environment in a supportive setting. He needs specialized support and guidance from the teachers. He needs a place

where the environment can be adapted to his noise sensitivity. His noise sensitivity distracts him and can lead to dysregulation.

Fiorito-Grafman stated that if B.R. is not in a supportive learning environment, his anxiety and depression will increase. If he is not emotionally and psychologically secure, it will be an issue to access his potential. If B.R. is not in an appropriate placement his social and emotional disorder will increase. He needs to be with students that are similar to him. B.R.'s program at Winston NY was appropriate for him. Both Winston NY and Winston NJ have the same supports and services. Winston NJ is an appropriate placement for B.R.

Dr. Fiorito-Grafman's diagnosis of B.R. is autism, ADHD, specific learning disorder with written impairments and language disorder. Her recommendations are for B.R. to be in a special education school in a small classroom. He needs an interactive approach so that he can learn continuously through the day. He needs to get the features of related services throughout the day. He needs ESY, and to work at a slower pace with the teacher. A small classroom is important due to B.R.'s noise sensitivity. In a larger class, he could be overwhelmed by the chatter in addition to his internal thought processes. A large school will exasperate his noise sensitivity.

Dr. Fiorito-Grafman did a program review of Winston NY, Winston NJ and West Orange programs. She had a conference call with Winston NY. She had discussions with Winston NJ. The teachers at Winston stated that B.R. had difficulty determining what he needed to do without help. He was given visual and other strategies. He needs socialization but has problems monitoring his behavior. He benefitted with prompting and strategies. In the absence of organization and strategies, he did worse. The progress reports from Winston were consistent with her findings.

Dr. Fiorito-Grafman's reviewed the District's IEP which included visual support, one-to-one aid, teacher check-in and verbal and nonverbal redirection. She observed the District's Math, English Language Arts (ELA) and Art classes, that B.R. would be in. In

the Math class, there were twenty students, one teacher and one in class resource teacher. The students were logged onto a computer program. The teacher walked around the classroom. The students were talking to their peers related to the computer project. Fiorito-Grafman did not see many modifications in the IEP used. She did see one-to-one teacher check in and possibly redirection. B.R. needs tools and strategies to promote more independence. Modeling is important, but B.R. needs to be taught how to do things over time.

Dr. Fiorito-Grafman's observation of the Art class showed twenty-one students and one teacher. The students gathered in the front of the room, then separated into groups of four. She did not observe many modifications in this classroom. There was very little teacher check in and the students worked independently. This would not be sufficient for B.R.

Dr. Fiorito-Grafman's observation of the social studies class showed twenty-three students working independently on social emotional learning. There was one teacher and one resource teacher. The teacher walked around to aid; the resource teacher prompted some of the students. This class did not have adequate modifications for B.R.

Dr. Fiorito-Grafman's observation of the ELA class showed that there were twenty students and music was on during the entire class. The teacher read out loud and the classed discussed the reading. There were not many modifications. The students worked independently. She did not see sufficient modifications for B.R.

In the West Orange program B.R. would be taken out of specials for related services such as speech and OT. She does not recommend a one-to-one aid because it would cause stress and embarrassment to B.R. The goal for B.R. is to integrate into an environment. A one-to-one aid would be too stressful and counterproductive.

The District's program is not appropriate for B.R. The Winston NJ program is appropriate for B.R.

Dr. Fiorito-Grafman did not observe B.R. at Winston NY, Winston NJ or West Orange. She has never seen B.R. in a classroom setting.

The modifications and accommodations in an IEP are based on the student's needs. Dr. Fiorito-Grafman's observations of the District classes was done by zoom. She could see the landscape of the classroom. She believes that she could see all of the students in the classroom. She did not know beforehand what classes she would observe. The student in the classes that she observed would not need the modifications that B.R. needed. She did not see students submit assignments or need to be assisted with a graphic organizer. The students she saw were independent learners and independent. She questions why B.R. would be put into these programs since he is not independent.

Greg Koehlert

Greg Koehlert (Koehlert) was employed by Winston NJ as Head of School for eight years. He is currently the transition head. As Head of School, his job was to oversee the academic dean, dean of curriculum and assist with admissions among other things.

Winston NJ is a campus of Winston Prep. Winston NY is also a campus of Winston Prep. They are different campuses of the same school. The courses are the same at both schools.

Koehlert previously taught English and History at Heritage School in Georgia. He has a master's degree from St. Johns College.

Winston is a skills-based program. It uses continuous feedback daily to tailor the program to the student. All students are grouped according to their learning profiles., similar age groups and social skills. The strategies at Winston are research-based strategies with remediation. The strategies can be for executive functioning or decoding.

Professional development of the teachers is important. New teachers do a ten-hour introduction to Winston course. The first- and second-year teachers meet monthly.

Autistic students have problem solving skills, reasoning, and processing information skills. Autistic students have difficulty with comprehension. Winston understands this from a clinical level and supports the students.

Jamison Bean

Jamison Bean (Bean) is employed at Winston as Head of School. He was previously Dean of Students for three years where he oversaw four groups of students. At Winston they understand the learning student profile and design an instructional plan which includes goals. They work with a teacher team to develop strategies, communicate with the family and work with the student.

Bean was a teacher of history at Winston NJ for seven years. He still teaches. The focus teachers come from different backgrounds, such as education, speech, and social work. Students are matched with the focus teacher that meets his needs.

He is familiar with B.R. He was B.R.'s history teacher. At that time, he worked with B.R.'s focus teacher. The focus teacher worked with B.R. on any academic problems and written expression. B.R. did very well in history class.

L.R.

L.R. is the mother of B.R. B.R is a smart, sweet, and witty child, who likes to read and loves technology.

She was in contact with Winston NY and was provided with updates and progress reports. She was in contact with B.R.'s focus teacher at Winston NY through email. B.R. has been evaluated throughout the years. A psychological educational assessment was done by Dr. Jennifer Leach, a clinical psychologist, who recommended B.R. needed

special education services for self-regulation and executive functioning weaknesses. He was diagnosed with language disorder with written expression, language disorder and ADHD.

L.R. shared the report of Dr. Fiorito-Grafman with the District. She requested an IEP in March 2021. The District requested OT and speech observation and a class observation at Winston N.Y. The District observation was thirty minutes in the focus class. The District did not request a psychological evaluation. The District did not have an educational evaluation of B.R. done. The District accepted Dr. Fiorito-Grafman's report. She did not realize that the District did not accept Dr. Fiorito-Grafman's recommendations. The District did not offer anything other than the IEP.

The District's IEP provided B.R. with a general education class with eighteen to twenty-five students with a general education teacher in a school with 500 students, pull out related services and a one-to-one paraprofessional. This was not comparable to the Winston NY program.

Winston NY is a small school with small classes and tools and strategies are integrated throughout the day. There is a one-to-one focus session with a teacher. The program is tweaked and modified as needed. All the instruction was with similar peers. There are no pull-out classes. There is no loud hallway or lunchroom like the District's school.

L.R. observed a class that B.R. would be in the District along with Dr. Fiorito-Grafman and two teachers from Winston. The class was a math class which they observed over zoom. There were eighteen students in the class and there was not much instruction. The teacher gave instructions in the beginning of the class without much follow-up. There were also announcements and school updates during the class. The students moved around and did independent work. L.R. does not think B.R. would excel in that class because there was not much support and he would become distracted. The class they observed was a general education math class with in-class support. There

was music playing that would distract B.R. The announcements would be a sensory overload for B.R.

The District had a one- to-one aide for B.R. which would single him out among the other students and embarrass him. B.R. is fourteen.

L.R. communicates with Winston NJ all the time. She speaks with the focus teacher weekly. She also speaks to the dean and the head of school. Three reports regarding B.R. are sent yearly. She meets with the team at Winston NJ two to three times per year.

Winston NJ is a small school with small classes. It is a structured program with supports integrated throughout the day. It addresses all B.R.'s deficits. The focus teacher works with him daily. Modifications and adjustments are based on B.R.'s performance. B.R. was making progress at Winston NJ.

Petitioner retained an attorney prior to registering B.R. in the District. Petitioner advised that District that they wanted B.R. to continue at Winston NJ in March 2021, three months prior to the IEP.

The math class that she observed in the District had two adults. There may have been a third adult in the classroom. She did not see the students provided with modifications. She does not know if the students needed the same modifications that B.R. needed.

L.R. recalled that at the IEP meeting, the District did not go into what the one to one paraprofessional would do. The IEP stated that the one-to-one aid was for transitions and lunch.

The IEP modifications were not what she expected. She expected something integrated through the day the way it is done at Winston NY and Winston NJ.

FACTUAL DISCUSSION

Based on the testimony and evidence submitted, I **FIND** the following **FACTS**:

B.R. began to receive related services in speech, OT, play therapy and counseling at home when he was three years old. A special education teacher would come to the home to provide the services. He was also in a therapeutic special education program at the Child Development Center through New York special education services.

B.R. then attended the Parkside School, which is a language based therapeutic school in New York. This was paid for by the New York Department of Education. B.R. was at Parkside from Kindergarten to fifth grade.

The next school he went to was Winston NY, which was paid for by the New York Department of Education. At the Child Development Center and Parkside there were eight students in B.R.'s classes. At Winston NY there were nine students in B.R.'s classes.

When B.R. aged out of Parkside, the neuropsychologists and teachers felt that he needed a specialized, structured program with small classes for social, emotional, executive function and academics. He then attended Winston NY, which has special instruction and an environment to access his skills. It has a challenging curriculum, and he would be with similar peers.

B.R. had an IEP in New York, His diagnosis was PPDNOS, ASD, speech language delay, ADHS and anxiety.

B.R. talks impulsively and compulsively. Once he starts talking it is hard for him to stop. He continues to talk if people are listening or not. B.R. does not pick up on social cues. If he is asked, can they talk later, he continues to talk. He gets frustrated when someone tries to stop him from talking.

B.R. struggles with transitions. New school, new classes, new teachers' new students in the class are all difficult for him. It is difficult for him to stop an activity once he has started it. He is a perfectionist. It is hard for him to stop something before it is done. It is also hard to get him to do something that he does not want to do. He has problems getting schoolwork done.

B.R. gets nervous about new social skills. He gets anxious and wants to have all the information available up front. He does not read social cues. He is awkward with peers who want to speak as well.

B.R. is hypersensitive to sound and noise. He has difficulty sitting near people who are eating. He wears noise cancelling headphones at home when sitting near people who are eating. He is super sensitive and tears up easily at anything. He does not have a sense of time or time management skills. B.R. procrastinates then he starts to do his homework late. He can get silly and dysregulated. He is hard on himself.

When petitioners were in the process of moving to West Orange, New Jersey, they contacted the District stating that they wanted special education services for B.R. and that he be in an out of District placement. The District assigned Grushko as B.R.'s case manager.

Grushko did a virtual classroom observation of B.R. at Winston New York on May 10, 2021. B.R. was in a one-to-one focus session. He was bright but needed cues from the teacher. He was distracted and benefited from redirection. He worked through the lesson and gave meaningful responses. There was a utilization timer, and he had a brake to self-reflect. The verbal prompts and self-reflection were beneficial. He was impulsive.

The District's CST agreed to do an OT and speech therapy evaluation for B.R. The re-evaluations were limited. Winston NY did not allow in person evaluations. Information from the prior neuropsychological evaluation and data were used. Since a neuropsychological evaluation had been done recently, the CST did not do another one.

The OT evaluation was done by Alison Bielinski. Grushko is not an occupational therapist and does not do OT evaluations. She spoke to Bielinski, who had no significant concerns, B.R.'s scores were in the average to high average range. He has sensory problems with bell sounds.

The speech and language evaluations were done by Danielle Emmolo. The testing showed B.R. was average in expressive language but had a weakness in pragmatic language and executive function.

The prior neuropsychological testing showed B.R.'s WISC-V score were average to very superior. His full-scale I.Q. was in the superior range at 129.

The CST found that B.R. was eligible for special education services under the classification of other health impaired. There was an IEP meeting on June 4, 2021 to determined eligibility and programming. Petitioners and their attorney were at the IEP meeting. There was no dispute as to eligibility. The programing offered was at Liberty Middle School. B.R. would have in class resource for Language Arts, Math, Science and Social Studies in a general education class with a general education teacher and a special education teacher, as well as a one-to-one para-professional for re-direction. Speech therapy would be in a group once a week for thirty minutes with a speech consult. OT would be once per week group with an OT consult. He would also have counseling once individually and once in group. ESY was also part of the IEP for learning language disability (LLD) and for related services.

B.R.'s language arts class would have twenty students, math would have twenty-one, social studies would have twenty-three and science would have twenty students. There would be two teachers in the class, a general education teacher and a special education teacher. The teacher ratio was between nine to one and eleven to one. In art there were twenty-four students, in physical education there were twenty-five students

and in world history there were nineteen students. These classes only had a general education teacher. An aide would go with B.R. to those classes.

The District knew that B.R. was in Winston NY prior to his enrollment. It knew that B.R. was placed in Winston NY by the New York Department of Education. The 2021-2022 IEP did not provide LLD or resource room for B.R. Grushko read B.R.'s September 8, 2020, IEP from New York.

B.R. only attended special education schools in New York. He was never in a general education class in New York. B.R. was classified in the New York IEP as Speech and Language impaired. The Wechsler Individual Achievement test done in the Spring 2019-2020 when B.R. was in the grade six had the following scores:

	Standard Score	Percentile	Grade Equivalent
Reading Comprehension	95	37	4.7
Oral Reading Fluency	1	50	6.7
Oral Reading Accuracy	102	55	
Oral reading Rate	101	53	
Math Problem Solving	105	63	7.7

According to the Winston NY's September 2019 IEP, B.R. struggled with language and acquiring vocabulary, figurative language and multiple meaning words. Utilizing active reading strategies helps but he needs prompting and reminders. Inferential comprehension is hard for B.R. He benefits from slowing down and paying attention. He benefits from the use of checklists, outlines, and reminders. Expository writing is difficult for B.R. Math computation and following multi steps is difficult for B.R. B.R. has executive functioning difficulties in all areas. Regarding his physical development, B.R. continues to be distracted by internal and external stimuli. He needs self-regulation strategies. He benefits from hand movements and movement breaks. He utilizes break cards and a ball chair. The District's IEP does not include a ball chair. B.R.'s receptive and expressive

language delays impact his ability to listen actively, comprehend figurative language and organize. He struggles with attention span and self-regulation. He requires a small, structured nurturing class to support his needs.

The Winston NY IEP also states that B.R.'s receptive and expressive language delays impact his ability to listen actively, comprehend figurative language and organize. He struggles with attention span and self-regulation.

The petitioners rejected the District's IEP and wanted B.R. to attend Winston NJ. The District did not offer small structured classes to B.R. B.R.'s New York IEPs did not consider general education classes for B.R. The District did not do a psychological or educational evaluation of B.R. It did not do a social history.

The Winston NY September 2019 IEP recommended B.R. class have a ratio of eight students to one teacher. The West Orange IEP placed B.R. in a general education class with in-class resources and at least eighteen students in the class. There were other differences between the Winston NY and the West Orange IEP regarding related services. The Winston NY IEP had individual counseling services once a week for forty minutes and group counseling once a week for forty minutes, the West Orange IEP had thirty minutes a week of individual counseling services and thirty minutes a week of group counseling services. The Winston NY IEP has OT once a week for forty minutes. The West Orange IEP had OT once a week for thirty minutes and a consult. The Winston NY IEP had speech group three times a week for forty minutes a week. The West Orange IEP had group speech once a week for thirty minutes. The West Orange IEP did not have any reading comprehension related services. The reading comprehension would be done in the general education class.

In the District's IEP Speech and OT could be specialty or advisory. Advisory is in class to make up missed work. At Winston NY and Winston NJ speech is incorporated into the program. There was no accommodation made for B.R.'s sensitivity to sound in the District IEP. Based on the neuropsychological, OT, and speech evaluations the

District decided that B.R. should be in a general education class with supports. In the general education class the general education teacher would give instructions verbally and the special education teacher would write the instructions on the board. B.R. did not have one-to-one instruction all day at Winston NY or Winston NJ, he had one to one focus sessions there.

Fioroto-Grafman has been a pediatric neuropsychologist since 2010. She has been a licensed psychotherapist since 2010. She did a fellowship in neuropsychology after attaining her PHD. She is a member of the New Jersey Psychological Association and the New Jersey Neuropsychological Association as well as a member of the National Psychological Association. She has participated in IEP meetings. She is an expert in neuropsychology and psychology.

Fioroto-Grafman evaluated B.R. in February 2021. He was attending Winston NY at that time. Data that was used in the report was from her interview with B.R.'s parents, his teachers, standardized teachers report and open ended questions. She spoke to B.R.'s focus teacher at Winston NY. One of his teachers stated that B.R. was curious and engaged, but he had sensory sensitivity, liked to socialize but had difficulty with regulation. He had difficulty working in groups and with pragmatic situations. He is bright but has difficulty navigating his autism and ADHD. He has difficulty with regulation without support. B.R. becomes dysregulated when there is a lot of noise or movement which distracts him and makes it difficult for him to attend and focus.

Winston NY is a private school which has small classes of eight to ten students which fits the profile for students with ADHA and executive functioning difficulty.

B.R. had the WIAT III test administered at Winston Prep NY in June 2020. His education scores were in the average range. He was given the WISC-V test in June or July 2018; his IQ function was superior he was in the ninety-third percent for visual space. He was in the high average range. His full IQ score was eighty-one percent. This is also in the high average range. Five of B.R.'s scores ranged from average to superior. The

fact that he had a variable score could mean that his scores were not true scores. His academic and IQ scores need to be compared. His academic achievement is not consistent with his ability. His sentence building score was four percent, in the low range, his oral discourse comprehension score of eight percent was also in the low range. This is a large discrepancy with his IQ scores.

A child with a high IQ with scores that are not consistent with the IQ is called twice exceptional. The child has intellectual ability with an accompanying disability, B.R. has gifted ability but with disorders of autism, language, and ADHD.

B.R. has average processing speed with gifted intellectual capacity, but he cannot process on the gifted level, which causes him distress. B.R. has ADHD, autism, language issues, executive functioning issues and processing issues. His executive function issues and ADHD was confirmed by the BASC, BRIEF and Conners tests.

When Fiorito-Grafman tested B.R., he was friendly and amiable to be tested. He had difficulty sustaining attention and was internally and externally distracted even though the testing was in a controlled environment. He was verbally impulsive, interrupting her when she spoke. He needed to be redirected, he perseverated, and it was difficult for him to move on. He was anchored in small details. He rushed through work and had to be reminded to take his time. The test took several hours longer than it should have.

B.R. has a high intelligence. His ability to process is a weakness because he functions so high. His IQ scores were high. His full-scale IQ was in the ninety-seventh percent. IQ is a way to determine what to expect from a child. On the BASC-3 test, scores below sixty are normal. Scores in the range of sixty to sixty-five are in the at-risk category score past sixty-five are clinically significant range. Petitioner's report of the BASC scores showed that B.R. was in the clinically significant range for hyperactivity and in the at-risk range in anxiety, somatization, and internalizing problems. B.R.'s teacher Julianne Esposito did the teachers BASC report regarding B.R.'s social and emotional functioning. She found he was in the at-risk category in the following areas: hyperactivity, depression,

attention problems, withdrawal, behavioral symptoms, adaptability and functional communication. He was within normal limits in all other areas. Another teacher, Elyse Familetti also assessed B.R.'s social and emotional functioning BASC teachers report. She found his behaviors of concern were hyperactivity, anxiety, depression, attention problems, atypicality, behavioral symptoms, adaptability and functional communication.

B.R.'s immediate recall was in the borderline range. On a recognition test with help, he improved some. He encodes more information than he can retrieve without the help of others. He has difficulty organizing visual information. When he must organize new information, he has difficulty, without staff help, he will struggle.

B.R.'s difficulty with executive functioning overlaps into other areas. His autism causes social and pragmatic problems for him. His difficulty with executive functioning can create social and pragmatic problems. Executive function includes the ability to regulate feelings, know when to speak and when not to and to listen and inhibit responses.

B.R. has difficulty with regulation. The tools that worked for him at Winston NY included use of a calendar, graphs, external support from others and support from the teachers. B.R.'s social, emotional needs include support across all areas of function. His social emotional supports must be integrated through the day, not compartmentalized. Social skills should be integrated throughout the day.

Dr. Fiorito-Grafman's diagnosis of B.R. is autism, ADHD, specific learning disorder with written impairments and language disorder. Her recommendations are for B.R. to be in a special education school in a small classroom. He needs an interactive approach so that he can learn continuously through the day. He needs to get the features of related services throughout the day. He needs ESY, and to work at a slower pace with the teacher. A small classroom is important due to B.R.'s noise sensitivity. In a larger class, he could be overwhelmed by the chatter in addition to his internal thought processes. A large school will exasperate his noise sensitivity.

Dr. Fiorito-Grafman's current clinical impressions of B.R. were that he was twice exceptional with an IQ in the supreme range but also with disabilities. His academic abilities range from average to superior. He was in the average range in reading comprehension, oral discourse and math problem solving. His written expression scores were in the low average range. Average is not the same for every student. B.R. has difficulty with reading, written expression, and math.

Dr. Fiorito-Grafman did a program review of Winston NY, Winston NJ and West Orange programs. She had a conference call with Winston NY. She had discussions with Winston NJ. The teachers at Winston stated that B.R. had difficulty determining what he needed to do without help. He was given visual and other strategies. He needs socialization but has problems monitoring his behavior. He benefitted with prompting and strategies. In the absence of organization and strategies, he did worse. The progress reports from Winston were consistent with her findings.

Dr. Fiorito-Grafman's reviewed the Districts IEP which included visual support, one-to-one aid, teacher check-in and verbal and nonverbal redirection. She observed the District's Math, English Language Arts (ELA) and Art classes, that B.R. would be in. In the Math class, there were twenty students, one teacher and one in class resource teacher. The students were logged onto a computer program. The teacher walked around the classroom. The students were talking to their peers related to the computer project. She did not see many modifications in the IEP used. She did see one to one teacher check in and possibly redirection. B.R. needs tools and strategies to promote more independence. Modeling is important, but B.R. needs to be taught how to do things over time.

Dr. Fiorito-Grafman's observation of the Art class showed twenty-one students and one teacher. The students gathered in the front of the room, then separated into groups of four. She did not observe many modifications in this classroom. There was very little teacher check in and the students worked independently. This would not be sufficient for B.R.

Dr. Fiorito-Grafman's observation of the social studies class showed twenty-three students working independently on social emotional learning. There was a teacher and a resource teacher. The teacher walked around to provide assistance; the resource teacher prompted some of the students. This class did not have adequate modifications for B.R.

Dr. Fiorito-Grafman's observation of the ELA class showed that there were twenty students and music was on during the entire class. The teacher read out loud and the class discussed the reading. There were not many modifications. The students worked independently. She did not see sufficient modifications for B.R.

Dr. Fiorito-Grafman's spoke to the District about programing. There are 572 students in the school. B.R.'s program included in class resource Math, ELA and Social Studies. It also had a one-to-one paraprofessional throughout the school day. There were seven periods of fifty-five minutes each. The average class size was eighteen to twenty-three students in Math, Science, ELA, and Science. The specials had more students in the class. If B.R. were to go to this program, he would have seven general education teachers and four special education teachers. The District stated that the teacher can model assignments, break down steps to the students, can slow down and re-teach. The students can use a graphic organizer or work in small groups. She did not see the supports that the District such as scaffolding, step by step teaching or the use of organizers.

Winston has eight to twelve students per class. There are eighty-five students in the school. The class time is shorter. Wednesday are half days, with the student meeting with the teachers and activities. The focus teacher meets one-to-one with the student, provides support, is a liaison between teacher, staff and student and helps with instruction. Speech is integrated throughout the day. Social skills are incorporated throughout the day. The focus teacher meets with the student daily. Winston has smaller class sizes. They do more than prompt and redirect. At Winston NJ, B.R. has seven classes with six teachers.

B.R. is very aware of his disabilities. Having a shadow would increase his anxiety. He struggles with anxiety and depression. B.R. has anxiety, impulsivity and difficulty staying on task.

Winston NY and Winston NJ are campuses of Winston Prep. The courses are the same at both schools. Winston is a skills-based program. It uses continuous feedback daily to tailor the program to the student. All students are grouped according to their learning profiles, similar age groups and social skills. The strategies at Winston are research-based strategies with remediation. The strategies can be for executive functioning or decoding.

Greg Koehlert was the Head of School at Winston NJ for eight years. Winston NJ has students with disabilities such as specific learning disorders, executive function, ADHD, autism, and language processing disorder. At Winston Prep there is a deep understanding of the students' skills.

Winston NJ does not use pull out programs. They believe that the student needs to be in every class. Each student has a focus teacher that the student meets with one on one each day. Each focus teacher has seven students. The focus teacher shares information with the other teachers.

The students are grouped according to their learning profiles. The teacher tells them the skills that they will learn and the strategies that they will use. A multisensory approach to learning is used. The classes average nine to ten students. Winston NJ serves students with IEP's and 504 programs.

Winston NJ does not have related services. Language based skills are provided throughout the day. There are licensed speech pathologists at Winston. Social emotional learning is provided throughout the day in all classes. It is taught in regular class and in focus groups. A focus group is created with two students.

Learning through experience is done especially with executive function and social skills. Art and physical education are done on alternating days.

Autistic students tend to have executive functioning difficulty. The program at Winston NJ helps them develop. Autistic students have difficulty with problem solving skills, reasoning, and processing.

B.R. attended Winston NJ for the 2021-2022 school year. The program for B.R. was to address his executive functioning difficulty, oral reading fluency and comprehension as well as writing comprehension. There were nine students in his class. Those students were high functioning with similar needs as B.R.

B.R. had a successful school year at Winston NJ. He had all A's. He understands his issues. He did well socially. It is difficult for him to be open and accept feedback. He developed friendships and was elected to the school council. He went over higher-level reasoning, writing skills, social pragmatic understanding and behavior with the focus teacher.

The focus teacher connects with the family weekly either by phone or email. They discuss what is going on at school, how is homework going and if there are any family issues that the school should know.

B.R. had a difficult transition to Winston NJ, but he was open to the support that was given, and the transition was successful. B.R. was successful academically and socially at Winston N.J.

Winston is not a New Jersey approved school for the disabled. Most teachers are certified in New Jersey. The focus teachers are matched to the student's skill set. L.R. was in contact with Winston NY and was provided with updates and progress reports. She was in contact with B.R.'s focus teacher at Winston NY through email. B.R. has been evaluated throughout the years. A psychological educational assessment was done by Dr. Jennifer Leach, a clinical psychologist, who recommended B.R. needed special

education services for self-regulation and executive functioning weaknesses. He was diagnosed with language disorder with written expression, language disorder and ADHD.

LEGAL ANALYSIS AND CONCLUSION

The 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, 102 S. Ct. 3034, 3037, 73 L. Ed. 2d 690, 695 (1982). One of 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.A. §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.A. §§ 1401(9), 1412(a)(1). The responsibility to provide a FAPE rests with the local public school district. 20 U.S.C.A. § 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, supra, 458 U.S. at 203, 102 S. Ct. at 3049, 73 L. Ed. 2d at 710. New Jersey follows the federal standard that the education offered “must be ‘sufficient to confer some educational benefit’ upon the child.” Lascari v. Bd. of Educ. of Ramapo Indian Hills Reg’l High Sch. Dist., 116 N.J. 30, 47 (1989) (citing Rowley, supra, 458 U.S. at 200, 102 S. Ct. at 3048, 73 L. Ed. 2d at 708). The IDEA does not require that a school district “maximize the potential” of the student, Rowley, supra, 458 U.S. at 200, 102 S. Ct. at 3048, 73 L. Ed. 2d at 708, 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, 109 S. Ct. 838, 102 L. Ed. 2d 970 (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 assessed in light of the individual potential and educational needs of the student. T.R., supra, 205 F.3d at 578; Ridgewood, supra, 172 F.3d at 247 48. The appropriateness of an IEP is not determined by a comparison of the private school and the program proposed by the district. S.H., supra, 336 F.3d at 271. Rather, 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.

An IEP must be in effect at the beginning of each school year and be reviewed at least annually. 20 U.S.C.A. § 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, supra, 116 N.J. at 48.

In addition, when scrutinizing a FAPE claim, there is a two-part inquiry. A court must first ask whether the state or school district has complied with the procedures of the Act when developing the IEP, and second, whether the IEP developed through the Act’s

procedures is “reasonably calculated to enable the child to receive educational benefits.” Rowley, supra, 458 U.S. at 207, 102 S. Ct. at 3051, 73 L. Ed. 2d at 712. While the IDEA does not require a school district to provide an IEP that maximizes “the potential of a disabled student, it must provide ‘meaningful’ access to education and confer ‘some educational benefit’ upon the child for whom it is designed.” Ridgewood Bd. of Educ. v. N.E., 172 F.3d 238, 247 (3d Cir. 1999) (citations omitted). N.J.S.A. 18A: 40-5.4 provides:

One issue in this matter is whether the District provided FAPE to B.R. The District’s June 4, 2021, IEP had B.R. in a general education class with in-class resource for Language Arts, Math, Science and Social Studies, O.T. individual once a week for thirty minutes and OT group once a week for thirty minutes and Speech- language therapy once a week for thirty minutes individual and once a week in a group. The classes had eighteen to twenty-three students. He also had a one-to-one aid in the IEP.

The IEP did not address B.K.’s reading comprehension difficulty or his noise sensitivity. The IEP does not adequately address his weakness with executive function. He has difficulty with taking turns, impulsivity and he goes on tangents.

B.R. having an aide would cause him anxiety at his age. His difficulties with planning, prioritization, and organization in conversations would have him struggling to keep on task. The IEP does not provide a small class for B.R. which is important for him. Although B.R. is very smart, his disabilities of ADHD and Autism create difficulties for him.

I **CONCLUDE** that June 2021 IEP does not provide FAPE for B.R. because it does not adequately address his comprehension, attention, speech, executive functioning difficulties and noise sensitivity difficulties.

The next issue is whether Winston NJ is an appropriate placement for B.R. Winston. Winston uses continuous feedback to tailor the program to its students. The strategies are research based with remediation. There are eight to twelve students per

class. The teacher can break down assignments and teach slower and reteach. It has eighty-five students.

The students each have a focus teacher they meet with one-on-one daily. The focus teacher provides support and is the liaison between the student, teacher, and staff. Speech and social skills are integrated throughout the day. Social and emotional learning is provided throughout the day. The smaller class size is necessary for B.R.'s noise sensitivity problem.

Learning through experience is done with executive functioning. Social and emotional learning is provided throughout the day.

I **CONCLUDE** Winston NJ is an appropriate placement for B.R.

ORDER

Based on the above, I find the District's IEP did not provide B.R. with FAPE. It is **ORDERED** that Winston NJ be and is hereby the appropriate placement for B.R.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2019) 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 (2019). 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 Policy and Dispute Resolution.

January 18, 2023



DATE

KIMBERLY A. MOSS, ALJ

Date Received at Agency

Date Mailed to Parties:
ljb

WITNESSES

For Petitioner

Melissa Fioroto-Grafman

Greg Koehlert

Jamison Bean

L.R.

For Respondent

Yelena Grushko

EXHIBITS

For Petitioner

P-1 through P-28 NOT IN EVIDENCE

P-29 NYC Department of Education IEP dated March 12, 2018

P-30 NYC Department of Education IEP dated July 1, 2019

P-31 NYC Department of Education IEP dated September 8, 2020

Outside Evaluations of B.R.

P-32 Important Steps, Inc, Bilingual History dated February 2, 2011

P-33 Important Steps. Inc. Bilingual Psychological Evaluation dated February 2, 2011

P-34 Important Steps Inc. Educational Observation dated February 2, 2011

P-35 Important Steps, Inc. Occupational Therapy Evaluation dated January 20, 2010

P-36 Important Steps, Inc. Bilingual Speech-Language Evaluation dated February 2, 2022

P-37 Dr. John T. Wells Pediatric Neurology Report dated February 7, 2011

P-38 JBFCS Child Development Center Psychological Evaluation Report dated 2012

P-39 Dr. Jennifer Leach Psychoeducational Assessment dated August 10, 2018

P-40 Center for Neuropsychology & Psychotherapy

P-41 Center for Neuropsychology & Psychotherapy, Dr. Melissa Fiorito-Graman's Program Observation dated October 22, 2021

P-42 Aviva Oliker's and Elyse Familetti's Observation Notes from District's Proposed Program

Winston Preparatory School Documents from New York:

P-43 Winston Preparatory School Fall Teachers' Report – 2019

P-44 Winston Preparatory School Winter Progress Report dated February 2020

P-45 Winston Preparatory School Spring End of Term Rubrik 2019-2020

P-46 Winston Preparatory School Spring Testing and Report Card- 2019-2020

P-47 Winston Preparatory School Spring Report 2020

P-48 Winston Preparatory School Spring Midterm Rubric – 2020

P-49 Winston Preparatory School Spring Testing Report and Report Card dated June 2020

P-50 Winston Preparatory School Summer Focus Report, dated July 2020

P-51 Winston Preparatory School August Focus Report, dated August 2020

P-52 Winston Preparatory School Fall Report 2020

P-53 Winston Preparatory Academic Report Fall Midterm 2020-2021

P-54 Winston Preparatory School Fall End of Term Rubrik- 2020-2021

P-55 Winston Preparatory School Winter Progress Report 2020-2021

P-56 Winston Preparatory School Spring Midterm Report-2021

P-57 Winston Preparatory School Individual Report Summer-2021

P-58 Elyse Familetti, Focus Teacher's Email updates dated: September 25, 2020, October 23, 2020, October 30, 2020, December 4, 2020, January 11, 2021, January 23, 2021, March 4, 2021, March 26, 2021, April 16, 2021 and May 7, 2021

Winston Preparatory School Documents from New Jersey:

P-59 Winston Preparatory School Fall report dated November 2021

P-60 Winston Preparatory School Winter Progress Report 2021

P-61 Winston Preparatory School Fall Report Card 2020-2021

West Orange Public School Documents/Correspondence:

- P-62 West Orange Public School Reevaluation Planning Notice, dated April 7, 2021
- P-63 West Orange Public School Reevaluation Planning Signed Consent Form, dated April 8, 2021
- P-64 West Orange Public School Reevaluation Planning signed Consent form, dated April 13, 2021
- P-65 West Orange Public School Classroom Observation Report, dated May 10, 2021
- P-66 West Orange Public School Speech/Language Assessment Report, dated May 20, 2021
- P-67

For Respondents

- R-1 March 3, 2021 Correspondence from Greenwald to Harrison regarding B.R.
- R-2 NYC IEP dated July 22, 2020
- R-3 April 13, 2021 Reevaluation Plan
- R-4 May 12, 2021 CST Occupational Therapy Evaluation
- R-5 May 12, 2021 CST Speech Evaluation
- R-6 February 9, 2021 Private Neuropsychological Evaluation
- R-7 October 22, 2021 Observation Report of Yelena Grushko, Case Manager/School Psychologist
- R-8 June 4, 2021 Initial IEP offered by District
- R-9 June 7, 2021 Letter from Greenwald to Harrison regarding Proposed IEP
- R-10 June 7, 2021 Email from Harrison to Greenwald regarding Proposed IEP
- R-11 C.V. of Yelena Grushko, Case Manager/School Psychologist
- R-12 March 3, 2022 Observation report of Yelena Grushko, Case Manager/School Psychologist
- P-13 December 16, 2021 Grushko Notes from Private Expert Observation