



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

(CONSOLIDATED)

R.S. AND J.S. ON BEHALF OF I.S.,

Petitioners,

v.

DUNELLEN BORO

BOARD OF EDUCATION,

Respondent.

OAL DKT. NO. EDS 07015-24

AGENCY DKT. NO. 2024-37403

And

DUNELLEN BORO

BOARD OF EDUCATION,

Petitioner,

v.

R.S. AND J.S. ON BEHALF OF I.S.,

Respondents.

OAL DKT. NO. EDS 07019-24

AGENCY DKT. NO. 2024-37445

Laura A. Siclari, Esq., for petitioners (OCG Solutions, attorneys)

Robin S. Ballard, Esq., for respondent (Schenck, Price, Smith & King, LLP,
attorneys)

Record Closed: December 2, 2024

Decided: December 11, 2024

BEFORE **JOAN M. BURKE**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

The parents of I.S. (petitioners) have requested a due-process hearing pursuant to the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1401 et seq. The respondent, Dunellen Boro Board of Education (District), filed a cross-petition. The issues presented for adjudication are: whether the District's proposed declassification of I.S. was appropriate; whether the District deprived I.S. of a free appropriate public education; and whether the District child study team's evaluation of I.S. was appropriate.

The contested cases were transmitted to the Office of Administrative Law (OAL) on May 28, 2024, under OAL docket numbers EDS 07015-24 and EDS 07019-24. At the request of the parties, an Order of Consolidation was entered on June 14, 2024. Hearings were conducted on September 17, 2024, and September 24, 2024. The parties requested an extension to submit their closing summations. On November 18, 2024, I held a status conference in the matter because the petitioners did not receive the transcripts of the proceeding until November 15, 2024. The parties requested an adjournment to allow the petitioners to prepare their summation. The record closed on December 2, 2024.

STATEMENT OF FACTS

The following **FACTS** are not in dispute, and I therefore **FIND**:

1. I.S. was born on July 18, 2014, and is currently ten years old and in the fifth grade. (J-1.)
2. I.S. was a first grader at Holy Savior Academy when she was evaluated and found eligible for special education and related services under the classification specific learning disability. (J-3.)

3. I.S. initially enrolled in the District on or around October 13, 2022, as a grade 3 student. She has remained a District student since that time. (J-4.)
4. The District child study team (CST) created I.S.'s individualized education program (IEP) on October 13, 2022. (J-7.) I.S.'s classification continued to be "specific learning disability." The IEP provided pull-out resource support in English and math, five times weekly for eighty minutes. (Ibid.)
5. On October 25, 2022, an "Invitation for Transfer Student 30 Day Review with IEP Development" letter was sent to the parents. (J-8.)
6. On November 15, 2022, a meeting was conducted to assess the student's progress and to review and revise the IEP. (J-10.) No parental concerns were noted on the newly revised IEP. (Ibid.)
7. On February 16 and February 28, 2023, Francie M. Matthews, Ph.D. (Dr. Matthews) conducted a literacy evaluation of I.S. (J-13.) Dr. Matthews diagnosed I.S. with specific learning disorder with impairment in reading (dyslexia). (J-13 at 7.)
8. On April 27, 2023, an IEP meeting was conducted for the upcoming school year. (J-16.) The IEP provided for pull-out resource replacement in language arts and math, five times weekly for eighty minutes. (Ibid.) On this IEP, under Concerns of Parent was written "As a result of the diagnosis and recommendations from Dr. Matthews, the IEP team referred I.S. to the basic Skills Instruction (BSI) program at Faber which offers the Wilson Reading Program. This program was requested by Mr. and Mrs. S as a result of I.S. diagnosis and the recommendation included within the report." (Id. at 3.)
9. On May 18, 2023, a "Request to Amend an IEP without a Meeting" was sent to the parents. (J-18.) The following New Jersey Student Learning Assessments (NJSLA) accommodation was the proposed change to the

IEP: “3i. Text-to-Speech for ELA/Literacy Assessments, including items, response options and passages NJSLA Test Type: ELA Criteria: Text and graphics.” (Ibid.) This change was to specifically address I.S.’s dyslexia as diagnosed by Dr. Matthews. (Ibid.)

10. The parents consented to the changes to the IEP on May 18, 2023. (J-19.)
11. The amended IEP is dated May 18, 2023. (J-20.)
12. On June 14, 2023, and November 13, 2023, the parents were sent I.S.’s progress reports regarding the May 18, 2023, IEP. (J-21; J-23.)
13. On January 9, 2024, the respondent sent an invitation for a reevaluation planning meeting for February 20, 2024. (J-24.)
14. On February 20, 2024, at the reevaluation meeting, it was determined that additional assessment was warranted “to determine if the student continues to have a disability which adversely affects the student’s educational performance.” (J-26.) The parents consented to the additional evaluation. (J-28.)
15. On February 28, 2024, an “Invitation for Reevaluation Eligibility Determination with Annual Review” was sent to I.S.’s parents. (J-29.)
16. On March 5, 2024, a psychological evaluation was conducted on I.S. (J-30.)
17. On March 13, 2024, an educational evaluation was conducted by Melanie Medina, a learning disabilities teaching consultant (LDTC), on I.S. (J-31.)
18. A report of I.S.’s progress toward the goals and objectives in her IEP dated May 18, 2023, through April 26, 2024, was issued. (J-32.)

19. On April 12, 2024, a reevaluation eligibility determination was made, and the District proposed that I.S. was no longer eligible for special education. (J-33.)
20. The IEP team recognized the educational impact based on I.S.'s diagnosis of dyslexia and proposed a 504 referral to the 504 team for their review. (Id. at 7.)

TESTIMONY

For respondent

Raquel Henriques has been employed by the Dunellen Public School District as a school psychologist since September 2023. Her duties involve conducting comprehensive psychological evaluations to identify students' academic, behavioral, and social needs. Ms. Henriques holds a bachelor's degree, a master's degree, and a professional diploma in psychology. She was a school psychology extern at the Green Brook Public School District, where she also performed psycho-educational assessments and evaluations and developed recommendations consistent with the students' needs. There, she attended and participated in CST team meetings and collaborated with teachers, administrators, and parents to meet the mental health and developmental needs of the students. (R-7.) Ms. Henriques has completed approximately fifty eligibility determinations and approximately thirty evaluations.

Ms. Henriques is familiar with I.S. She picked her up from class to conduct her psychological evaluation. I.S. was being evaluated for her triennial evaluation. This evaluation was to determine whether I.S. remains eligible for special education. Ms. Henriques reviewed I.S.'s student records, conducted a student interview, reviewed her teacher's input, and conducted a cognitive assessment using the Wechsler Intelligence Scale for Children (WISC-V). (J-30.) I.S.'s evaluation was done in one session over a 1.5-hour time frame. According to Ms. Henriques, I.S. "presented as a polite, friendly, enthusiastic, and motivated student with a desire to do her best. She demonstrated appropriate and sustained eye contact, intelligible speech, sat upright, and presented

continuous focus throughout the session. I.S. was able to follow the directions of the assessment without the need for repetition or additional models.” (J-30.)

I.S. obtained a Full-Scale Intelligence Quotient (FSIQ) of 95. This places her overall cognitive abilities within average range, which is within the 37th percentile. This means that I.S. performed the same as or better than 37 percent of her peer group. (J-30 at 2.) Her Verbal Comprehension Index score was 95, within the average range. I.S. scored within the average range on the Visual Spatial Index with a score of 100, in the 50th percentile. On the Fluid Reasoning Index, which examined I.S.’s ability to solve problems using inductive or deductive reasoning, she scored 88, which fell within the low-average range, which indicates that she scored as well as or better than 88 percent of similar-aged peers. (J-30 at 3.) I.S.’s Working Memory Index score was 85, which fell within the low-average range, which means that she performed equal to or better than 16 percent of similar-aged peers. (*Ibid.*) I.S. scored 108 in the Processing Speed Index, which placed her in the average range.

In comparing the psychological evaluation that was done on June 2, 2021, by the school psychologist, Elisa Sterns, Ms. Henriques testified that the results were comparative and that the only issue was the IQ, which was 108, and in her testing, it was 95. This difference was not troubling to Ms. Henriques because of the age differences. In 2021, I.S. was six years old, and at the time of Ms. Henriques’ examination, she was nine. Ms. Henriques testified that over time, however, the IQ stabilizes. According to Ms. Henriques, younger kids’ IQs tend to be higher, and as they get older, the IQ stabilizes. (1T 28:12–25; 29:1.)

Ms. Henriques participated in the eligibility determination meeting. At the eligibility meeting was the case manager, two of I.S.’s teachers, the LDTC, and the parents. Ms. Henriques stated that her evaluation was part of the review that was discussed at the meeting that led to I.S.’s disqualification. Ms. Henriques said, “based on the scoring and the discrepancy of using her full scale IQ comparing to the education evaluation,” she supported the CST determination that I.S. did not meet the criteria to be classified as eligible for special education and related services. (1T 30 18-21; 31:2–5.) The required evaluation test for specific learning disability is “Assessment of current academic

achievement conducted by a certified LDTC; assessment of intellectual disabilities conducted by a certified school psychologist which would have to have a severe discrepancy of 22.5 points between cognitive abilities and academic achievement.” (R-5.)

Ms. Henriques observed I.S. in class. She expressed that “I.S. was very engaged not only with her group but also answering to the teacher. In the room, it was loud. Students were talking but she was—she remained very focused on what she needed to do even in that setting.” (1T 32:16–20.) No teacher has contacted Ms. Henriques about concerns regarding the proposal for declassification. Ms. Henriques testified that eligibility is determined if the child has a disability as defined under N.J.A.C. 6A:14-3.5(c)(1)–(14), that disability adversely affects the student’s educational performance, and the student is in need of special education and related services. (R-5.) A severe discrepancy exists when there is a 22.5-point discrepancy between cognitive ability and academic achievement and there is evidence of adverse impact. In this case, there was not a 22.5-point discrepancy. (R-5.)

On cross-examination, Ms. Henriques reiterated that she observed I.S. in class where I.S. was very engaged. Ms. Henriques has conducted a total of fifty eligibility determinations, including as an intern. According to Ms. Henriques, I.S.’s IQ was 108 in her first evaluation, which was during COVID, and the evaluation may not have been 100 percent accurate. (1T 36:8–15.) Ms. Henriques did not take into consideration that I.S.’s specific learning disability may have contributed to the drop in IQ. Ms. Henriques testified that I.S.’s overall scores were average for her verbal comprehension and other areas of testing. Ms. Henriques testified that the drop in IQ was not only what was looked at in disqualifying I.S., but also that the education and psychological evaluations were considered. The comparison and discrepancy in scores and whether I.S. would be eligible for special education were all part of the discussion. (1T 37:6–17.) On redirect examination, Ms. Henriques further testified that all of the data was considered to declassify, which included the teachers’ input and overall testing.

Colleen Dalrymple is the interim director of special services. She began this position in May 2024 because the director, Dr. Santanello, was on maternity leave. Before

Dr. Santanello took maternity leave, Ms. Dalrymple spent approximately a week with her to have a smooth transition. (1T 41:18.) Ms. Dalrymple has a master's degree in learning disabilities, a master's degree in educational administration, and a teacher of the handicapped certification. (R-6.) Her previous work history reveals that she was an LDTC, then became the director of special services for the Brick Township Board of Education, and then the director of special services for the South Plainfield Board of Education. Her career spans thirty years. (1T 42:1–8.)

Ms. Dalrymple's duties include supervising and evaluating CST special education teachers and ensuring that the special education programs are in place. She provides professional development to the District staff, supervises the nurses, and oversees the guidance counselors. (1T 42:17–23.) She is trained to administer the Woodcock-Johnson IV Test of Achievement, the Woodcock-Johnson Test of Oral Language, Dynamic Indicators of Basic Early Literacy Skills assessments, Developmental Reading Assessments, , all reading tests, and more. (1T 43:1–2.) Ms. Dalrymple has completed over 100 evaluations and over 100 eligibility determinations. She is trained to interpret data from assessments using the Wechsler Intelligence Test. (Id. at 6–13.) Ms. Dalrymple was offered as an expert in educational evaluation, special education administration, and eligibility determinations.

Ms. Dalrymple became familiar with this matter when she first arrived at Dunellen because of the due-process complaint that was filed and began her investigation then. When I.S. transferred to Dunellen in June 2022, she was determined eligible for special education and related services under the classification of specific learning disability (SLD). (J-3.) The services provided were “[p]ull-out supplementary instruction: Reading/Language Arts/Math 06/09/2022-6/08/2023 1 x Weekly 45 min.” (Id. at 2.) On October 13, 2022, the parents accepted the classification of the student. On October 13, 2022, an IEP was created. (J-7.) On November 15, 2022, the IEP was revised. (J-10.) The pull-out resource support for English and math was revised to “5 x weekly 80 min.” (Ibid.) On February 16, 2023, and February 28, 2023, a literacy evaluation was conducted. (J-13.) The diagnostic conclusion was that I.S. “evidenced the cognitive-linguistic profile of dyslexia characterized by deficits in phonological awareness and orthographic memory. The dyslexia has resulted in significant underachievement in

decoding, oral reading fluency, and spelling relative to her oral language abilities and strong intellectual level.” (J-13 at 7.) On April 27, 2023, there was an annual review of the IEP. (J-16.) On May 18, 2023, there was an amendment to the IEP without a meeting, which the parents signed on May 18, 2023. (J-18; J-19.) The IEP was amended on May 18, 2023, based on the recent evaluations.

An educational evaluation was conducted on March 13, 2024. (J-31.) The Woodcock-Johnson IV Test of Achievement and the Woodcock-Johnson Test of Oral Language were done. According to Ms. Dalrymple, this was a standardized test, and overall, nothing stood out. I.S.’s reading scores were average to low-average; in language she scored low-average to average; and in math, it was low-average to average. As an LDTC, Ms. Dalrymple said nothing stood out to her as an overall strength. There was no weakness noted on the testing. (1T 64:8–25, 65:1–3.) If the student has the same test score when tested three years later, it does not mean the student has not progressed. Ms. Dalrymple said that I.S.’s scores on the Woodcock-Johnson indicate that I.S. has difficulty with phonics and oral reading, and that she is able to make progress. (Id. at 19–21.)

On April 9, 2024, there was a classroom observation by Catherine Hoben, the school social worker. (R-2.) Ms. Hoben concluded that I.S. was able to “transition with ease between assignments and from the bathroom back to class without difficulty, distractions, or interruptions,” “was able to communicate with ease and did not appear to struggle,” and “follows directions and demands easily.” “She kept up with the class even while missing part of the class to use the bathroom.” (Id. at 3.)

Ms. Dalrymple also reviewed the prior educational evaluation and did not notice any significant difference. According to Ms. Dalrymple, I.S.’s previous evaluation scores were high-average to low-average, which indicates that the testing was consistent over time. I.S. was given the Woodcock-Johnson at six years old, which is the time frame when this test starts to be given. Ms. Dalrymple was not surprised that some of the scores were a bit lower. (1T 67:1–9.) Ms. Dalrymple reviewed the psychological evaluation that was completed. In her expert opinion, the child study team evaluation conducted on I.S. as part of the reevaluation was appropriate. Based on the result of the reevaluation, the

CST proposed declassifying I.S., a decision that Ms. Dalrymple agrees with. (1T 69:6–9.)

Ms. Dalrymple did review I.S.’s progress using the i-Ready testing. (R-3.) On the i-Ready test, I.S. fell within normal range, and on the diagnostics, she went up quite a bit—her math also improved; she fell within the 27th percentile of her same age group. I.S. performed better than 27 percent of her peers. The i-Ready test showed she improved in math. The results of the i-Ready did not indicate that I.S. is in need of special education because they demonstrate that she is making progress. (1T 71:12–18.) No teachers or teaching staff have contacted the CST regarding any concerns about I.S.’s functioning since the eligibility meeting. (Id. at 19–21.) On April 12, 2024, the team declassified I.S. because she did not meet the criteria for special education.

Ms. Dalrymple observed I.S. in a writing exercise with Ms. McGraph. I.S. was on task and completed the work. Ms. Dalrymple also observed I.S. in the resource center, where the students were engaged in speaking with each other and completing an assignment, and I.S. was engaged there as well. According to Ms. Dalrymple, I.S.’s social skills are good, and she has friends. There are no behavioral concerns with I.S. (1T 72:5–23.) Ms. Dalrymple was asked about Dr. Basile’s evaluation of I.S. and whether her report caused the team to question the correctness of the determination that I.S. is no longer eligible for special education and related services. Ms. Dalrymple responded that it did not because Dr. Basile’s evaluation found “the same information that we’ve been working with all along and I.S. is continuing to make progress.” (1T 73:7–15.)

Ms. Dalrymple testified that not every student diagnosed with dyslexia meets the criteria to be eligible for special education and related services. Some students who are classified as dyslexic can access the general education curriculum, demonstrating that they are not in need of special education. (1T 74:7–14.) The District, however, employs interventionists that support the general education teachers in English, language arts and math. The interventionist specifically focuses on the student’s specific area of deficiency. In this case, they would focus on I.S.’s phonics and oral reading. (Id. at 18–25.)

On cross-examination, Ms. Dalrymple testified that after Dr. Francie Matthews diagnosed I.S. with dyslexia, basic skills instruction was provided. Ms. Dalrymple was asked about the process of being certified in the Wilson Reading Program (WRP). (1T 77:5–6.) There are two ways to be certified in the WRP, either by attending three full days of training (not necessarily in a row) or by training for six months. Ms. Dalrymple was not certain if I.S. had received instruction on WRP with any consistency from a certified WRP instructor.

Ms. Dalrymple admitted that there may be times when a neuropsychological evaluation could be part of the assessment process. (1T 80:3–6.) There are approximately six staff members at Dunellen that work with students with dyslexia. They are called interventionists, and they are certified reading teachers. Ms. Dalrymple was not sure if they were also certified in math. Ms. Dalrymple was not sure whether the interventionists were certified in the Orton-Gillingham Program or the WRP. (1T 81:6–11.)

For petitioners

J.S. (I.S.'s mother) testified that she is a licensed clinical social worker in private practice. Specifically, she is a therapist and does counseling for teens and adults. (1T 89:1–4.) I.S. is ten years old and attends John P. Faber Elementary school. When I.S. was in first grade, J.S. noticed that I.S. struggled to read, identify words, and sound out the words. This became a big problem each night as I.S. would cry. (1T 90:17–22.) J.S. went to her first-grade teacher to discuss the problem. I.S.'s teacher also noticed I.S. struggling during class and agreed that they should move forward to see what was wrong.

At the tail-end of first grade, I.S. was found eligible for special education services. I.S. began receiving pull-out supplementary instruction in reading, language arts, and math once a week for forty-five minutes. (P-1.) When I.S. got to second grade, I.S. continued to have an IEP. The Educational Services Commission of New Jersey informed them that I.S. would receive extra services in math and language arts. (P-3.) This was provided by Holy Savior Academy. According to J.S., these services were

necessary because she was still displaying difficulty in reading, math, and spelling. (1T 94:17–18.)

J.S. testified that during grades one and two, I.S. received tutoring twice a week. When I.S. entered third grade, she returned to the Dunellen public school system. J.S. felt at the time that the private catholic school could only provide “so much” resources and did not have as many resources as the public school. During the third grade, the IEP that was implemented had new pull-out resources. (1T 98:4–7.) Because I.S. was still struggling in third grade, as parents, they wanted to get a better handle on what specific learning disability she had. Thus, they had I.S. evaluated by Dr. Matthews, who diagnosed I.S. with dyslexia. (J-13.) According to J.S., the school district had never conducted a dyslexia screening of I.S. (1T 99:18–22.)

Dr. Matthews advised them to inquire if the school had Orton-Gillingham or Wilson certified instructors, because dyslexia “requires a multi-sensory approach by a certified instructor.” (1T 100:11–14.) J.S. reached out to Ms. Neves, I.S.’s instructor and also her case manager. (P-5; P-6.) Up until April 2023, at the end of third grade, J.S. was not aware if I.S. had received any Wilson or Orton-Gillingham training. Around the middle of May 2023, that changed when she was introduced to Ms. Vanraes and was told she would be providing Wilson instruction to I.S. (1T 104:12–25.) J.S. was not sure whether Ms. Vanraes was certified in the WRP. Ms. Vanraes did provide Wilson instruction between May 9, 2023, and the end of that school year. J.S. was unable to verify how many sessions I.S. had with Ms. Vanraes. (P-9.)

At the beginning of fourth grade, J.S. testified that she had a conversation with Ms. Neves, who said she was not trained in Wilson. J.S. reached out to Ms. Hoben, the case manager, to see if I.S. was still receiving Wilson instruction. (P-10.) In the response given by Ms. Hoben, it was confirmed that Ms. Neves was providing Wilson to I.S. “during I.S. Pull-Out Resource Replacement for ELA.” (Ibid.)

On October 29, 2023, J.S. sent an email to Ms. Neves expressing her concerns regarding the struggles she observed that I.S. goes through while completing her homework. J.S., in that email, requested that I.S.’s reading time be reduced. (P-11.) It

is concerning to J.S. that I.S. continues to struggle with reading now in the fourth grade. Sometime in November 2023, she received a call from Ms. Hoben informing them that a teacher in the District was getting a certification in WRP and was doing her practicum at Drexel and asking if the parents would be interested in having I.S. meet with her three times a week. They agreed. (1T 112:7–15.) This arrangement for instruction in Wilson was with Ms. Dimore. The instruction began in December 2023 and ended around March or April 2024. These services were not part of the IEP and were external to the school.

In the spring of 2024, J.S. attended the reevaluation determination meeting. Her expectation was that I.S. would continue to get services; I.S. would have an IEP and have the pull-out services as before. However, at the meeting, she was told that I.S. was declassified. Ms. Hoben told her that I.S. was declassified because of her scores, “the discrepancy was not there.” (1T 120:20–23.) J.S. felt that I.S. is in fourth grade and still cannot read at a fourth-grade level and is nowhere near where she needs to be. (1T 122:1–10.) They then hired an advocate to represent and direct them to the next step.

One of the next steps was to seek an independent evaluation from the District. (P-15.) On April 15, 2024, they requested neuropsychological, neurodevelopmental, and any other evaluations recommended. (*Ibid.*) According to J.S., there was no response from the District. They then went ahead and hired evaluators. They hired Dr. Basile to do a neuropsychological evaluation and Dr. Lanzkowsky, a developmental pediatrician. From the neuropsychological evaluation, she learned that I.S. has dyslexia, should have never been declassified, needs multisensory instruction, and is at the second-grade level going into fifth grade. (1T 126:8–13.)

On cross-examination, J.S. admitted that she did receive the petition filed by the District to deny the request for independent evaluations. J.S. also admitted that they had received Parental Rights in Special Education (PRISE) documents, which lets her know that the District’s response denying evaluation is a response. J.S. admitted that at the reevaluation meeting, the team reviewed the psychological and educational evaluation reports with her that led to their decision. J.S. admitted that the evaluations were also based on the teacher’s input and I.S.’s input. (1T 130:22–25; 131:1.) J.S. admitted that

I.S. has lots of friends and is well integrated into her community. Additionally, because of I.S.'s extracurricular activities, J.S. did request that her homework be reduced.

J.S. was not aware that Ms. Neves was trained by the director of curriculum and instruction in WRP. J.S. was not sure if Wilson instruction was added to I.S.'s IEP. However, the April 2023 IEP states that, "The IEP team referred I.S. to basic skills instruction program at Faber which offers Wilson reading." (1T 135:11–13.) J.S. admitted that she did request Wilson instruction for J.S. (1T 135:17–18.) J.S. testified that she did not know that the basic skills instruction was not part of the IEP. J.S. admitted that prior to attending school in the District, I.S. was identified with a learning disability. (1T 137:15–21.) J.S. admitted that Dr. Matthews in her report did not limit the type of instruction to Wilson or that the practitioner needed to be certified or that I.S. specifically needed to have Wilson's instruction. (J-13.)

Rosemarie Basile, Ph.D. (Dr. Basile) testified that she has a Ph.D. in psychology, an enroute master's degree and a terminal master's degree, and a bachelor's degree. She has been a licensed psychologist in New York since 2001 and in New Jersey since 2016. (2T 6:12–17). Dr. Basile currently has a private practice in advanced neuropsychology. (P-23.) She explained that neuropsychology is a specialty branch of psychology, which involves the study of brain behavior relationships. (2T 6:20–24.) Dr. Basile worked at the North Shore Long Jewish Medical Center (now Northwell at Staten Island University Hospital) between September 2000 and February 2024. While working there, she held the following positions: neuropsychologist; clinical coordinator of brain injury services; director of psychology services, and director of clinical training. (P-23.) She currently is also an assistant professor at Hofstra Medical School. Dr. Basile was admitted as an expert in neuropsychology, psychological assessment, and diagnosis for learning disabilities.

Dr. Basile conducted a neuropsychological evaluation of I.S. She conducted the evaluation over a four-day period and prepared a report on June 7, 2024. (P-19.) In conducting her evaluation, she did an intake with I.S.'s parents; three testing days, three hours each day; a school observation; and she reviewed school records. Dr. Basile in her evaluation states that "the Dunellen child study team recommended declassification

following her latest school-based evaluation due solely to the purported lack of a 23-point difference in scores between intellect and achievement, even though she has not made any gains and has declined on testing.” (P-19 at 3.)

On March 5, 2024, the school tested I.S. on the Wechsler Intelligence Scale for Children-V. Her FSIQ was 95, placing her overall cognitive abilities within the average range. (P-19 at 6.) According to Dr. Basile, when compared to her previous testing in 2021, there was a decline in I.S.’s verbal abilities based on a 13-point decrease in her verbal comprehension index scores and an 18-point decrease in her fluid reasoning index. According to Dr. Basile, the decline is “clinically meaningful and statistically significant.” (*Ibid.*) Dr. Basile reported that “nearly in all parameters,” I.S. demonstrates significant delays in her reading skills. (*Id.* at 7.)

Based on her testing, Dr. Basile found that there was a significant discrepancy between I.S.’s ability to express herself and her ability to understand and process spoken language. (*Id.* at 9.) Dr. Basile observed I.S. in reading and social studies class. The population of the class was mixed. I.S. was the only child with dyslexia. According to Dr. Basile, I.S.’s teachers were not Wilson-certified. (P-19 at 10). Dr. Basile diagnosed I.S. with attention deficit hyperactivity disorder, dyslexia, and specific learning disability in math and written expression. (*Id.* at 14.) Dr. Basile had some programmatic recommendations along with some classroom accommodations and modifications. (*Id.* at 14–16.)

Dr. Basile testified that IQ becomes more stable the older you get, but it does not necessarily drop. Usually if a child is in school and is about age six or seven you won’t see that. (2T 56:2–5.) As is here with I.S., whose IQ went from 108 to 95, Dr. Basile said it cannot be because of age alone. Dr. Basile testified that I.S.’s IQ dropped because I.S. is not keeping pace developmentally in terms of expanding her vocabulary and reasoning abilities. When kids are struggling readers, they do not develop verbal reasoning skills and vocabulary the way we would expect. (2T 58:17–24.) Dr. Basile was asked about the i-Ready testing results, which may have determined I.S. was reading at a higher grade level than what she tested her on. Dr. Basile testified that the i-Ready is a pre-packed program, and I.S. may have a high level of familiarity with the tasks in addition to a lot of

embedded repetition. She added that for something to be meaningful, it has to correlate with an external measure, and this does not. (2T 61:13–25.)

According to Dr. Basile, she takes the i-Ready diagnostic results with “a grain of salt.” (2T 62:5.) She firmly believes that intervention before age seven allows to bridge the gap in reading disability. Dr. Basile cited to her report and an article from the Journal of Educational Psychology, wherein she states, “when intervention commences in first grade, the anticipated incidence of reading disability, initially estimated at 12%-18% significantly reduces to 1.6%-6%.” (P-19 at 12.) Dr. Basile testified that once therapy interventions are done after age eight, they are significantly less effective because of brain plasticity. (2T 62:17–25.)

Dr. Basile testified that phonics is important in someone with a reading disorder. There are two core deficits associated with dyslexia. The first is a deficit in phonological processing, which is mapping words to sounds. (2T 63:19–24.) The second is orthographic processing, which is recognizing the pattern of letters that match a word. (2T 64:1–2.) According to Dr. Basile, the Orton-Gillingham and Lindamood Bell reading programs have the greatest scientific evidence and support in helping children with dyslexia. (2T 64:7–13.) The Orton-Gillingham program emphasizes phonics, and Lindamood Bell emphasizes sound production and the visual appearance of words. (2T 65:21–24.)

Dr. Basile recommended an out-of-district placement because she believes that the school does not understand I.S.’s needs. Some of the goals in her IEP were incompatible with her skills. I.S. is still lagging behind, and the goals are out of step as I.S. is struggling going into fifth grade. (2T 66:12–25.) Dr. Basile testified that if I.S. is to remain in-district, she needs an evidence-based reading therapy session four times a week for sixty minutes in order to help bridge the gap between where she currently is and where she needs to be. (2T 67:11–23). Dr. Basile disagreed that I.S. no longer requires special education because she does not qualify for a specific learning disability. She opined that the school only looked at one data point. They did not look wholistically at I.S. According to Dr. Basile, in her opinion, it was not appropriate for the District to declassify I.S., as she does not see her being able to handle work as she moves into

middle school. On the trajectory that she sees I.S. on, Dr. Basile does not believe I.S. will be able to complete high school. According to Dr. Basile, if her reading does not get better and she is now in the fifth grade, what will be different in the next four years that will propel her reading abilities? (2T 73:7–25.)

On cross-examination, Dr. Basile testified that brain plasticity plays a role in IQ. Dr. Basile admitted that the i-Ready placed I.S. reading at Grade 3, but none of her testing had a third-grade level. (2T 82:9–12.) Dr. Basile testified that grade equivalents are not “necessarily reliable.” (2T 82:17–25.) I.S.’s reading comprehension on the Wechsler shows 4.8, which is average, and her math-solving skill is below average. (*Id.* at 19.) Dr. Basile admitted that in her report, she concluded that I.S. had a specific learning disability in math, but when she wrote up her functioning in math, she stated that I.S. was at grade and age-appropriate level. I.S.’s math problem solving skills and her math fluency in multiplication were one point below average. Dr. Basile had no research that supports this position but stated she looked at how I.S. approached the problems. (2T 85:1–24.)

Dr. Basile did not administer a sentence composition or essay composition test to I.S. However, she drew her conclusion from I.S.’s spelling and fluency. (2T 92:17–25.) Dr. Basile was not aware that the Educational Services Commission had evaluated I.S. and found her eligible and prepared her service plan. (2T 96:17–20.) Dr. Basile was not aware that while I.S. attended Holy Savior, the Educational Services Commission implemented supports and monitored her progress. She was also unaware that Dunellen had no responsibility for providing special education services to I.S. until October 2022 when she was transferred in. (2T 99:5–19.) Dr. Basile admitted that she was not aware of the District’s paperwork that stated I.S. was diagnosed with dyslexia and that support would be provided through a 504 Plan. (2T 104:10–21.)

Dr. Basile admitted she did not do a phonemic proficiency even though it is a large part of dyslexia. (2T 109:2–13.) Dr. Basile admitted that the Children’s Memory Scale indicates that scores between the 25th and 75th percentile are average. (2T 110:14–17.) Dr. Basile admitted that based on the Dunellen criteria, I.S.’s math composite score, mathematical problem solving, and reading fluency were really not discrepant. (2T 115–116.) Although Dr. Basile concluded that I.S.’s spelling challenges impacted her written

expression, she never tested her in that area. Respondent pointed out several transcription and scoring errors in Dr. Basile's report. (2T 118–122.) Dr. Basile was not aware of the criteria used to determine a student's eligibility for education and related services as set forth in the N.J. Administrative Code. (2T 130:2–7.)

On redirect, Dr. Basile testified that the transcription and scoring errors in her report did not change her ultimate decision on I.S.'s diagnosis of dyslexia, nor her opinion on the specific intervention and special education program she recommended in her report. (2T 133:9–15.) She admitted to having several transcription errors in her report.

In evaluating the evidence, it is necessary for me to assess and weigh the credibility of the witnesses. Credibility is the value that a finder of the facts gives to a witness' testimony. It requires an overall assessment of the witness's testimony in light of its rationality, internal consistency and the manner in which it "hangs together" with the other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). "Testimony to be believed must not only proceed from the mouth of a credible witness but must be credible in itself," in that "[i]t must be such as the common experience and observation of mankind can approve as probable in the circumstances." In re Perrone, 5 N.J. 514, 522 (1950). A trier of fact may reject testimony as "inherently incredible" and may also reject testimony when "it is inconsistent with other testimony or with common experience" or "overborne" by the testimony of other witnesses. Congleton v. Pura-Tex Stone Corp., 53 N.J. Super. 282, 287 (App. Div. 1958). It is further necessary to evaluate and weigh the expert testimony offered at the hearing. It is well settled that "[t]he weight to which an expert opinion is entitled can rise no higher than the facts and reasoning upon which that opinion is predicated." Johnson v. Salem Corp., 97 N.J. 78, 91 (1984) (citation omitted).

I found the petitioners' witnesses credible. The record clearly shows that J.S. is a devoted parent who has been actively involved in supporting I.S.'s academic, emotional, and social well-being. I do not doubt her testimony describing her concerns regarding I.S.'s reading skills and that she is not where she is supposed to be in fifth grade. However, J.S. requested that I.S.'s workload at school be reduced because of I.S.'s extracurricular activities.

Dr. Basile was a qualified, detailed, and persuasive expert and fact witness. While Dr. Basile was admitted as an expert in neuropsychology, psychological assessment, and diagnosis for learning disabilities, and she was a credible witness, I place limited weight on her conclusion that I.S. should continue to be classified. Dr. Basile has never been part of a CST and has participated in three meetings where eligibility for an IEP was determined. Dr. Basile observed I.S. for three days, there were several transcription and scoring errors in her report, and she was not aware of the criteria used to determine a student's eligibility for education and related services as set forth in the N.J. Administrative Code. Dr. Basile concluded that I.S. had a specific learning disability in math but wrote that I.S.'s functioning in math was at grade and age-appropriate level. Dr. Basile was not aware that I.S. was transferred into the District in 2022. Dr. Basile testified that phonics is important in someone with a reading disorder, but did not do a phonemic proficiency, even though it is a large part of dyslexia.

I found the testimony by the respondent's witness, Ms. Henriques, to be credible. She pointed out that IQ stabilizes as a child gets older, a point that petitioner's expert Dr. Basile also stated. I found Ms. Dalrymple's testimony to be credible and consistent with other offered evidence. She pointed out that a child with dyslexia does not always require special education. Here, because of the discrepancies and the overall evaluation, the decision to declassify I.S. was proper. For these reasons, I give more weight to the District's expert witness' testimony over the petitioners' witnesses' testimony concerning I.S.'s declassification, intellectual ability, and needs in April 2024.

LEGAL ANALYSIS AND CONCLUSIONS OF LAW

The issues are whether the District's proposed declassification of I.S. is appropriate; whether it provided a free and appropriate education (FAPE); and whether the District child study team's evaluation of I.S. was appropriate.

Declassification

The District bears the burden of proving, by a preponderance of the evidence, that its action in declassifying I.S. was appropriate under the circumstances. In this case, the

District maintains that “I.S. did not meet the eligibility criteria set forth in N.J.A.C. 6A:14-3.5(c) to continue to be classified as eligible for special education and related services.” (Resp’t’s Br. at 9.) Additionally, the District maintains that the testimony of the District’s witnesses demonstrates that I.S. is not in need of special education and related services.

The petitioners assert that the District’s declassification was improper. They argue that the decision was improper because it was based solely on the severe discrepancy model. In support of their position, the petitioners argue that their case is analogous to V.M. ex rel. B.M. v. Sparta Township Board of Education, 2014 U.S. Dist. LEXIS 91254. In Sparta, it is alleged that B.M. suffered from dyslexia, attention deficit hyperactivity disorder, and deficit in his ability to read, write, and calculate. Sparta determined that B.M. was not eligible for special education. The parent of B.M. appealed. After a hearing at the OAL, the ALJ upheld Sparta’s decision. The District Court overturned that decision and found that “it is clear from the ALJ Opinion that the only dispositive factor was the severe discrepancy statistical formula.” Id. at *70. The District Court also held that

although a school district may lawfully utilize a severe discrepancy approach to determine whether a child has an SLD, and employ a statically sound formula to measure whether a child has a severe discrepancy between aptitude and actual achievement, that formula may not be the sole determinant of whether a child has a SLD. See 20 U.S.C. § 1414(b)(2)(B); 34 C.F.R. § 300.304(b)(2); N.J.A.C. § 6A:14-2.5(a)(1); M.B., 2010 U.S. Dist. LEXIS 78163, 2010 WL 3035494 at *8. Rather, a school district must base its determination on *all* of its assessments of the child, N.J.A.C. § 6A:14-3.5(c), and on careful, documented consideration of parent input, teacher input, test results, and information concerning the child’s health and background, 34 C.F.R. § 300.306(c)(1).

[Id. at *56.]

Pursuant to N.J.A.C. 6A:14-3.5(c)(12)(i), SLD “can be determined when a severe discrepancy is found between the student’s current achievement and intellectual ability in one or more of the following areas: (1) Basic reading skills; (2) Reading comprehension; (3) Oral expression; (4) Listening comprehension; (5) Mathematical calculation; (6) Mathematical problem solving; (7) Written expression; and (8) Reading fluency.”

The respondent points out that, “[I]n the alternative, a district may choose to determine eligibility under the category of SLD by utilizing a response to scientifically based interventions. N.J.A.C. 6A:14-3.5(c)12ii.” (Resp’t’s Br. at 8.) The District did not use this alternative when determining I.S.’s eligibility. “Rather, it relies upon severe discrepancy methodology, detailed in written procedures, to determine whether a student has a SLD which may require special education services. R-5.” (Ibid.)

Under N.J.A.C. 6A:14-3.5, “If the district board of education utilizes the severe discrepancy methodology, the district board of education shall adopt procedures that utilize a statistical formula and criteria for determining severe discrepancy. Evaluation shall include assessment of current academic achievement and intellectual ability.” The respondent argues that although “the District utilizes the severe discrepancy method, the written procedures adopted by the District also require that in making a determination as to whether the student has a SLD, the Teams must consider evidence, most notably functional assessment to determine whether there are adverse impacts of a learning problem on a student’s educational performance.” (Resp’t’s Br. at 9.)

The District offered competent evidence and testimony that it did what the Sparta court’s ruling and the regulation require. Testimony from the respondent’s witnesses indicated that various different tests were administered in order to evaluate I.S. coupled with observation of I.S. in the classroom. Petitioners’ witness, Dr. Basile, opined that the school only looked at one data point. It did not look wholistically at I.S. The respondent, in contrast, offered testimony that it looked at several things. Ms. Dalrymple testified that they used the nurse’s screening for vision and hearing, the teacher’s input, state testing, and classroom observation by the case manager. I.S.’s behavior was typical in both general education and special education classrooms. (1T 58:22–23.) In Ms. Hoben’s report, she found I.S. to be “attentive and focused.” Ms. Henriques observed her interacting in a room where it was loud, and I.S. remained focused. All of these reports were used in making the District’s determination. Furthermore, the District also considered the educational impact of I.S.’s dyslexia and proposed to submit a 504 referral to the 504 team.

I therefore **CONCLUDE** that the District met its burden of proving by a preponderance of the evidence that it complied with all the statutory and regulatory requirements in determining that I.S. was no longer eligible for special education.

Free and Appropriate Public Education (FAPE)

The next issue is whether the District met its burden proving that it provided a free and appropriate public education (FAPE) while I.S. was receiving services pursuant to her IEP.

This case arises under the IDEA, 20 U.S.C. §1401 et seq., which makes available federal funds to assist states in providing an education for children with disabilities. Receipt of those funds is contingent upon a state's compliance with the goals and requirements of the IDEA. Lascari v. Bd. of Educ. of Ramapo-Indian Hills Reg'l Sch. Dist., 116 N.J. 30, 33 (1989). As a recipient of federal funds under the IDEA, the State of New Jersey must have a policy that ensures that all children with disabilities will receive a FAPE. 20 U.S.C. §1412. FAPE includes special education and related services. 20 U.S.C. § 1401(9); N.J.A.C. 6A:14-1.1 et seq. The responsibility to deliver these services rests with the local public school district. N.J.A.C. 6A:14-1.1(d). To meet its obligation to deliver FAPE, the school district must offer an IEP reasonably calculated to enable I.S. to make progress appropriate in light of her circumstances. Endrew F. v. Douglas Cnty. Sch. Dist., 580 U.S. 386 (2017).

New Jersey has enacted legislation, N.J.S.A. 18A:46-1 et seq., and has adopted regulations to ensure all children with disabilities enjoy the right to FAPE as required by 20 U.S.C. § 1401 et seq. The IDEA requires that a student's FAPE be designed to meet the unique needs of the child through an IEP that is reviewed annually. Lascari, 116 N.J. at 30 (citation omitted). Moreover, classified students must be reevaluated every three years, or sooner if conditions warrant or if the student's parent or teacher requests the reevaluation. N.J.A.C. 6A:14-3.8(a); see 20 U.S.C. § 1414(a)(2)(A).

In order to provide a FAPE, a school district must develop and implement an IEP. N.J.A.C. 6A:14-3.7. An IEP is "a comprehensive statement of the educational needs of

a handicapped child and the specially designed instruction and related services to be employed to meet those needs.” Sch. Comm. of Burlington v. Dep’t of Educ. of Mass., 471 U.S. 359, 368 (1985). An IEP should be developed with the participation of parents and members of a district board of education’s team who have participated in the evaluation of the child’s eligibility for special education and related services. N.J.A.C. 6A:14-3.7(b). The IEP team should consider the strengths of the student and the concerns of the parents for enhancing the education of their child; the results of the initial or most recent evaluations of the student; the student’s language and communications needs; and the student’s need for assistive technology devices and services. The IEP establishes the rationale for the pupil’s educational placement, serves as the basis for program implementation, and complies with the mandates set forth in N.J.A.C. 6A:14-1.1 to N.J.A.C. 6A:14-10.2.

Here, I.S. was a first grader at Holy Savior Academy when she was evaluated and found eligible for special education and related services under the classification specific learning disability. In October 2022, I.S. transferred into the District. Prior to her enrollment in Dunellen, there was a meeting held to compare programs and determine if additional assessment was needed or if a new IEP was to be implemented. On October 13, 2022, a new IEP was put in place. In the IEP under the heading “Special Education Programs and Related Services” was listed Pull-out Resource Support in English and Math, five times weekly for eighty minutes.

In February 16 & 28, 2023, Dr. Matthews conducted a literacy evaluation of I.S. She diagnosed I.S. with dyslexia. On April 27, 2023, there was an IEP meeting where the 2023–2024 IEP was discussed. A new IEP was created to address the issue of dyslexia. Listed under the heading “Special Education Programs and Related Services” were pull-out resources replacement-language arts to begin April 27, 2023, through June 14, 2023, five times weekly for eighty minutes. This would also continue for the next school year, beginning on September 5, 2023, through April 26, 2024. Similarly, there was pull-out replacement for math from April 27, 2023, through June 14, 2023, and continuing from September 5, 2023, through April 26, 2024—five times a week for eighty minutes. Petitioners offered no evidence that they disagreed with this approach.

On February 16, 2024, the District notified the parents of a reevaluation to be held on February 20, 2024. (J-27.) At this meeting, a psychological and educational assessment were proposed by the District. The parents consented to the assessments. The assessments were conducted, after which a reevaluation eligibility determination and an annual review meeting were conducted on April 11, 2024. Based on the assessments, teachers' reports, and the student's input, it was determined that I.S. was no longer eligible for special education.

To meet its obligation to deliver 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., 580 U.S. 386. I therefore **CONCLUDE** that the District met its burden and obligation to deliver FAPE when it provided I.S. with appropriate IEPs for the 2023–2024 and 2024–2025 school years.

The Child Study Team's Evaluation of I.S.

Petitioners argue that because “the District only considered the severe discrepancy model in declassifying I.S.,” the CST's evaluation was not appropriate. (Pet'r's Br. at 27.) Petitioners further argue that they found other psychologists and paid for a psychological evaluation by Dr. Basile and therefore should be compensated by the District.

Respondent argues that the request for an independent evaluation should be denied, “as the District's evaluation of I.S. was appropriate and good cause does not exist for their completion to be ordered by this Court.” (Resp't's Br. at 13.)

A parent shall be entitled to independent evaluations unless the school district shows that its evaluations were appropriate. N.J.A.C. 6A:14-2.5(c)(1).

In this case, respondent has shown that its evaluations were appropriate. From the start, in February 2024, the child study team reviewed the records; consulted with petitioners, and proposed an educational evaluation and a psychological evaluation, to determine whether I.S. was eligible for special education and related services under the

category specific learning disability. The petitioners did not object to any of these evaluations or assessments or request any additional evaluations or assessments, including the neuropsychological evaluation they now seek compensation for.

Petitioners have not shown that the evaluations were inappropriate. Their expert, Dr. Basile, claimed that the District did not look at I.S. as a whole and that it only looked at one data point. Dr. Basile admitted she did not do a phonemic proficiency, even though it is a large part of dyslexia. Dr. Basile admitted that the Children's Memory Scale indicates that scores between the 25th and 75th percentile are average. Dr. Basile admitted that based on the Dunellen criteria, I.S.'s math composite score, mathematical problem solving, and reading fluency were really not discrepant. Although Dr. Basile concluded that I.S.'s spelling challenges impacted her written expression, she never tested her in that area. Ms. Dalrymple sums up Dr. Basile's evaluation as "the same information that we've been working with all along and I.S. is continuing to make progress."

Based on the above, the petitioners have not shown that the evaluations done by the District were inappropriate or that the neuropsychological evaluation that they obtained was necessary in this case. As a result, I **CONCLUDE** that respondent has proven by a preponderance of the evidence that the evaluations in this case were appropriate.

CONCLUSION

Based on the foregoing facts and the applicable law, I **CONCLUDE** that the District met its burden of proving that it sufficiently complied with all statutory and regulatory requirements when it determined that I.S. was no longer eligible for special education. I **CONCLUDE** that the District met its burden of proving that it provided I.S. with a free appropriate education. I also **CONCLUDE** that the District's CST evaluation of I.S. was appropriate and that the petitioners are not entitled to reimbursement for Dr. Basile's independent evaluation, and neither are they entitled to an independent educational evaluation of I.S. at the public's expense.

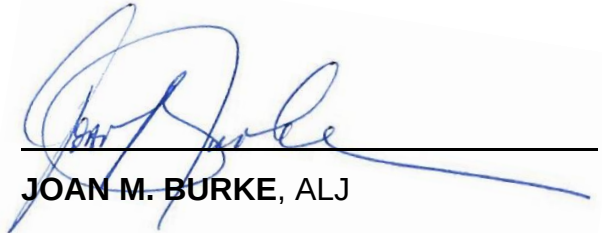
ORDER

I hereby **ORDER** that the respondent's determination that I.S. was no longer eligible for special education and related services is hereby **AFFIRMED**. I further **ORDER** that the request for an independent educational evaluation is hereby **DENIED**.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2024) 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 (2024). 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.

December 11, 2024 _____

DATE



JOAN M. BURKE, ALJ

Date Received at Agency _____

Date Mailed to Parties: _____

JMB/sg/jm

APPENDIX

Witnesses

For petitioners:

J.S.

Rosemarie Basile, Ph.D.

For respondent:

Raquel Henriques

Colleen Dalrymple

Exhibits

Joint:

- J-1 Educational Services Commission Educational Evaluation, April 17, 2021
- J-2 Educational Services Commission, June 2, 2021
- J-3 Individual Service Plan, June 9, 2022
- J-4 Acceptance/Rejection Transfer IEP Document, October 3, 2022
- J-5 IEP Meeting Invitation, October 4, 2022
- J-6 IEP Meeting Attendance Sheet, October 13, 2022
- J-7 IEP, October 13, 2022
- J-8 Transfer Student 30 Day IEP Meeting Invitation, October 25, 2022
- J-9 IEP Meeting Attendance Sheet, November 15, 2022
- J-10 IEP, November 15, 2022,
- J-11 Progress Report, November 15, 2022
- J-12 Progress Report, January 27, 2023
- J-13 Literacy Evaluation, February 16 & 28, 2023
- J-14 Progress Report, April 6, 2023
- J-15 IEP Meeting Attendance Sheet, April 27, 2023
- J-16 IEP, April 27, 2023
- J-17 NJSLA English and Math Test Results, May 1, 2023

- J-18 Request to Amend IEP without Meeting, May 18, 2023
- J-19 Consent to Amend IEP without Meeting, May 18, 2023
- J-20 Amended IEP, May 18, 2023
- J-21 Progress Report, June 14, 2023
- J-22 Third Grade Report Card, June 14, 2023
- J-23 Progress Report, November 13, 2023
- J-24 Invitation for Reevaluation Planning Meeting, January 9, 2024
- J-25 Progress Report, January 26, 2024
- J-26 Reevaluation Plan, February 16, 2024
- J-27 Reevaluation Planning Meeting Attendance Sheet, February 20, 2024
- J-28 Consent for Additional Assessments, February 20, 2024
- J-29 Invitation for Reevaluation Eligibility Meeting, February 28, 2024
- J-30 Psychological Evaluation, March 5, 2024
- J-31 Educational Evaluation, March 13, 2024
- J-32 Progress Report, April 8, 2024
- J-33 Reevaluation Eligibility Determination Letter, April 12, 2024
- J-34 Reevaluation Determination Meeting Attendance, April 11, 2024
- J-35 Fourth Grade Report Card, June 2024

For petitioner:

- P-1 Individual Services Plan, March 10, 2021
- P-2 Not entered into evidence
- P-3 Communication Form for Extra Services—April 1, 2022
- P-4 Not entered into evidence
- P-5 Ms. Neves Emails—Reading Program Inquiry—February 21, 2023
- P-6 Ms. Hoben Email Chain—Cert teachers—April 6, 2023
- P-7 Not entered into evidence
- P-8 Not entered into evidence
- P-9 Ms. Vanraes Email—Wilson Lesson Info—May 9, 2023
- P-10 Ms. Hoben Emails—4th grade Wilson Inquiry—October 3, 2023
- P-11 Ms. Neves Emails—Homework Concerns—October 27 & October 29, 2023
- P-12 Not entered into evidence
- P-13 Ms. Dimore Texts with J.S.—Nov–April 2024

- P-14 Ms. Dimore Email—Wilson Program Dropout—April 19, 2024
- P-15 Request for Independent Evaluations Email—April 20, 2024
- P-16 Not entered into evidence
- P-17 Not entered into evidence
- P-18 Not entered into evidence
- P-19 Neuropsychological Evaluation, Basile—June 7, 2024
- P-20 WIAT-4-Score-Report, Basile—May 8, 2024
- P-21 Dr. Basile Bill of Services—June 5, 2024
- P-22 Dr. Basile I.S. File
- P-23 Dr. Basile—Resume
- P-24 Not entered into evidence
- P-25 Not entered into evidence
- P-26 Not entered into evidence
- P-27 Not entered into evidence
- P-28 Not entered into evidence
- P-29 Not entered into evidence
- P-30 Not entered into evidence
- P-31 Not entered into evidence
- P-32 i-Ready Reading Assessment (Full Report), May 31, 2024
- P-33 i-Ready Math Assessment (Full Report), May 31, 2024

For respondent:

- R-1 Child Study Team Referral Nurse Screening Form dated 03/06/2024
- R-2 Faber Elementary School Classroom Observation of 4/9/24 and 4/10/24, conducted by Catherine Hoben, MSW, LSW
- R-3 i-Ready Testing Reading and Math 5/31/24
- R-4 Correspondence between Dr. Basile and Mike Flom dated May 9, 2024
- R-5 SLD procedure—Dunellen Public Schools
- R-6 Resume of Colleen Dalrymple
- R-7 Resume of Raquel Henriques
- R-8 Resume of Lucy McGrath