



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 02622-25

AGENCY DKT. NO. 2025-38504

K.M. AND S.M. ON BEHALF OF D.M.,

Petitioners,

v.

HAMILTON TOWNSHIP BOARD

OF EDUCATION,

Respondent.

Andrew I. Meltzer, Esq., for petitioners (Sussan, Greenwald, & Wesler, attorneys)

Patrick F. Carrigg, Esq., for respondent (Lenox Law Firm, attorneys)

Record Closed: October 15, 2025

Decided: December 1, 2025

BEFORE DEIRDRE HARTMAN-ZOHLMAN, ALJ:

STATEMENT OF THE CASE

This matter arose with the filing of a due process petition in accordance with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1415, by K.M. and S.M. on behalf of their daughter D.M. (petitioners), who is classified as eligible for special education and related services. Petitioners assert that the Hamilton Township Board of Education (Board) failed to offer D.M. an appropriate individualized education program

(IEP) for the 2022–2023 and 2023–2024 school years. They are seeking out-of-district placement for post-secondary, transitional services and all associated costs for failure of the Board to provide a free appropriate public education (FAPE). The Board asserts that it has complied with the IEP, that it provided FAPE, and that D.M. has met or exceeded all graduation requirements and has, for all intents and purposes, graduated.

PROCEDURAL HISTORY

On December 31, 2024, petitioners filed a due process petition with the Office of Special Education Policy and Dispute Resolution in the Department of Education. The case was transmitted to the Office of Administrative Law (OAL), where it was filed on February 4, 2025.

I held several telephone prehearing conferences with the parties and issued a Prehearing Order. Hearings were held on June 12, 2025, June 19, 2025, and August 14, 2025.

I kept the record open until October 15, 2025, to permit the parties to obtain transcripts and to submit closing briefs.

DISCUSSION AND FINDINGS OF FACT

D.M.

D.M. is a nineteen-year-old student who has received special education and related services from the Hamilton Township School District (District) since she entered the District in kindergarten. D.M. has been diagnosed with autism and attention-deficit/hyperactivity disorder (ADHD) since 2016. (J-1.)

Gantz

Michele Gantz is a school psychologist on the child study team. In this role, she performs approximately forty evaluations each year. The evaluations include cognitive

testing, functional and social assessments, and use of rating scales. Gantz also develops IEPs for students who are eligible for special education services.

Gantz is also a case manager for approximately sixty students per year, including D.M., during each year that D.M. attended Steinert High School. In this role, Gantz reviews all files, coordinates meetings with the District and the family, and oversees re-evaluations and transition planning. Gantz is an expert in case management and evaluations.

Gantz first became the case manager for D.M. in the 2020–2021 school year, when D.M. was a freshman at Steinert High School. At the start of the school year, Gantz reviewed all the documents in D.M.’s file, including all evaluations and IEPs since kindergarten. In the 2020–2021 school year, all classes were conducted virtually due to the COVID-19 pandemic. Gantz first introduced herself to D.M. by entering her virtual classroom.

The first formal meeting that Gantz had regarding D.M. was in December 2020. The meeting was held to review and update D.M.’s IEP and to discuss her post-high school goals.

2020–21 IEP

In advance of the IEP meeting a letter was sent to D.M. stating that the scheduled meeting was to “review and, if appropriate, revise” D.M.’s IEP. Moreover, the letter stated that the meeting was to discuss D.M.’s “strengths, interests[,] and preferences[; courses [:] related strategies [:] and other activities, including transition services . . . to help [D.M.] develop and achieve goals for the future.” (R-2.) The meeting was held on December 15, 2020, with D.M., her parents, and the child study team. All parties agreed that no additional information was needed, that no additional testing was requested or required, and that D.M. would remain eligible for special education services. As a result of the meeting, the IEP was updated. At this time, there was no change to D.M.’s classes or services. She continued with in-class resource support for math, English, science, and history. D.M.’s parents’ only concern was that they wanted “her progress monitored next

school year to ensure that she continues to meet with success, and that she is being monitored for keeping up with her assignment book and not rushing through her work."

Academically, in December 2020, D.M.'s teachers all noted overwhelmingly positive comments. For example, in English: "[D.M.] completes all of her assignments, most of the time before the due date. Her writing is creative, and for the most part grammatically correct and good use of mechanics and varying sentence structure. She advocates for herself and asks questions when she needs clarification." In math, "[D.M.] participates a lot in class. She does get frustrated easily when there is something that she is not familiar with or doesn't understand. [I am] very pleased with her progress. She uses extra time, an online interactive notebook, a calculator, refocusing/redirection, tasks broken down into smaller chunks." In environmental science: "[D.M.] utilizes extra time on tests/quizzes, timelines for work completion, and benefits from frequent check-ins." In U.S. history: "[I]n the beginning of the year, [D.M.] would check in with me once in a while, to make sure she's on the right track, but she rarely does so anymore." In health: "[D.M.] is doing awesome." In art fundamentals: "[D.M.] has trouble processing information and following directions. Her modifications include redirection, repeating instructions, checking for understanding, as well as virtual notes. . ." Each teacher notes that D.M. has an A+ or an A, except for her French teacher, who notes that she has a B+, and in art fundamentals a B. (J-1.)

At this time, Gantz did not have any concerns regarding D.M.'s executive functioning. Executive function refers to a set of processes and skills that help an individual plan, organize, be flexible, and stay on task.

D.M.'s IEP included modifications provided by the teachers to address needs and to ensure student success. The modifications included additional time to complete classroom test and quizzes, keeping copies of schoolbooks at home, timelines for work completion, use of a calculator, cueing her to slow down with written work, refocus and redirection, and monitoring to make sure she is keeping up with writing assignments. (J-1.) Moreover, the modifications worked. D.M. was never disorganized and never had a problem completing assignments.

At this time, post-high school transitioning was discussed and included in D.M.'s IEP. D.M. was planning to attend college and noted interest in multiple possible careers. (J-1.)

2021–2022 IEP

On April 29, 2022, an annual IEP meeting was held to discuss the 2021–2022 school year, for D.M.'s sophomore year at Steinert High School. Present at the meeting were D.M., her parents, Gantz, guidance counselor Ann Wilmot, and other educators. The IEP continued to provide in-class resources for science, history, and personal finance. There were no longer any services for English, and D.M was placed in a pull-out resource classroom for math. (J-2.)

Academically, in the spring of 2021, D.M.'s teachers generally noted positive comments. For example, in English: “[D.M.] is very independent in class. She is very self-motivated and will do all her assignments thoroughly and independently. D.M.'s writing is organized, detailed, and she uses proper grammar and punctuation.” In environmental science: “[D.M.] always comes to class on time. Once a task is given, she is driven to complete it to the best of her ability. She is always attentive. She enjoys using technology for her research. She participates often with meaningful information. She benefits from repetition, clarification/rewording, and frequent check-ins for understanding.” In social studies: “[D.M.] has consistently performed at a high level of achievement. She rarely needs assistance with assignments but will ask for clarification/guidance when she feels she needs it....D.M. demonstrates insight and understanding of complex topics.” In art fundamentals: “[D.M.] is getting better at taking instruction and redirection.” In French: “[D.M.] shows a lot of enthusiasm when we play games.”

In math, however, her teacher noted that D.M. only had slight improvement:

[D.M. has] slight improvement from the first benchmark to the second benchmark. . . . D.M. works very hard to get good grades but often gets easily frustrated as the content becomes harder. She receives a lot of one-on-one instruction

in breakout rooms and likes to individually review each problem before she submits work. D.M. struggles with basic math facts and . . . will need to redo the work with the use of a calculator. D.M. is also able to use notes in her online interactive notebook for all assignments and assessments. D.M. uses extra time on assignments when needed and she completes all of her work.....[m]any times D.M. is not able to complete assignments independently.

Each teacher noted that D.M. had an A or B grade. At this time, the need for study skills and writing skills was removed from the IEP. (J-2.) Post-high school transitioning was again discussed and included in the IEP, noting that D.M. was planning to attend college and had expressed an interest in computer science and gaming. (J-2.) D.M.'s parents' only concern, as stated during this IEP meeting, was that she would return to in-person learning after having been remote. (J-2.)

2022–2023 IEP

On April 25, 2022, an annual IEP meeting was held to discuss the 2022–2023 school year, for D.M.'s junior year at Steinert High School. Present at the meeting were D.M., her parents, Gantz, and other educators. The IEP provided an in-class resource classroom for science and history and a pull-out resource classroom for math. (J-3.)

Academically, in the spring of 2022, D.M.'s teachers noted overwhelmingly positive comments. For example, in English:

[D.M.] is very independent in class. She is eager to participate and add commentary and ask questions. She volunteers to read and actively participates. D.M. is a motivated writer. . . . At times D.M. will become off track and watch YouTube, however, she redirects well and gets back on task without issue. D.M. works well in group settings and gets along well with her classmates.

In social studies:

D.M. is an interest[ed] participant in class discussion and activity. She asks pertinent questions and makes insightful

comments. While she maintains excellent rapport with her teachers, she prefers to work independently—and while her grade averages might be slightly higher with support and accommodation, her desire to succeed on her own is admirable and her current grade reflects her ability to do so.

In science:

[D.M.] routinely attends class sessions on time, and consistently works very hard to complete assigned academic tasks in an accurate and timely manner. D.M., along with all the other students within the class, has instant access to class notes, teacher presentations, instructional videos and other educational resources that are presented on Google Classroom page for the class. D.M. is also afforded additional time to complete assigned academic tasks if she requires it; however she rarely needs this accommodation in order to be successful. In summation, D.M. has proven to be a very strong student within the stated academic discipline, and it has been a pleasure working with her this year.

In French: "she gets distracted often by her laptop but after redirection, she gets back to work. She is respectful and we have a good rapport. She is a pleasure to have in class."

In personal finance: "D.M. was an active participant in class. She often volunteered, and she completed her work quickly and with accuracy. She also volunteered to present . . . and did an outstanding job speaking in front of the class." In computer science: "she will ask questions and ask for help when she needs it. No issues at all." In career explorations: "she is a well-behaved student and she actively participates in class. In math:

[D.M.] is comfortable in the classroom and that allows her to participate, ask questions, and help other students. She completes all of her assignments on time and with great accuracy. There are times she does get frustrated when I challenge her to work independently but she always works through it and shows great pride when she perseveres. D.M. is able to use her interactive notebook and a calculator for every assignment in assessment.

Each teacher noted that D.M. had an A or B grade. (J-3.) At this time, post-high school transitioning was again discussed and included in the IEP was that D.M. was

planning to attend college and had expressed an interest in working as a therapist or occupational therapist. (J-3.) Additionally, modifications were changed to exclude checking her agenda to ensure that writing assignments were complete. This was deemed no longer necessary. (J-3.) D.M.'s parents only concern, as stated in the IEP, was, "would like additional information regarding how D.M. is performing in math compared to her peers." (J-3.)

2023–2024 IEP

On April 3, 2023, an annual IEP meeting was held to discuss the 2023–2024 school year, for D.M.'s senior year at Steinert High School. Present at the meeting were D.M.; S.M., her mother; Gantz; and other educators. At this time, there was no recommendation for services for D.M. The school wanted to have her re-evaluated.

It was discussed that a re-evaluation planning meeting would be scheduled; however, D.M.'s mom said that she does not want a reevaluation planning meeting to be scheduled at this time. She requested to end the current meeting and reschedule the annual review meeting for a time that D.M.'s father and an advocate would also be available to attend.

[J-4.]

Thereafter, the meeting concluded. Gantz tried to re-schedule the IEP meeting and was unable to do so. D.M.'s parents filed for mediation, and it was determined that the IEP from 2022–2023 would remain the same for the 2023–2024 school year.

A 2023 re-evaluation meeting was scheduled, but D.M.'s parents did not attend, and no re-evaluation was completed. No evaluations were received from D.M.'s parents either. The Board never provided notice that D.M. was being re-classified, only that she was to be re-evaluated. During the completion of all the IEPs for D.M., Gantz did not have any reason to believe that D.M. needed assistance with executive functioning other than what was included in her modifications. The modifications were working. Additionally, D.M. did not demonstrate any need for independent living skills. There were no disciplinary concerns or social-interaction issues. None of these areas were raised by

her or her parents as areas of concern. In D.M.'s senior year, there was no request for any program changes. D.M. was in all general education classes in senior year, except for math. (J-8.)

A "summary of performance" intake report was completed during D.M.'s senior year to go over support and consider future supports. D.M.'s parents attended the meeting. The intake report stated that D.M. wanted to attend Mercer County College and that it was appropriate for her to graduate. No post-secondary services were recommended in the intake report. As a result, no changes needed to be made to the IEP already in place. The report also showed that D.M. had progressed in math, passing the PSAT, making her eligible to graduate at the end of her senior year in 2024. Additionally, D.M.'s executive functioning improved to the point that modifications were removed. (J-15.)

Wilmot

Anne Wilmot has been a school guidance counselor at Steinert High School since 2016 and has served as the lead counselor and department chair since January 2020. Part of her duties is to assist with vocational and future tasks to ensure that students meet the graduation requirements. She works with approximately 220 students each year, including between five and ten students with IEPs. Wilmot is an expert in school counseling.

The graduation requirements for high school students at Steinert are the same as those established by the State. A total of 120 credits are needed to graduate. Additionally, students must pass a pathway test for both math and English. (R-10.) D.M. passed the pathway tests for math and English. (R-7.)

Wilmot was the school counselor for D.M. all four years at Steinert. At the end of D.M.'s senior year, she had 165 credits total, which is 45 credits over the minimum requirement. She had an unweighted grade-point average of 3.77 and a weighted grade-point average of 3.94. (J-11.) D.M. was a member of the National Honor Society. In short, D.M. met or exceeded all requirements for graduation. As D.M.'s school counselor,

Wilmot met with her each year to review her classes. She would also talk about her interests while considering her goals and requirements and discussed courses needed for a college pathway. Additionally, Wilmot would meet with D.M. prior to IEP meetings.

D.M. applied to and was accepted into Mercer County Technical Schools Exercise Science Career Prep program. This would allow D.M. to take classes during senior year for college credit. (R-5.) D.M. also applied for a pre-nursing program but she was denied because she applied for senior year, and it was a two-year program that begins in junior year. (R-6; R-8.) D.M. also passed her driver's education requirement to obtain a learner's permit.

D.M. always had at least one friend and got along with peers and even advocated for friends. She was an "upstander," a student who advocates for others. During D.M.'s sophomore year, an incident occurred at school that led D.M. to reach out to Wilmot. The incident was a significant event because someone said something about D.M. that was incredibly unkind about something that had allegedly happened in preschool. Wilmot spoke to D.M. about the incident and even followed up with her the next day. Wilmot thought that D.M.'s ability to handle the situation and move on without it becoming an ongoing issue was excellent. D.M. appeared to be very comfortable that it was resolved. (J-15.)

In June 2024, D.M. wrote Wilmot a letter of appreciation. In part the letter states:

I want you to know you're one of the only adults in the school I genuinely trust. You always knew what to do and how to help. You also know the best ways to help me learn and grow I hope that every other kid who needs help can learn to trust adults through you as well! You're the type of counselor that makes asking for help worth it. The letter is signed with her name and underneath "senior graduate!"

[R-9.]

Rosenthal

Melanie Rosenthal is an expert in speech-language pathology. She has a New Jersey license in speech-language pathology and is considered a speech-language specialist with a Certificate of Clinical Competency (CCC) from the American Speech-Language-Hearing Association. She has never worked in a New Jersey public school, has never been part of a child study team in New Jersey, and does not hold any New Jersey Department of Education certifications. Rosenthal works with students who have autism, ADHD, and anxiety, ranging from non-verbal to high functioning. She is trained in standardized assessments for sound disorders, expressive-language challenges, and reading and writing difficulties.

Rosenthal first met D.M. in September 2023 when she evaluated her at the request of D.M.'s parents. Rosenthal spent a total of two hours on two occasions with D.M. for testing and spent two hours observing her in school. Rosenthal performed a standard assessment and an in-depth record review of documents, including D.M.'s IEPs, progress notes, and medical files. Rosenthal also interviewed D.M.'s parents, who advised that they had been concerned with her self-regulation and social ability from a young age. They acknowledged that D.M. makes friends easily, but noted that she fails to understand friendships.

During testing, D.M. was able to complete all tasks appropriately and was socially motivated. Her language was tangential, going in depth on a topic. D.M. was not aware of non-verbal cues or how long she had been talking. Rosenthal believes that D.M. cannot learn these skills naturally, but rather needs targeted instruction.

In testing, a visual schedule was created to assist D.M. The Clinical Evaluation of Language Fundamentals test assessed D.M.'s ability to make inferences, understand social interactions, and understand words, sentences, and language. Overall, D.M. was able to accurately choose and understand social scenarios. She performed at an average level or higher, except in "multiple meanings" sections. This means she "may" misinterpret something said or misunderstand a social situation.

The “oral passage understanding” section, which is a listening comprehension test, was an area of strength for D.M. In the problem-solving section, which assesses language-based critical thinking and interpreting perspectives, D.M. had strengths in problem solving but struggled with understanding multiple perspectives. This is something that cannot be learned “naturally” but needs instruction. In a clinical assessment of pragmatics, which has D.M. make choices based on social rules and social knowledge, D.M. accurately identified social knowledge such as rudeness, politeness, and sarcasm. However, D.M. “did not comment” on body language, tone, or facial expressions, which Rosenthal found concerning. D.M. is aware of social skills and what is expected but application is difficult for her.

In the “Behavior Rating Inventory of Executive Function,” there is a parent form that S.M. completed, and a self-reporting form that D.M. completed. Based on S.M.’s reporting, D.M. has significant weaknesses in self-monitoring, planning and organizing, flexibility in schedule changes, and understanding her emotions. According to her mother, D.M. had poor executive functioning. Rosenthal testified that she also observed this in conversations, evaluations, and observations; however, she provided no examples to substantiate that testimony. Rosenthal conceded that D.M. has strong planning and organization skills in completing her academic tasks. Rosenthal stated that based upon D.M.’s self-reporting, D.M. is aware of some of her weaknesses, as she self-reported and demonstrated by reading aloud to herself during testing. There was one example of a discrepancy noted in D.M.’s self-reporting. However, there were no documented incidents of any behavioral issues that D.M. had while in high school. Overall, the testing informed Rosenthal that D.M. is “academically very bright” but needs more social support and executive functioning support. The noted areas of need were in D.M.’s ability to organize and plan, which could impact her success in school.

On October 12, 2023, Rosenthal observed D.M. in school during the following classes: “Food for Fitness,” math, and lunch. In “food for fitness,” there was a substitute teacher that day. D.M. sat at her desk with her headphones on. A worksheet was handed out, and students were told to complete it. D.M. immediately started working and was the first to turn in her worksheet. She returned to her desk and looked at something on her computer, which was what all the other students did. D.M. was late to her next class,

math, because it was “picture day,” and she was having her senior portraits taken. Rosenthal observed D.M. having her photographs taken. D.M. engaged with the photographer. She was photographed in her cap and gown as well as in her junior-year prom dress. The photographer asked her to take her hair down, and D.M. did without issue.

Upon arriving at math class, D.M. advised the teacher that she had been at pictures, which was why she was late. Soon thereafter, she “caught up with what was happening” and followed along with the lesson. At one point in math class, D.M. asked the teacher for a tissue and blew her nose “very loudly.” Although this did not “appear to bother any students,” Rosenthal wants this monitored because D.M. was not aware of how loudly she blew her nose. D.M. also spoke very quickly and directly to the teacher.

At lunch, Rosenthal observed D.M. seated at a table with seven other students. D.M. spoke with two of them in an appropriate way. D.M. also engaged with a staff member during lunch. One area of concern to Rosenthal was that D.M. ate her food “extremely fast,” though Rosenthal acknowledged that D.M. did not have a lot of time to eat. Rosenthal would want this to be monitored because D.M. was not aware of how quickly she was eating. Rosenthal acknowledged that this was not a “typical day” for D.M., due to a substitute teacher and pictures being taken, yet Rosenthal took away from her observations of D.M. that she was polite, sweet, and kind. Rosenthal added that D.M. is extremely bright and therefore likely to “mask” her difficulties. Masking is a behavior that is seen in students with autism and ADHD, where they present themselves differently. However, masking was not something that Rosenthal included in her report. Rosenthal had conversations with D.M.’s parents, who reported that D.M. presents differently at home. Her parents reported that, at home, D.M. keeps to herself and can be abrupt and non-talkative. Rosenthal acknowledged that, as a seventeen-year-old, D.M. would be typical if she were rebellious toward her parents and did not wish to engage with them.

Overall, based on testing, observation, and record review, Rosenthal found that D.M.’s programming was not appropriate and that she needed executive functioning support so she does not “mask” her difficulties. Rosenthal needed to “dig” to find D.M.’s true deficits.

Rosenthal opined that D.M. needed social support and executive-functioning support to be successful, therefore she is not yet ready to graduate because she would struggle with non-academic needs. However, Rosenthal was unable to cite any professional standard to support her opinion that D.M. was not ready to graduate. Rosenthal recommended speech therapy one time per week for thirty minutes, either pull-out or push-in. However, on cross-examination, Rosenthal admitted that push-in speech therapy for students of D.M.'s academic caliber is unrealistic.

Rosenthal made recommendations that D.M. receive a program with specialized instruction in social skills and executive functioning throughout the school day. This would include targeted social-skills therapy and practice in real time. However, Rosenthal agreed that D.M. was meeting all her academic needs with her supports. Additionally, Rosenthal never recommended an out-of-district placement.

S.M.

S.M., the mother of D.M., testified that due to D.M.'s disabilities, a lot of D.M.'s conversations or interactions result in confusion or disputes because she does not fully understand the tone or meaning of the other person. S.M. stated that D.M. has difficulty outside of routine, and interruptions to her routine can make her agitated or anxious. D.M. has had very few friends and can only focus on one person at a time. D.M. is very empathetic and can get very invested with people. According to S.M., D.M. has poor hygiene and makes poor eating choices.

D.M. has taken driving lessons and did "alright," but she is not interested in getting her driver's license.

D.M. has medication for ADHD, but she takes it inconsistently.

In elementary school, D.M. was in a self-contained classroom with students of similar needs and had playground issues that required redirection. During her middle-school years, D.M. exhibited unspecified inappropriate behaviors and social issues. She

did not want to do homework and would have tantrums. S.M. acknowledged that D.M.'s middle-school IEPs addressed social and emotional goals.

According to S.M., D.M.'s freshman year of high school was remote learning, and she did very well, "better than a lot of the other students." She was attentive and not stressed because she did not have to get dressed, go to the bus stop, or interact socially with other students. When remote school ended, D.M. emailed Wilmot and asked that D.M. be allowed to continue a remote schedule instead of returning to in-person classes, which caused D.M. some stress.

D.M. struggles with math. Socially, D.M. struggled throughout high school. She gravitated toward those who gave her attention. However, those relationships would end poorly. D.M. was called "retarded" and made fun of for riding on the "short bus." There was a particular incident in which D.M. was teased about an incident that happened in kindergarten during which she was called "an ugly, special ed kid." At the time of the incident she was very distressed, and was crying and trembling. Her mother counseled her on how to handle the situation and spoke with Wilmot about it. S.M. testified that D.M. texted her frequently about issues while in school, but she did not present any texts in evidence.

In D.M.'s senior year, S.M. attended D.M.'s IEP meeting. At this time, the District stated that it wanted to discontinue the IEP because D.M. was doing so well. S.M. felt blindsided and objected to ending the IEP. S.M. ended the meeting. The parties went into mediation.

The Board offered a transitional program for D.M.; however, at this time D.M. was evaluated by Rosenthal and Jodi Huntington, Ph.D., at the request of S.M. and her husband. D.M.'s parents advised that D.M. needed more social support, which was affirmed by Huntington and Rosenthal, and they determined that the Board's transitional program was not suitable for D.M.

After her senior year, D.M. did not attend Steinert High School. She did not receive her diploma. Much of that time after high school ended, from June 2024 through May

2025, D.M. would play video games and talk with her two friends, and she isolated herself somewhat. She saw her therapist weekly as well.

According to S.M., it was very hard to find a transition school for D.M. because she has a very high IQ, is well-read, and is very vocal. D.M. unilaterally entered The Newgrange School in May 2025 and stayed for approximately three weeks. She did not attend Newgrange in the summer but returned in the fall of 2025. S.M. testified that initially it was very difficult for D.M., but she took to it and is very calm. She is no longer self-conscious and is cautiously making new friends.

S.M. stated that D.M. had never really thought about going to college, but during cross-examination S.M. acknowledged that during D.M.'s IEP meetings there were discussions about post-high school careers and college. Additionally, during the "summary of performance" meeting in D.M.'s senior year, S.M. was present and D.M. was issued a notice of graduation.

Huntington

Jodi Huntington is a licensed psychologist and a neuropsychologist, studying the brain and behavior. Her education and experience are extensive. She worked for five years in a school district. She performs independent evaluations with school districts with training, assessments, and interventions. Huntington assesses students, evaluates their programming, contributes to their IEPs, attends meetings, and makes educational recommendations. She engages with over 100 individuals each year, and she is an expert in psychology, neuropsychology, and educational programming for special education students.

Huntington met with D.M. and conducted an evaluation of her and issued a report. (P-49.) Huntington also observed D.M. in school. She was retained by D.M.'s parents because they had concerns about D.M.'s socialization, behavior, and readiness for post-secondary education. Huntington stated that D.M. presents as engaging, well-intended, pleasant, and vocal. Her speaking and thinking had "some" perseverance, but she quickly responded to redirection. Huntington also noted in her report that D.M. engaged in

reciprocal, spontaneous conversation throughout the assessment. Her eye contact was consistent, her expressive skills were age-appropriate, and her speech was complex and varied.

The testing showed that D.M. has a very advanced intellect and a high-average IQ. D.M. is socially able to engage but has trouble “engaging at a higher level.” D.M. needs to be explicitly taught skills to do so. D.M. needed some directions repeated. Her attention and executive functioning were measured based on observation and assessment tools. Huntington noted that D.M. was taking medication and yet she had “higher level challenges” with executing tasks that are “rote in nature.” These will be seen when she engages in new situations. In academics, D.M. is highly capable, but she continues to struggle in math. Huntington acknowledged that D.M. was on track and eligible to graduate from high school.

D.M.’s social, emotional, and behavioral function was assessed through D.M.’s parent interviews. Huntington stated that this assessment reveals that D.M. is steadfast in her beliefs, has difficulty regulating her sensory environment, and has difficulty adjusting to change.

In assessing D.M.’s adaptive functioning—her ability to adapt to everyday life, her activities of daily living (ADLs)—daily tasks, and her instrumental activities of daily living (IADLs)—her more complex routine tasks such as managing medical appointments, finances, meals, etc., D.M. scored well below her peers and “similar to those with intellectual disabilities.” This information, however, was based entirely on her parents’ interview and Huntington’s observations. Also, in her report, Huntington noted that S.M.’s information about D.M. was significantly inconsistent and that the results should be “interpreted with caution.”

Huntington observed D.M. in her District school. She observed her math class, where D.M. asked questions of the instructor, her work had been completed, and she was attentive while they were reviewing for an exam. D.M. answered questions with reciprocal conversation.

Huntington's overall impression is that D.M. has gaps in adaptability, consistent with her diagnoses. Huntington's opinion about school programming is that the focus was on academics and not adaptive functioning. Huntington testified that D.M. was not ready to graduate and she recommended a specialized transition program with mental-health support, skill development, speech and language for communication, and participation in social activities. Huntington observed the District's transition program and determined that it was not appropriate for D.M. because it is not geared to students performing at a high function, such as D.M. Huntington testified that Newgrange, which could support transition for post-secondary placement, matched her recommendations for D.M. The recommendations by Huntington for D.M. also included weekly counseling, family therapy, and continued psychiatric therapy for medication.

Morris

Dana Morris is the principal of Newgrange. She has been at the school since 2006 in various roles, including teacher and supervisor of curriculum and instruction. She has led professional development for staff and developed curriculum. She is the case manager for Newgrange and writes the goals and objectives for student IEPs. Morris works with many students with autism. About 80 percent of the students at Newgrange have autism. Morris works with these students to develop programming and curriculum. She is an expert in special education and in designing programs for students with autism. Newgrange is a school for students with disabilities from grades three through twelve plus. There are approximately seventy-two students in total. The school offers academics as well as speech, occupational therapy, counseling, and physical therapy. Newgrange offers a multi-sensory curriculum using all modalities. It also offers a social-skills program. All teachers are trained to help students process their emotions.

Morris met D.M. in August 2024. D.M. entered the school in May 2025 and remained for approximately four weeks, until mid-June 2025. D.M. did not attend class in the summer, although she resumed in the fall of 2025. Upon initially entering Newgrange, D.M. underwent a Brigance assessment. Morris stated that "the biggest thing that stood out for her was that D.M. could not pinpoint" what she wanted to do with

her life. Morris stated that D.M. needs to role play so that she can practice social skills. At Newgrange, D.M. is enrolled in two English courses, a reading course, and a college readiness course. She also takes science, calculus, and two specials, physical education and social skills. Social-skills classes are two times per week for thirty minutes. The modifications made for D.M. at Newgrange are consistent with the modifications provided in the District. Morris cited as “meaningful progress” when D.M. stopped to help another student calm down and process his emotions. Morris was unaware that D.M. was often known to advocate for and assist other students throughout high school.

Each witness provided testimony to the best of his or her abilities. As such, it is not so much the facts that are in dispute as the inferences that can be drawn from the witness’ testimony and documentary evidence. Nevertheless, having heard the testimony the parties provided and having assessed its credibility, I **FIND** that the testimony the District provided is more credible than the testimony petitioners provided. Both Gantz and Wilmot have significant expertise in their respective areas; both were professional and knowledgeable; and both testified forthrightly about D.M. Both also had significant interaction with D.M. and her parents, since both had been intricately involved in D.M.’s entire high school experience, including the creation of her IEPs.

On the other hand, Rosenthal, whose expertise is in the field of speech-language pathology, has no experience in New Jersey public schools, has never been part of a child study team, and holds no New Jersey Department of Education certifications. Rosenthal spent two hours on two occasions testing D.M., with results that showed limited areas of concern. Moreover, Rosenthal’s school observations contradicted her testing results, and provided testimony that was not included in her report.

Likewise, the testimony S.M. provided contradicted the documentary evidence and testimony of the other witnesses.

Similarly, the testimony Huntington provided was limited in some parts and contradictory in others. She is a well-credentialed expert but based a significant amount of her testing solely upon information from S.M. and acknowledged in her report that the responses were inconsistent and should be viewed cautiously. Her time with D.M. and

her classroom observation of D.M. were very limited. On cross-examination she was at times evasive and somewhat argumentative. For these reasons, I give the testimony of Rosenthal, S.M., and Huntington little weight.

As such, I **FIND** that the IEP the District provided contains specific statements of the student's current performance levels, the student's short-term and long-term goals, the proposed educational services, and the criteria for evaluating the student's progress. I **FURTHER FIND** that the IEP contained both academic and functional goals related to the core curriculum content standards of the general education curriculum that were measurable, so both parents and educational personnel were apprised of the expected level of achievement attendant to each goal.

Regarding Newgrange, I **FIND** as fact Morris's testimony concerning the programming but do not find as fact and give little weight to Morris's testimony concerning D.M.'s progress. I note that Morris's experience with D.M. was limited to the approximately four weeks that D.M. attended school at Newgrange and one initial meeting beforehand. I further note that Morris testified as to an event showing "meaningful progress," which contradicted the testimony of Gantz, Wilmot, and S.M.

DISCUSSION AND CONCLUSIONS OF LAW

Federal funding of state special education programs is contingent upon the states providing a "free and appropriate public education" to all disabled children. 20 U.S.C. § 1412. The Individuals with Disabilities Education Act is the vehicle Congress has chosen to ensure that states follow this mandate. 20 U.S.C. §§ 1400 et seq. "[T]he IDEA specifies that the education the states provide to these children 'specially [be] designed to meet the unique needs of the handicapped child, supported by such services as are necessary to permit the child to benefit from the instruction.'" D.S. v. Bayonne Bd. of Educ., 602 F.3d 553, 556 (3d Cir. 2010) (citations omitted). The responsibility to provide a FAPE rests with the local public school district. 20 U.S.C. § 1401(9); N.J.A.C. 6A:14-1.1(d). Subject to certain limitations, FAPE is available to all children with disabilities residing in the state between the ages of three and twenty-one, inclusive. 20 U.S.C.

§ 1412(a)(1)(A), (B). The District bears the burden of proving that a FAPE has been offered. N.J.S.A. 18A:46-1.1.

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) (citations omitted). The IDEA does not require that a school district “maximize the potential” of the student but requires a school district to provide a “basic floor of opportunity.” Hendrick Hudson Cent. Sch. Dist. Bd. of Educ. v. Rowley, 458 U.S. 176, 200 (1982). 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 child’s education plan 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) (internal citations omitted).

An IEP is the primary vehicle for providing students with the required FAPE. D.S., 602 F.3d at 557. An IEP is a written statement developed for each child that explains how FAPE will be provided to the child. 20 U.S.C. § 1414(d)(1)(A)(i). The IEP must contain such information as a specific statement of the student’s current performance levels, the student’s short-term and long-term goals, the proposed educational services, and criteria for evaluating the student’s progress. See 20 U.S.C. § 1414(d)(1)(A)(i)(I)–(VII). 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.” N.J.A.C. 6A:14-3.7(e)(2). 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 school district must then review the IEP on an annual basis to make necessary adjustments and revisions. 20 U.S.C. § 1414(d)(4)(A)(i).

A due process challenge can allege substantive or procedural violations of the IDEA. If a party files a petition on substantive grounds, the hearing officer must determine whether the student received a FAPE. N.J.A.C. 6A:14-2.7(k). If a party alleges a

procedural violation, the hearing officer may decide that a student did not receive a FAPE only if the procedural inadequacies: (1) impeded the child's right to a FAPE; (2) significantly impeded the parents' opportunity to participate in the decision-making process regarding the provision of FAPE to the child; or (3) caused a deprivation of educational benefits. Ibid. In this case, petitioners allege substantive violations of the IDEA. Therefore, I must determine if the IEPs afforded FAPE to D.M. in the least restrictive environment.

In Endrew F. v. Douglas County School District RE-1, 580 U.S. 386, 403 (2017), the United States Supreme Court construed the FAPE mandate to require school districts to provide "an educational program reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." The Court's holding in Endrew F. largely mirrored the Third Circuit's long-established FAPE standard, which requires that school districts provide an educational program that is "reasonably calculated to enable the child to receive meaningful educational benefits in light of the student's intellectual potential and individual abilities." Dunn v. Downingtown Area Sch. Dist. (In re K.D.), 904 F.3d 248, 254 (3rd Cir. 2018) (quoting Ridley Sch. Dist. v. M.R., 680 F.3d 260, 269 (3rd. Cir. 2012)).

The IDEA's FAPE requirement also includes a mainstreaming component, requiring education in the least restrictive environment. S.H. v. State-Operated Sch. Dist., 336 F.3d 260, 265 (3d Cir. 2003); 20 U.S.C. § 1412(a)(5)(A). "The least restrictive environment is the one that, to the greatest extent possible, satisfactorily educates disabled children together with children who are not disabled, in the same school the disabled child would attend if the child were not disabled." S.H., 336 F.3d at 265 (quoting Carlisle Area Sch. V. Scott P., 62 F.3d at 535). The school district bears the burden to establish that the district offered a FAPE in the least restrictive environment. N.J.S.A. 18A:46-1.1.

In this case, the District met its burden of proof and burden of production. The competent, credible, and relevant evidence in this case abundantly demonstrates that D.M. made meaningful progress based on her capabilities while attending Steinert High School. Starting with the 2020–2021 school year, the District's IEP team, including D.M.'s

parents, met each year and created an appropriate IEP for D.M. In addition, the meeting was to discuss transitional services for future goals. At no time was additional testing recommended. All of D.M.'s teachers' comments were overwhelmingly positive and noted where D.M. took advantage of additional time or help as provided for in the modifications in her IEP.

In her 2021–2022 IEP, there were changes. D.M. no longer needed services for English and was placed in a pull-out resource classroom for math. Again, teachers' comments were positive and only noted the use of modifications when appropriate. The need for writing skills and study skills was removed from the IEP, as assistance with these skills was no longer needed. Post-high school transition planning was discussed, and it was noted that D.M. planned to attend college.

In D.M.'s 2022–2023 IEP, she was assigned to in-class resource for science and history and to a pull-out classroom for math. Her teachers' comments were overwhelmingly positive. Her modifications were changed to remove the need to check that writing assignments were completed. Again, transitional planning was discussed, and D.M. was planning to attend college. D.M.'s parents were active participants throughout the process, raised concerns that were addressed, and agreed to each IEP.

The IEP meeting for the 2023–2024 school year was terminated by D.M.'s mother after a re-evaluation of D.M. was discussed.

Throughout high school, D.M.'s grades were all A's and some B's, and D.M. passed all educational assessments. She was in the National Honor Society, took and passed driver's education, attended prom, advocated for friends, and had no disciplinary concerns or social concerns, except one "incident" that D.M. discussed with Wilmot and was resolved. There were no indications that D.M. needed any services other than what was being provided. Each year transitional planning was discussed, specifically, college, including an application to Mercer County College programs. In her senior year, D.M. was in all general education classes except for math. A summary of performance meeting was held that year with her parents wherein it was planned that she would attend Mercer

County College. D.M. exceeded all academic requirements for graduation. D.M. posed for senior portraits in her graduation cap and gown.

Overall, petitioners' evidence was neither persuasive nor convincing in asserting that D.M. was not offered FAPE. A review of her IEPs shows individualized changes each year based on D.M.'s progress. Modifications were removed when they were no longer required. Changes in the level of class instruction were also made, and D.M.'s intent to attend college was discussed each year as part of her post-high school transition planning. The expert testimony offered by petitioners indicated that D.M. could benefit from additional services, particularly regarding social awareness and executive functioning. However, I gave minimal weight to that testimony. In addition, both experts agree that D.M. was academically on or above grade level, socially competent, and functionally prepared for high school graduation. Additionally, Morris acknowledged that the Newgrange schedule mirrored what was in D.M.'s IEP and that D.M. was on track for college-level work. Accordingly, I **CONCLUDE** that contrary to petitioners' assertions, the District provided FAPE, consistent with D.M.'s IEP. I **FURTHER CONCLUDE** that the District provided "an educational program reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances."

D.M. earned more than all necessary credits according to the New Jersey Department of Education and was effectively a graduate of the District. The seminal case of M.N. v. Sparta, 2022 U.S. Dist. LEXIS 67316 (D.N.J. Apr. 12, 2022), at *12, provides that receipt of a regular diploma terminates a student's right to further educational services:

Individuals with disabilities do not have an interminable entitlement to a FAPE. Rather, in addition to aging out of eligibility, 20 U.S.C. § 1412(a)(1)(A); see also id. § 1412(a)(1)(B), federal regulations provide that, "[t]he obligation to make FAPE available to all children with disabilities does not apply with respect to the following: . . . Children with disabilities who have graduated from high school *with a regular high school diploma.*"

The term “regular high school diploma means the standard high school diploma awarded to the preponderance of students in the State that *is fully aligned with State standards . . .*” Ibid.

Here, D.M. did not physically receive her diploma but was fully eligible to do so. After completing all State requirements for graduation, D.M. chose to unilaterally enter a post-secondary school. The fact that D.M. chose not to receive her diploma is of no moment in determining that the District no longer had any obligation to provide her with FAPE because she was no longer a student but rather a de facto graduate. Accordingly, I **CONCLUDE** that D.M. graduated from the District and that the District is no longer obligated to provide her with special education and related services. Therefore, the appropriateness of a placement at Newgrange is irrelevant.

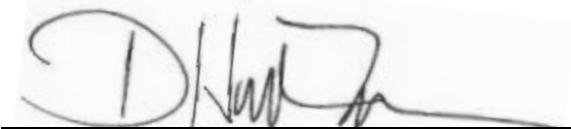
ORDER

I **ORDER** that this case is **DISMISSED**.

This decision is final under 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2025) 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 (2025). If the parent or adult student believes that this decision is not being fully implemented with respect to program or services, this concern must be communicated in writing to the Director, Office of Special Education.

December 1, 2025

DATE



DEIRDRE HARTMAN-ZOHLMAN, ALJ

Date Received at Agency:

December 1, 2025

Date Mailed to Parties:

DHZ/jm

APPENDIX

Witnesses

For petitioners:

S.M., mother of D.M.

Melanie Rosenthal

Jodi Huntington

Dana Morris

For respondent:

Michele Gantz

Anne Wilmot

Exhibits¹

Joint:

J-18 NJSLA science individual student report

For petitioners:

P-37 IEP, dated November 14, 2017

P-39 SD Language Evaluation, dated 2017–2018

P-40 IEP, dated June 4, 2018

P-42 IEP, dated May 23, 2019

P-47 Speech & Language Evaluation & School Observation, 2023

P-48 Curriculum Vitae of Melanie Rosenthal, MS, CCC-SLP

P-49 Neuropsychological Evaluation by Jodi S. Huntington, Ph.D., OTR, 2023

P-50 Curriculum Vitae of Jodi S. Huntington, Ph.D., OTR

P-51 Program Observation by Jodi Huntington, Ph.D., OTR, 2024

¹ The nonsequential numbering of exhibits reflects the fact that numerous pre-marked exhibits were neither identified nor offered into evidence.

- P-53 Letter from Boyarin to Pattanite, dated June 20, 2023
- P-61 Letter from Meltzer to Carrigg, dated May 21, 2025
- P-65 Newgrange IEP, dated June 2025
- P-66 Dream Program Application & PowerPoint
- P-67 Newgrange Program and Academic Information

For respondent:

- R-1 Progress Report for IEP Goals and Objectives, 2017–2018 school year
- R-2 Student Invitation to a Transition IEP meeting, dated December 11, 2020
- R-5 Mercer County Technical Schools Acceptance letter, dated April 6, 2023
- R-6 Informational Literature, re: Mercer County Technical Schools Program
- R-7 Grade 12, PSAT/NMQT Math Results, dated October 18, 2023
- R-8 Emails with Ann Wilmot, dated 2022–2023
- R-9 “Thank You” letter from D.M. to Ann Wilmot
- R-10 Hamilton Township School District Policy 5460–High School Graduation