



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**FINAL DECISION**

OAL DKT. NO. EDS 02922-25

AGENCY DKT. NO. 2025-38636

**FLEMINGTON-RARITAN REGIONAL  
BOARD OF EDUCATION,**

Petitioner,

v.

**T.I. ON BEHALF OF C.I.,**

Respondents.

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**Amanda Castrogiovanni**, Esq., for petitioner (Busch Law Group, LLC, attorneys)

**T.I. on behalf of C.I.**, respondent, pro se

Record Closed: April 21, 2025

Decided: April 23, 2025

BEFORE **MAMTA PATEL**, ALJ:

**STATEMENT OF THE CASE**

Petitioner, Flemington-Raritan Regional Board of Education (Flemington-Raritan), conducted initial placement evaluations of C.I. that were complete and appropriate. Is respondent, T.I., entitled to independent educational evaluations (IEEs) at public expense? No. A parent is not entitled to IEEs at public expense if the evaluations

conducted by the school district were complete and appropriate. N.J.A.C. 6A:14-2.5(c)(1).

### **PROCEDURAL HISTORY**

On January 24, 2025, T.I. emailed Flemington-Raritan, seeking an assistive technology (AT) assessment, an augmented and alternative communication (AAC) evaluation, and an occupational therapist evaluation for her child. (P-K.)

On February 11, 2025, Flemington-Raritan filed a Due Process Request seeking an order denying T.I.'s request for IEEs. (P-L.)

On February 11, 2025, the Office of Special Education transmitted the case to the Office of Administrative Law (OAL) under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the OAL, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, and the Special Education Program, N.J.A.C. 1:6A-1.1 to -18.4.

On March 7, 2025, a telephone hearing was scheduled with the parties, but T.I. did not appear for the hearing. On March 11, 2025, another telephone hearing was scheduled, but T.I. did not appear for the hearing. As a result, Flemington-Raritan asked for leave to file a motion for summary decision under N.J.A.C. 1:1-12.5.

On March 12, 2025, I issued a Prehearing Order with a briefing schedule. On March 24, 2025, Flemington-Raritan filed its motion for summary decision. On March 28, 2025, Flemington-Raritan supplemented the record with additional documentation, including a certification from Theresa Ferrara, Learning Disabilities Teacher Consultant (LDTC) and Case Manager. T.I.'s time to submit her opposition was extended to April 17, 2025, but T.I. never submitted any opposition. To date, the motion remains unopposed.

## **FINDINGS OF FACT**

Based upon papers submitted in support of the motion for summary decision, including the certification of Theresa Ferrara, LDTC and Case Manager, I **FIND** the following as **FACT**:

### **Petitioner's Evaluations**

1. C.I. is three years old and resides with T.I. in the Flemington-Raritan School District.
2. C.I. is a full-day preschool student attending Flemington-Raritan Public School.
3. C.I. has been diagnosed with autism spectrum disorder.
4. On July 29, 2024, T.I. submitted a request to the Child Study Team (CST) for an evaluation to determine C.I.'s eligibility for special education and related services. (P-M.)
5. On August 5, 2024, T.I. attended a meeting with the CST. She was advised that an initial evaluation was necessary to determine whether C.I. was eligible for special education and related services. (P-A.)
6. Theresa Ferrara, LDTC and Case Manager, who was also at the meeting, certified that the possibility of assisted technology was discussed. However, it was determined that evaluating the need for an assistive device would be initiated after school and after services began. (Ferrara Certification.)
7. On August 5, 2024, the CST presented T.I. with an Initial Identification and Evaluation Planning-Evaluation Warranted letter, a copy of the Parental Rights in Special Education, and a consent form to proceed with the evaluations listed below, which she signed on that same date. (P-B; P-C.)

8. The CST, with T.I.'s consent, evaluated C.I. in the following areas:
  - a. In August 2024, Rachel Colonna, a Licensed Clinical Social Worker, Licensed Clinical Alcohol and Drug Counselor, and school social worker, conducted a social history assessment with T.I. (P-D.)
  - b. On August 13, 2024, Jaclyn Accardi, MS, who holds a Certificate of Clinical Competence in Speech-Language Pathology, conducted a speech and language evaluation. (P-E.)
  - c. In August 2024, Mary Rizk, M.S.Ed., a Nationally Certified School Psychologist, conducted a functional psychological evaluation. (P-C; P-F.)
9. Licensed professionals conducted the evaluations in their respective areas, which included T.I.'s participation. (P-D; P-E; P-F.)
10. The evaluations were comprehensive, reliable, thorough, and appropriate in all areas because the CST used various assessment tools and strategies to measure cognitive, behavioral, and developmental factors. (Ferrara Certification.)
11. The data from those reports facilitated the CST's proper determination of C.I.'s eligibility for special education and related services and the development of an individualized special education program because the information was reliable and valid based on the variety and comprehensive nature of the assessments for C.I.'s suspected disability and age.
12. T.I. was provided with a copy of the assessment and evaluation reports.
13. On August 19, 2024, T.I. attended the initial eligibility determination meeting with CST members to discuss the evaluation outcome. During the meeting,

T.I. was informed that C.I. was eligible for special education and related services under the classification of “Preschool Child with a Disability.” (P-G.)

14. The CST also discussed and proposed an initial individualized education program (IEP), which was shared with T.I. The IEP provides the following relevant special education programs and related services:

- a. Special Class Preschool Disabilities Full-Day: Pre-academic Skills once daily for 360 minutes (September 5, 2024, to June 20, 2025).
- b. Speech-Language Consultation: Individual once weekly for 15 minutes (September 5, 2024, to September 18, 2024).
- c. Speech-Language Therapy: Individual three times per six-day cycle for 20 minutes (September 19, 2024, to June 6, 2025).
- d. Speech-Language Therapy: Group (not to exceed 2) twice per six-day cycle for 20 minutes (September 19, 2024, to June 6, 2025).
- e. Speech-Language Consultation: Individual once weekly for 15 minutes (June 7, 2025, to June 20, 2025).
- f. Special Transportation: Bus stop to School and School to Bus stop, with car seat, twice daily (September 5, 2024, to June 20, 2025).

(P-H.)

15. The IEP explicitly indicates under the speech and language summary that assistive technology devices and services were considered but deemed not applicable. (P-H.)

16. The IEP also indicates under the Developmental, Functional and Any Other Needs Section:
  - a. C.I. needs to strengthen his overall functional communication to express his wants and needs.
  - b. Individualized instructional delivery will help develop his pre-academic skills, speech, and language needs, including functional communication.
  - c. Instruction with behavioral strategies that model and shape self-regulatory behavior.

(P-H.)

17. On August 26, 2024, T.I. consented to implementing the IEP. (P-H.) The Board of Education (BOE) implemented the IEP upon T.I.'s written consent. (Ferrara Certification.)
18. After the IEP's implementation, T.I. provided a May 2023 Neurodevelopmental Evaluation report prepared by the Children's Specialized Hospital. (P-I.)
19. On October 1, 2024, T.I. attended a meeting with the CST to review a modified IEP that considered the results of the Neurodevelopmental Evaluation. During this meeting, T.I. gave her signed consent to implement the changes below: (P-I.)
  - a. Speech-Language Therapy: Individual from three times per six-day cycle for 20 minutes to five times per six-day cycle for 20 minutes (October 1, 2024, to June 6, 2025).
  - b. Additional Speech-Language Consultation: Individual once weekly for 15 minutes (June 7, 2025, to June 20, 2025).

- c. Removal of Speech-Language Therapy: Group, which has been replaced with Behavioral Intervention Consultation: Individual, twice monthly for 30 minutes (October 1, 2024, to June 20, 2025).

(P-J.)

- 20. The IEP states that C.I. was adjusting well to his new classroom and transitioning well to most school activities. (P-J.)
- 21. The BOE implemented the October 1, 2024, IEP upon T.I.'s written consent. (Ferrara Certification.)
- 22. T.I. attended all the meetings with C.I.'s CST.
- 23. The 2024 evaluations were technically sound and widely accepted tools for students in C.I.'s age and areas of suspected disability.
- 24. C.I. has received special education and related services and will continue to receive these services under the IEP for the 2024–2025 school year. (P-J.)
- 25. T.I. did not object to the evaluations conducted by Flemington-Raritan. T.I. did not question the qualifications of the licensed professionals who conducted the evaluations or object to the results of the evaluations. (Ferrara Certification.)
- 26. In early January 2025, C.I. was provided with an iPad equipped with the Proloquo2Go app as a communication device and has made gradual progress using it. (Ferrara Certification.)

### **Respondents' Request**

1. On January 24, 2025, T.I. requested an IEE in the following areas: assistive technology (AT), augmentative and alternative communication (AAC), and occupational therapy (OT). (P-K.)
2. T.I. does not disagree with the evaluations Flemington-Raritan conducted. (P-K.)
3. On January 31, 2025, Flemington-Raritan advised T.I. that the AT and AAC evaluations were not appropriate at this time. However, Flemington-Raritan agreed to conduct an OT evaluation pending the return of T.I.'s signed consent. (P-N; P-O.)
4. On March 12, 2025, after receiving T.I.'s signed consent, Amy McKenna, MOT, a registered occupational therapist, conducted an OT evaluation and prepared a report. McKenna indicated that C.I. scored in the average range. She did not recommend that C.I. receive OT services because OT strategies were already in place for use in the classroom as needed. (P-P.)

### **CONCLUSIONS OF LAW**

N.J.A.C. 6A:14-2.5(c) and 34 C.F.R. 300.502 (2024) govern independent evaluations. Once a school district has completed an initial evaluation, a parent can request an IEE at public expense. However, the parent must state the issue of concern or disagreement with the initial evaluation. The parent must also specify the assessment sought as part of the IEE under N.J.A.C. 6A:14-2.5(c). Upon receipt of a parent's request for an IEE, the school district shall either provide the IEE or request a due process hearing within twenty calendar days after receiving the parent's IEE request. N.J.A.C. 6A:14-2.5(c)(1)(i)–(ii); 34 C.F.R. 300.502(b)(2) (2024). The requested “independent evaluation(s) shall be provided at no cost to the parent, unless the district board of education initiates a due process hearing to show that its evaluation is appropriate and,



following the hearing, a final determination to that effect is made.” N.J.A.C. 6A:14-2.5(c)(1); 34 C.F.R. 300.502(b)(3) (2024).

The evaluation procedures require that the district board of education use various assessment tools and strategies to gather relevant functional information in all areas of suspected disability, including information provided by parents that may be assistive, and, for preschool children, to participate in appropriate activities. N.J.A.C. 6A:14-2.5(a)(1)(i)–(ii); N.J.A.C. 6A:14-2.5(b)(3). The procedure also requires the district board of education to use technically sound instruments that assess cognitive and behavioral factors, as well as physical or developmental factors. N.J.A.C. 6A:14-2.5(a)(3).

In this case, Flemington-Raritan filed a timely request for a due process hearing challenging T.I.’s request for IEEs. On January 24, 2025, T.I. emailed Flemington-Raritan regarding her request for the IEEs. On January 31, 2025, Flemington-Raritan advised T.I. that her request for AT and AAC evaluations was inappropriate at the time but agreed to conduct an OT assessment pending her signed consent. T.I. consented, and on March 12, 2025, Flemington-Raritan conducted the assessment, determining that C.I. was not eligible for any OT-related services.

On August 5, 2024, T.I. attended the initial identification and evaluation planning meeting. With T.I.’s consent and participation, Flemington-Raritan conducted a social history assessment, a speech and language evaluation, and a functional psychological evaluation. Flemington-Raritan employed qualified and credentialed professionals to evaluate C.I. in 2024, and T.I. did not object to the evaluations or the credentials of the evaluators.

On August 19, 2024, T.I. attended the initial eligibility determination meeting with the CST to discuss the evaluations’ outcomes. At that time, T.I. was also presented with an initial proposed IEP, and on August 26, 2024, T.I. consented to its implementation.

On October 1, 2024, T.I. participated in another IEP meeting with the CST to review modifications to C.I.’s IEP after receiving C.I.’s neurodevelopmental evaluation report and

considering C.I.'s evaluation under the original IEP. Once again, T.I. did not object to the IEP and consented to its implementation.

T.I. was present, involved, and consented at each stage of the process.

The evaluations conducted by Flemington-Raritan were technically sound and widely accepted for students of C.I.'s age in all areas of suspected disability. Flemington-Raritan makes this claim, and no evidence exists otherwise. In fact, to date, T.I. has never objected to the evaluations or the evaluators. Indeed, T.I. has not identified any specific deficiencies in Flemington-Raritan's evaluations or articulated any disagreements with them.

Given these circumstances, I **CONCLUDE** that Flemington-Raritan has complied with all legal requirements for conducting evaluations; that the evaluations Flemington-Raritan performed were appropriate and constitute an accurate and complete representation of C.I.'s abilities; and that no additional assessments or evaluations are needed or warranted under N.J.A.C. 6A:14-2.5(c)(1).

Under N.J.A.C. 1:1-12.5(b), summary decision "may be rendered if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law." In this case, no genuine issue of material fact exists to challenge that Flemington-Raritan's evaluations were appropriate and constitute an accurate and complete representation of C.I.'s abilities. Therefore, I **CONCLUDE** that Flemington-Raritan is entitled to summary decision as a matter of law.

**ORDER**

I **ORDER** that Flemington-Raritan's motion for summary decision is **GRANTED** and that T.I.'s request for IEEs is **DENIED**.

This decision is final pursuant to 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 (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.

April 23, 2025  
\_\_\_\_\_  
DATE

  
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**MAMTA PATEL, ALJ**

Date Received at Agency

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Date Mailed to Parties:

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MP/sg/jm

**APPENDIX**

**List of Witnesses**

**For Petitioner:**

None

**For Respondent:**

None

**List of Exhibits in Evidence**

**For Petitioner:**

Certification of Amanda N. Castrogiovanni, Esq.

P-A Initial Identification and Evaluation Planning Meeting attendance sheet, dated August 5, 2024

P-B Initial Identification and Evaluation Planning Meeting letter, dated August 5, 2024

P-C T.I.'s signed consent for the proposed evaluations, dated August 13, 2024

P-D Social History Assessment Report, dated August 13, 2024.

P-E Speech-Language Evaluation Report, dated August 15, 2024.

P-F Functional Psychological Evaluation Report, dated August 14, 2024.

P-G Initial Eligibility Determination and IEP Planning Meeting Attendance Sign-In Sheet, dated August 19, 2024.

P-H IEP with eligibility determination, dated August 19, 2024, and T.I.'s signed consent to implement, dated August 26, 2024.

P-I Assess Progress and Review or Revise IEP meeting attendance sign-in sheet, dated October 1, 2024.

P-J IEP, dated October 1, 2024, and T.I.'s signed consent to implement, dated October 1, 2024.

P-K T.I.'s email requesting IEEs, dated January 24, 2025.

P-L Flemington-Raritan Reg. BOE, Due Process Petition seeking to deny T.I.'s request for IEEs.

Certification of Theresa Ferrara, LDTC, Child Study Team Case Manager for Flemington-Raritan.

P-M T.I.'s request for evaluation for special education, dated July 29, 2024.

P-N Ferrara's response to T.I.'s request for IEEs, dated January 31, 2025.

P-O T.I.'s consent to conduct an Occupational Therapy evaluation, dated January 31, 2025.

P-P Occupational Therapy Evaluation, dated March 12, 2025.

P-Q Prehearing Order, dated March 12, 2025

For Respondent:

None