



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 04731-25

AGENCY DKT. NO. 2025-38798

**EAST BRUNSWICK TOWNSHIP BOARD
OF EDUCATION,**

Petitioner,

v.

R.S. AND C.S. ON BEHALF OF G.S.,

Respondents.

Mark A. Wenczel, Esq., for petitioner (Cleary, Giacobbe, Alfieri & Jacobs, LLC,
attorneys)

R.S. and **C.S.**, respondents, pro se

Record Closed: September 29, 2025

Decided: November 26, 2025

BEFORE **KIMBERLEY M. WILSON**, ALJ:

STATEMENT OF THE CASE

Petitioner East Brunswick Township Board of Education (District) filed a due process petition, objecting to respondents' R.S. and C.S., on behalf of G.S., request for a reading-focused independent educational evaluation for G.S. at public expense. The District asserts that the March 2025 educational evaluation of G.S. was appropriate; R.S.

and C.S., however, assert that there are deficiencies in the District's educational evaluation.

PROCEDURAL HISTORY

On or around March 13, 2025, the Board filed a due process petition, objecting to R.S. and C.S.'s request for an independent reading evaluation. The matter was transmitted to the Office of Administrative Law, where it was filed as a contested case on March 14, 2025. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -23.

A hearing was scheduled for March 19, 2025, and settlement conferences were held on April 23, 2025, May 15, 2025, and May 20, 2025. Hearings that were scheduled for June 4, 2025, and June 6, 2025, were adjourned and rescheduled for September 26, 2025, and September 29, 2025. The hearing was held on September 26, 2025, and September 29, 2025, and the record closed on September 29, 2025.

FACTUAL DISCUSSION AND FINDINGS

G.S. is an eleventh-grade student eligible for special education based on multiple disabilities, including Down Syndrome and unilateral conductive hearing loss in her left ear. (J-9; J-20.) Even though there was testimony about G.S. having speech apraxia,¹ the District did not consider it one of her disabling conditions. (J-20 at 14.)

On or around February 12, 2025, G.S.'s child study team, R.S., and C.S., among others, held a reevaluation planning meeting to determine what evaluations would be necessary to update G.S.'s individualized education program (IEP). (J-1.) The District acknowledged that additional information was needed to develop G.S.'s IEP, a decision

¹ Speech apraxia is "a neurological disorder that affects the brain pathways involved in planning the sequence of movements involved in producing speech. The brain knows what it wants to say, but cannot properly plan and sequence the required speech sound movements." See https://www.nidcd.nih.gov/health/apraxia-speech#apraxia_02 (last visited on November 25, 2025).

made based on a review of the goals and progress in G.S.'s current IEP and parent and teacher feedback. (Ibid.)

Among the evaluations that the District believed it needed to update G.S.'s IEP was an educational evaluation. (Ibid.) During the reevaluation planning meeting, C.S. and R.S. did not raise any concerns about the sufficiency of an educational evaluation; they did ask about the process of requesting an independent evaluation generally but did not specifically ask for a reading evaluation. After the reevaluation planning meeting, C.S. agreed to an educational evaluation for G.S. (J-2; J-3; J-4.)

On or around February 21, 2025, C.S. sent an email to Elizabeth Miller (Miller), G.S.'s case manager on her child study team and a learning disabilities teacher consultant, requesting information on a request made during the reevaluation planning meeting for an independent reading evaluation for G.S. (J-5.) Miller testified that this was the first time she saw a request from R.S. and C.S. about conducting an independent reading evaluation for G.S.

On or around March 4, 2025, Miller responded to R.S. and C.S. by email, advising them that the District requested the opportunity to discuss the findings in the District's evaluations before proceeding with any independent evaluations and asked for confirmation that the parties agreed to proceeding that way. (J-27.) Miller sent a second email to R.S. and C.S., requesting a response by March 13, 2025. (Ibid.)

C.S. responded to Miller by email on March 13, 2025, asking Miller for the rationale for her suggestion, among other information. (Ibid.) Miller emailed C.S. and R.S., advising them that she could not respond to their questions without a full discussion and that if they did not agree to wait for the District's evaluations, the District would have to file a due process petition. (Ibid.)

Miller said that the evaluations chosen for G.S. were designed to address G.S.'s educational programming and her related services. An educational evaluation would

show G.S.'s abilities, and the psychological evaluation would show G.S.'s learning styles and potential, along with her intelligence quotient (IQ).

On or around March 13, 2025, Miller tested G.S. using the Woodcock-Johnson IV Test of Achievement (Woodcock-Johnson). (J-6 at 3.) Miller, who was qualified as a learning disabilities teacher consultant expert, testified that she used the Woodcock-Johnson test to evaluate G.S. because it is comprehensive, covering all educational fields, such as writing, reading, and math, and includes different options, such as phonics, comprehension, fluency, vocabulary, decoding, and reading recall. As part of her learning disabilities teacher consultant training, she was trained to use the Woodcock-Johnson test. Miller testified that there are other tests that are focused on specific subject areas, but Woodcock-Johnson is widely used because it covers many different areas and includes specific subtests that provide for assessments in different areas.

In her assessment of G.S., Miller used the Woodcock-Johnson reading portion of the test with subtests on letter-word identification, passage comprehension, sentence reading fluency, reading recall, spelling of sounds, reading vocabulary, word attack, and oral reading. (J-6 at 4–5.)

Miller had certain protocols that she had to follow when she administered the Woodcock-Johnson test to G.S. For example, for letter-word identification, G.S. had to read certain words by herself. Because it was a one-on-one testing situation, Miller was sitting close to G.S., which would have addressed any of G.S.'s hearing concerns. Understanding that G.S. has hearing loss, Miller did not make any modifications when administering the Woodcock-Johnson test to G.S. Because the Woodcock-Johnson is a standardized test, Miller was bound by certain protocols and could not make modifications to the testing procedures in many situations. In addition, G.S.'s IEP did not include any modifications for standardized testing that Miller could use when administering the Woodcock-Johnson test. Miller did verify that G.S. was able to hear her during the test administration.

In her report, however, Miller noted a modification to the standardized testing procedure for the spelling of sounds subtest. (J-6 at 3.) Miller repeated the first three

audio prompts orally when G.S. did not repeat the phrase spoken to her. (Ibid.) For the reading vocabulary subtest, Miller repeated and rephrased directions to assist G.S. for better understanding. (Ibid.)

On or around March 14, 2025, Miller prepared an educational evaluation of G.S., which included academic information, a classroom observation, recent state assessment scores, a student interview during the testing session, her current grades, and the results from the Woodcock-Johnson testing that Miller conducted on G.S. (J-6; J-7; J-8.) Miller signed the educational evaluation and dated it. (J-6.) G.S.'s Woodcock-Johnson scale scores, scores that are normalized by the student's age and compared to other students of the same age throughout the country, were included in the educational evaluation as is required by law. Miller testified that the scale scores do not give a fair indication of the areas where the student excels. The expectation is that there is educational progression as students age, so she used G.S.'s raw scores to evaluate G.S.'s personal academic progress.

Miller's report includes a section of G.S.'s raw test scores, comparing the results from the 2022 administration of the Woodcock-Johnson test to 2025. (Id. at 9–10.) For the broad language written language scores, G.S. made progress from 2022 to 2025. (Ibid.) For the reading-based subtests that Miller administered in 2025 on oral reading, word attack, and reading vocabulary, G.S. made progress. (Ibid.) There was no difference in G.S.'s scores on spelling of sounds and reading recall between 2022 and 2025. (Ibid.)

In her report, Miller provided educational implications from the results of the Woodcock-Johnson testing, which Miller generally noted were included in italicized font. (Id. at 4–5.) Miller testified that all the assessments completed for G.S. in early 2025 indicated that G.S. had global deficits. English and math were the subjects where G.S. required the most educational support, and Miller looked for ways to provide that support. In the new IEP created for G.S., G.S.'s programming remained the same, while goals

were added. Through the Woodcock-Johnson testing, Miller determined that G.S.'s academic progress was appropriate based on her abilities.

The results of G.S.'s psychological evaluation were consistent with her results in her educational evaluation, meaning that G.S.'s skills that required working memory were typically lower because G.S.'s working memory tested in the very low range. (J-10 at 7.) Based on these cognitive abilities, Miller found that G.S.'s progress was appropriate. She opined that her assessment of G.S. was comprehensive and appropriate and that no other evaluations were necessary to provide G.S. with additional reading and language arts instruction.

A comprehensive education assessment would include five reading areas, which are phonemic awareness², phonics³, fluency⁴, vocabulary⁵, and comprehension. (R-55.) According to Miller, Woodcock-Johnson includes all those areas in its testing, even though they are not broken down by subject in the testing. For instance, phonemic awareness is addressed in the Woodcock-Johnson test in the word attack and spelling of sounds subtests that Miller administered.

From the testing done as part of G.S.'s educational evaluation, there was no evidence that G.S. had dyslexia because G.S. was able to identify and decode words. Miller noted that dyslexia is a condition diagnosed by a physician rather than an educator.

Stephanie McQuade, G.S.'s English teacher in the language and learning disabilities classroom, was qualified as a language and learning disabilities teacher and

² Phonemic awareness is "the ability to identify and manipulate individual sounds in spoken words. It is essential for learning to read in an alphabetic writing system and is a strong predictor of early reading success." It is an auditory skill. See <https://www.improvingliteracy.org/resource/phonemic-awareness-what-is-it-and-why-is-it-important> (last visited on November 25, 2025).

³ "Phonics is a way of teaching children how to read and write. It helps children hear, identify and use different sounds that distinguish one word from another in the English language." See <https://literacytrust.org.uk/information/what-is-literacy/what-phonics/> (last visited on November 25, 2025).

⁴ Fluency is "the ability to recognize words, process sentences and paragraphs, and comprehend the overall meaning of the text." See <https://journal.imse.com/what-is-fluency/> (last visited on November 25, 2025). It is a bridge between word recognition and comprehension.

⁵ "Vocabulary refers to the body of words and their meanings that students must understand to comprehend text. Vocabulary knowledge is one of the strongest predictors of reading comprehension." See <https://literacyhow.org/vocabulary/> (last visited on November 25, 2025).

special education teacher expert. McQuade testified that G.S.'s IQ when she was tested for the psychological evaluation fell within the very low range of cognitive function, which limits G.S.'s abilities and affects her reading. (J-10.) G.S. decodes and comprehends on a second- to third-grade level.

C.S. and R.S. did not present any witnesses in support of their position.

LEGAL ANALYSIS AND CONCLUSIONS OF LAW

Under the Individuals with Disabilities Education Act (IDEA), federal funds are made available 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 High Sch. Dist., 116 N.J. 30, 34 (1989). As a recipient of federal funds under the IDEA, the State must have a policy that assures that all children with disabilities will receive a free appropriate public education (FAPE). See 20 U.S.C. §1412. A FAPE includes special education and related services. See 20 U.S.C. §1401(9); N.J.A.C. 6A:14-1.1.

For a school district to provide FAPE to a disabled child under the IDEA, it must develop and implement an IEP—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 is to be developed by a district's child study team in conjunction with the parents of the child. See N.J.A.C. 6A:14-2.3; N.J.A.C. 6A:14-3.7(b). Evaluations in various areas, such as educational and psychological, may be used in developing an IEP.

Among the due process procedures for parents of a child with a disability under the IDEA, parents “have the right . . . to obtain an independent educational evaluation of the child.” 34 C.F.R. § 300.502(a)(1) (2025). An independent educational evaluation is an evaluation performed by a qualified examiner who is not employed by the school

district responsible for educating the child. 34 C.F.R. § 300.502(a)(3)(i) (2025). N.J.A.C. 6A:14-2.5(c) states in pertinent part:

Upon completion of an initial evaluation . . . , a parent may request an independent evaluation if there is disagreement with the initial evaluation . . . provided by [the District]. . . . The request shall specify the assessment(s) the parent is seeking as part of the independent evaluation.

[Ibid.]

The District is obligated to provide that independent evaluation at its cost unless the District initiates a due process hearing showing that the evaluations it conducted were appropriate. N.J.A.C. 6A:14-2.5(c)(1); see also 34 C.F.R. § 300.502(b)(2)(i) (2025). If after the due process hearing, the final decision indicates the District's evaluation was appropriate, the parent still may obtain an independent educational evaluation but not at the public's expense. 34 C.F.R. § 300.502(b)(3) (2025).

The evaluation procedures require that the District use various assessment tools and strategies to gather relevant functional information in all areas of suspected disability, including information provided by parents that may assist and information related to allowing the student to be involved in and advance in the general education curriculum. N.J.A.C. 6A:14-2.5(a)(1)(i)–(ii). The procedure also requires the District to “[u]se technically sound instruments that may assess . . . cognitive and behavioral factors, in addition to physical or developmental factors.” N.J.A.C. 6A:14-2.5(a)(3).

The criteria that must be included in a written evaluation are addressed in N.J.A.C. 6A:14-3.4(h) as follows:

(h) A written report of the results of each assessment shall be prepared. At the discretion of the district board of education, the written report may be prepared collaboratively by the evaluators or each evaluator may prepare an individually written report of the results of his or her assessments. Each written report shall be dated and signed by the individual(s) who conducted the assessment and shall include:

1. An appraisal of the student's current functioning and an analysis of instructional implication(s) appropriate to the professional discipline of the evaluator;
2. A statement regarding relevant behavior of the student, either reported or observed, and the relationship of that behavior to the student's academic functioning;
3. If an assessment is not conducted under standard conditions, the extent to which it varied from standard conditions[.]

The District has proven that the March 2025 educational evaluation that Miller prepared for G.S. was appropriate under state and federal law. Miller prepared a written educational evaluation, which she signed and dated on March 14, 2025. The evaluation includes information about G.S.'s current functioning, including her classroom grades, the results from her most recent state assessment, and a classroom observation. After administering the Woodcock-Johnson test, a widely accepted and comprehensive test that assessed more than just G.S.'s reading, Miller discussed the educational implications from G.S.'s results from the Woodcock-Johnson test in the report in italicized font, and for additional analysis on G.S.'s academic progress, she compared the results from the reading-based subtests in the Woodcock-Johnson test administered in 2022 with the results from 2025. The Woodcock-Johnson test addresses the five reading areas, phonemic awareness, phonics, fluency, vocabulary, and comprehension within the test, and this fact is not controverted by any evidence in the record.

Finally, when Miller administered the Woodcock-Johnson test to G.S., she noted in her written report two modifications she made during the spelling of sounds and reading vocabulary subtests. Her testimony, however, was that she did not make any modifications to the Woodcock-Johnson test for G.S., noting that G.S.'s IEP did not allow for modifications on standardized tests.

While it appears that there is an inconsistency between Miller's written report and her testimony, there is no evidence in this record explaining this inconsistency, let alone the significance, if any, of the inconsistency. The applicable regulations require a

discussion of any deviations from standard conditions during an assessment in the written report, and Miller provided that information in her educational evaluation.

On its face, the District has satisfied its burden to show that the educational evaluation it provided was appropriate. R.S. and C.S., however, argue that the educational evaluation failed in several ways. First, Miller's educational evaluation failed to address G.S.'s reading issues, showing that she needed a reading evaluation rather than an educational evaluation, and second, the Woodcock-Johnson test failed to diagnostically test G.S.'s phonemic awareness. The uncontroverted evidence in this record does not support either of these conclusions. The Woodcock-Johnson test administered to G.S. included the five reading areas, again phonemic awareness, phonics, fluency, vocabulary, and comprehension, and Miller tested G.S. on Woodcock-Johnson subtests that included those areas within the test. R.S. and C.S. presented no affirmative evidence challenging the District's evidence on either of these issues.

R.S. and C.S. also argue that Miller's testing was not administered under fair conditions and that her report missed educational implications. Again, R.S. and C.S. presented no affirmative evidence to indicate any unfairness in the conditions under which G.S. was tested. Miller asked G.S. whether she was able to hear when Miller administered the Woodcock-Johnson test; G.S. responded that she could hear. In addition, G.S.'s IEP did not include any other modifications or accommodations for standardized testing like the Woodcock-Johnson test. Also, Miller's report included educational implications.

Finally, R.S. and C.S. assert there were mistakes in the report, but without affirmative evidence of those mistakes from R.S. and C.S., whether lay or expert testimony, there is no factual basis upon which to make such a finding.

While R.S. and C.S. may believe that additional evaluations are needed to assess G.S.'s reading abilities, the District's educational evaluation was appropriate to assess G.S.'s reading skills. Therefore, I **CONCLUDE** that the District properly denied R.S. and C.S.'s request for an independent reading evaluation. R.S. and C.S. may undertake such an evaluation for G.S., but at their expense, rather than public expense.

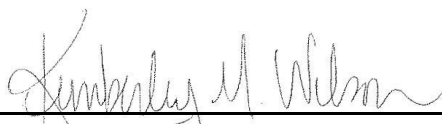
ORDER

I hereby **ORDER** that the District properly denied R.S. and C.S.'s request for an independent reading evaluation for G.S. If they so choose, R.S. and C.S. may undertake such an evaluation for G.S. at their expense, rather than public expense.

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 (2025). 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.

November 26, 2025

DATE



KIMBERLEY M. WILSON , ALJ

Date Received at Agency

November 26, 2025

Date Mailed to Parties:

KMW/ml

APPENDIX

Witnesses

For petitioner:

Elizabeth Miller
Stephanie McQuade

For respondent:

None

Exhibits

Joint exhibits:

- J-1 Reevaluation Planning—Proposed Action dated February 12, 2025
- J-2 Consent for Additional Assessment dated February 17, 2025
- J-3 Email from C.S. to Elizabeth Miller dated February 17, 2025
- J-4 Email from C.S. to Elizabeth Miller dated February 18, 2025
- J-5 Email from C.S. to Elizabeth Miller dated February 21, 2025
- J-6 District's Educational Evaluation for G.S. dated March 14, 2025
- J-7 Woodcock-Johnson IV Tests of Achievement Standard and Extended Batteries—Form A
- J-8 Woodcock-Johnson IV Tests of Achievement Standard and Extended Batteries—Response Booklet
- J-9 District's Educational Evaluation for G.S. dated March 18, 2022
- J-10 District's Psychological Evaluation for G.S. dated March 17, 2025
- J-11 WAIS 5 Summary
- J-12 Coding
- J-13 Vineland-3 Domain-Level Parent/Caregiver Form
- J-14 Vineland-3 Domain-Level Teacher Form Score Report
- J-15 District's Speech-Language Assessment dated March 11, 2025
- J-16 Clinical Evaluation of Language Fundamentals

- J-17 Oral and Written Language Scales 2d Edition
- J-18 Goldman-Fristoe Record Form
- J-19 District's Assistive Technology Evaluation Report dated January 13, 2025
- J-20 IEP dated March 27, 2025
- J-21 Elizabeth Miller resume
- J-22 Philip J. Zaza, M.A.. resume
- J-23 Taylor Felicetta, M.Ed. resume
- J-24 Michelle Cieslak, M.S. resume
- J-25 Stephanie McQuade resume
- J-26 Kimberly Basham resume
- J-27 Emails to and from C.S. and Elizabeth Miller dated February 21, 2025, to March 13, 2025

For petitioner:

None

For respondent:

- R-14 IEP dated February 12, 2025
- R-20 District's Assistive Technology Evaluation dated June 22, 2022
- R-28 Woodcock-Johnson IV Technical Manual, Ch. 1 and Ch. 5
- R-41 New Jersey Dyslexia Handbook (2024)
- R-55 National Reading Panel article, "Teaching Children to Read: An Evidence-Based Assessment of the Scientific Research Literature on Reading and its Implications for Reading Instruction."