

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

**FINAL DECISION**

OAL DKT. NO. EDS 01992-17

AGENCY DKT. NO. 2017 25559

**M.N. AND D.N. ON BEHALF OF A.N.,**

Petitioners,

v.

**NEW MILFORD BOARD OF EDUCATION,**

Respondent.

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**Lisa K. Eastwood**, Esq., for petitioners (Eastwood, Scandariato & Steinberg)

**Vittorio LaPira**, Esq., for respondent (Fogarty & Hara, attorneys)

Record Closed: June 20, 2018

Decided: June 25, 2018

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

**STATEMENT OF THE CASE**

This matter concerns a request for a due process hearing by M.N. and D.N. (petitioners) on behalf of their son, A.N., who is five years old and is eligible for special education and related services. Petitioner contends that the New Milford Board of Education (New Milford or District) failed to provide A.N. with a free appropriate public education (FAPE). As relief, petitioners are seeking reimbursement for unilateral placement for A.N. at a nursery program operated by the Kaplen JCC on the Palisades (JCC) in Tenafly, New Jersey.

Respondent maintains that it provided A.N. with FAPE during the time in question. Respondent seeks denial of the relief requested by petitioner and dismissal of the due process petition.

### **PROCEDURAL HISTORY**

The matter was transferred to the Office of Administrative Law (OAL) as a contested matter on February 8, 2017. A settlement conference was conducted during which time the parties failed to resolve any issues in dispute. The matter was reassigned to the undersigned. Hearings were conducted on October 3, 2017, November 1, 2017, January 25, 2018, February 5, 2018, February 13, 2018 and June 20, 2018, on which date the record closed.

### **FACTUAL DISCUSSION**

The parties stipulated to and I **FIND** the following as **FACT**:

1. The New Milford Board of Education (New Milford or the District) operates the New Milford Public School District, which serves students from ages three through twenty-one.
2. A.N. was born on December 24, 2012. He is domiciled in the Borough of New Milford with his parents, D.N. and M.N. He is eligible for special education and related services as a preschool child with a disability, and has a diagnosis of autism spectrum disorder in the mild-moderate range and verbal apraxia.
3. On April 20, 2015, Kristen Brady, an Early Intervention Service Coordinator with the Special Child Health Services unit of the Bergen County Department of Human Services, sent an email to Laura Impomeni (Impomeni), LSW, a school social worker and case manager employed in the District. The email notified Impomeni that Early Intervention Services

(EIS) would be conducting a Transition Planning Conference for A.N. on or around May 15. (Exhibit 1)

4. Over the next two days, Impomeni and Brady communicated and confirmed a meeting date for mid-May. (Exhibit 2)
5. Impomeni attended the Transition Planning Conference with Brady at the parents' home, wherein Brady and Impomeni explained the process for registering A.N. with the District, the timelines for the evaluation, the eligibility process, and what would happen if A.N. were found eligible for special education and related services. At that meeting, D.N. asked Impomeni if the District had an Applied Behavioral Analysis (ABA)-based classroom/program, and Impomeni confirmed the same.
6. As of the date of the meeting, the parents were sending A.N. to a parent/child therapeutic non-sectarian nursery program operated by the Kaplen JCC on the Palisades (JCC) in Tenafly, New Jersey.
7. In early June 2015, D.N. asked Impomeni if she could see the District's program, and Impomeni assured her that she could and encouraged her to do so. D.N. toured the program with Impomeni and a therapist employed by the parent on or around June 3, 2015, specifically observing the Inner Bridge Crossing (IBC) Pre-K Autism class taught by Jeanine Conrad.
8. Later that day, D.N. wrote to Impomeni stating, "Thank you so much for showing us around today. Really helps to relieve some of the worries we had . . . great to see such a beautiful and caring program." (Exhibit 4)
9. In early July, D.N. registered A.N. with the District, providing various paperwork to establish residency and medical information. (Exhibit 5)

10. Several weeks later, on August 21, the District's Child Study Team (CST) office received the official EIS referral letter for A.N. (Exhibit 6)
11. On September 8, 2015, Impomeni notified the District's Director of Special Services, Whiney Perro, that A.N. would likely be starting in the IBC Pre-K program in early January, and that she should be hiring an instructional assistant for him. Perro replied and indicated that Conrad, the IBC Pre-K teacher, had already told her, and that she was taking care of it. (Exhibit 7)
12. Impomeni began the process of scheduling the initial planning meeting (IPM) a few days later, emailing her colleagues and obtaining times and dates when they could meet with the parent. After a cancellation of the first proposed date of September 16, over the next two weeks, Impomeni and D.N. exchanged emails, finally settling on October 15, which Impomeni confirmed through a written notice dated September 29. (Exhibits 8, 9, 10, 11)
13. Impomeni conducted the IPM on October 15, 2015, which D.N. attended, along with the following District employees: Conrad, the IBC Pre-K classroom teacher; Stacy Clark, a learning disabilities teacher/consultant; Jolie Siegel, a school psychologist; Katherine Bacola, a speech therapist; Nicole Elmera, BCBA (a board-certified behavior analysis), who served as the District's behaviorist at that time; and Eliscia Minaya, an occupational therapist. The parties reviewed the data they had on A.N., as well as information that D.N. reported to them outlining her concerns.
14. D.N. indicated that A.N. made progress with ABA services through EIS (at one point he was getting sixteen hours per week before the parents discontinued it) A.N. was reportedly "very social and much more interested in interacting with peers," although his physician reported that "his temperament can get in the way." D.N. reported that his "rigid play behaviors" were more like obsessive-compulsive disorder rather than

autism spectrum disorder. Although D.N. reported that A.N. was “oppositional” and could “tantrum at home,” she also indicated that he was “better at school.” D.N. advised that his “organizational” tendencies had diminished (e.g., lining, ordering), but that transitions were still difficult. Ultimately, the parties decide that they would evaluate A.N., primarily for the purpose of assessing his strengths and weaknesses (since classification was highly likely given his autism spectrum disorder diagnosis). As such, the parties agreed that the evaluation would consist of five separate assessments: educational, social, psychological, speech/language, and occupational therapy. It would also consist of a review of any records, interviews of his parents, and a structured observation of A.N. at the JCC program. Impomeni memorialized D.N.’s comments and the parties’ agreement on the memorialized evaluation plan and were ultimately in a document entitled Nature and Scope of Proposed Evaluation, which both Impomeni and D.N. signed that day. (Exhibit 12)

15. The various individuals listed in the Nature and Scope of Proposed Evaluation conducted their assessments over the next ninety days, as required by the IDEA.
16. Minaya wrote a three-page report that explained the result of A.N.’s occupational therapy assessments, conducted on December 9, 2015, which she then sent to the parents on December 17. She recommended occupational therapy once per week for thirty minutes individually to assist in improving his self-regulation and to ensure he continues to improve his fine and visual motor skills. (Exhibit 13)
17. Seigel assessed A.N. using the Vineland Adaptive Behavior Scales, Second Edition (Vineland-II), which took place through an interview with D.N. on November 19, 2015. She ultimately issued a three-page report memorializing her findings on December 21, 2015, which she sent to Impomeni via email on January 6, 2016 (which Impomeni then sent to the

parents). In her report, Siegel noted that based on D.N.'s ratings on the Vineland-II, A.N.'s overall adaptive behavior composite was in the moderately low range (standard score 77), with some variability, with all of his scores in the 18th percentile or below: (communication, adequate [86]-adequate for receptive communication, moderately low for expressive communication; daily living skills, moderately low [77]-adequate in both domestic and community sub-domains, low in the personal sub-domain; socialization, low [70]-moderately low in the personal sub-domain; socialization, low [70]-moderately low in the coping skills sub-domain, low in the interpersonal relationships and the play and leisure sub-domains; and motor skills, moderately low [79]-moderately low in gross motor skills, adequate in fine motor skills). (Exhibit 14, 17)

18. Impomeni conducted a social assessment, which involved an interview of D.N. at the school district on December 21, 2015, and memorialized her findings in a four-page report, which she emailed to D.N. on January 4, 2016; she later made minor corrections to the report as per an email exchange with D.N., and mailed the final report to her on January 11, 2016. In that document, she indicated, among other things, that: (a) A.N. was diagnosed with autism spectrum disorder at eighteen months old; (b) his pediatrician expressed concerns about his expressive and receptive language skills, his rigid play behaviors, that he had little interest in peers, his difficulty transitioning, and that he inconsistently followed directions; (c) the Bergen County Department of Human Services/EIS provided A.N. with sixteen hours per week of discrete trial ABA services, as well as occupational therapy and speech therapy starting in June 2014, which the parents discontinued as of June 2015; and (d) A.N. attended the JCC Therapeutic Nursery for socialization opportunities, where he received occupational therapy twice per week and speech therapy three times per week, in addition to private occupational therapy (twice per week) and speech therapy services (twice per week) at the parents' expense. The report also provided information that the parent offered concerning his

- language skills, self-help and daily living skills, attention span and social interactions. (Exhibit 15, 20)
19. Bacola issued a four-page report memorializing the results of her speech and language assessments, which took place on December 21, 2015, and mailed it home to the parents on January 6, 2016. A.N. obtained a standard score of 83 in the articulation, placing him in the 21st percentile, while his auditory comprehension (109) fell within the average range, his expressive communication (85) was borderline-low average, and his total language score (97) was average. (Exhibit 16)
  
  20. Clark conducted an educational assessment of A.N. on or around November 24, 2015, which she memorialized in a four-page report. Her assessment included an in-home observation as well as a second testing session outside of the home. She administered selected tests from the Woodcock-Johnson IV tests of Early Cognitive and Academic Development. A.N. scored in a broad range, from very low (standard score of 67) for rapid picture naming, “a test of cognitive and linguistic fluency that provides information about cognitive processing speed and the speed of word retrieval,” to superior (standard score 121) for letter-word identification, which “measures the child’s print awareness and letter and word identification skills, a reading-writing ability.” The bulk of his scores, however, were in the average range (number sense [109], memory for names [91], picture vocabulary [91], visual closure [91] or low-average range (sound blending [89], writing [87], sentence repetition [84], with one in the well-below-average range (verbal analogies [78]). (Exhibit 18)
  
  21. Additionally, Conrad, Elmera, and Bacola observed A.N. and D.N. at the JCC program on November 23, 2015, before the parties convened A.N.’s eligibility meeting.
  
  22. Impomeni held an eligibility meeting on January 11, 2016, with D.N., Conrad, Clark, Bacola, Minaya, and Siegel in attendance, as well as

Samantha Lockhart, BCBA, the District's new behaviorist. Impomeni and the various evaluators reviewed each report with D.N., and all attendees agreed that A.N. was eligible for special education and related services. They also reviewed and accepted a medical assessment report provided by Montefiore Children's Evaluation and Rehabilitation Center. With D.N.'s consent, the parties then immediately conducted an Individualized Education Program (IEP) meeting, whereupon they developed an IEP for A.N. based upon the deficits identified in the evaluation reports. (Exhibit 19)

23. The District proposed a program where he would attend the IBC Autism Pre-K classroom in the morning, where he could receive his various related services (speech and occupational therapy), and the Preschool Disabilities class in the afternoon.
24. While the District staff explained that it could implement either class in the morning or afternoon, it also explained its belief that A.N. was a good match for the afternoon Preschool Disabilities class taught by Elizabeth (Betty) Caruso, because he had received a significant amount of intervention prior to turning three years old, he was big for his age, and would fit in nicely with those students, many of whom were four years old and higher functioning than the students in the IBC class. The District also proposed a one-to-one aide for A.N. to assist him throughout his day.
25. Due to a problem with Impomeni's laptop being unable to connect to the printer in the room where the parties met, she was unable to print out and give D.N. a copy of the IEP that the IEP Team developed that day. However, she sent it home the next day via email. (Exhibit 21)
26. A few days later, D.N. and Impomeni spoke to discuss concerns that D.N. had about the IBC Pre-K Autism class: She believed might be too rigid and structured for A.N. Impomeni explained her belief that she felt it was important to gain instructional control over A.N., and develop a systematic



- response to address his behaviors, which would best be addressed in the IBC classroom. (Exhibit 22)
27. On Tuesday, January 19, 2016, D.N. contacted Impomeni via email, wanting to observe the IBC classroom with the Assistant Director of the JCC two days later on Thursday. They could not observe on that date, because Conrad was training a parent whose child was already in the class that Thursday. They ultimately agreed to an observation on January 26, 2016, which ended up being rescheduled to January 29, 2016. (Exhibits 23, 24.)
  28. On the date of the observation, D.N. and the Assistant Director of the JCC observed Conrad's morning class (the IBC Pre-K Autism classroom) as well as Caruso's afternoon Preschool Disabled class, both with Impomeni present.
  29. As the observation took place, D.N. expressed that she was pleased with what she saw. She and Impomeni discussed her concern with A.N.'s social skills, and Impomeni explained that Sara Engle, a speech therapist, could provide A.N. with a speech group in the afternoon Preschool Disabled Class where A.N. could work on reciprocal speech and appropriate play skills. D.N. was in agreement with the idea, and Impomeni immediately updated the IEP on her laptop. Although D.N. had to leave before Impomeni could print out a copy of the revised IEP, Impomeni emailed it to D.N. later that day. (Exhibit 25)
  30. Impomeni did not hear back from D.N. until D.N. called and left her a voicemail on or around February 10, 2016. She and D.N. ultimately spoke to discuss some of D.N.'s additional concerns with the IEP, and after exchanging emails on February 19, ultimately met in person on February 25. (Exhibit 26.)
  31. At that time, D.N. advised Impomeni that she did not want him to attend the morning program, and she would have A.N. continue to attend the

JCC program in the morning, but expressed enthusiasm about his enrollment in the District's afternoon preschool disabilities class with a one-to-one aide. As a result of their conversation, Impomeni revised the IEP to reduce A.N.'s program from full-day to half-day consistent with the parent's request, and both D.N. and Impomeni signed the IEP on that date. (Exhibit 27) Impomeni thereafter mailed a hard copy to her on March 1. (Exhibit 28)

32. A.N. started to attend school shortly thereafter, which he attended through the end of the school year.
33. In mid-May D.N. emailed Impomeni to ask if she and the JCC staff could observe A.N. in class, and Impomeni promptly responded that they could certainly do so. (Exhibit 29)
34. The next day, D.N. asked Impomeni via email if the District provides "shadows" during summer camp, as another school district reportedly did; Impomeni responded by stating that the District provides whatever is set forth in the IEP. (Exhibit 30)
35. Two days later, Impomeni and D.N. agreed that she and the JCC staff would observe A.N. on June 2. (Exhibit 31)
36. D.N. and two JCC staff members observed A.N. in his class with Impomeni present on June 2, 2016.
37. On June 14, 2016, D.N. emailed Impomeni to let her know that A.N. would not be attending the District's extended school year program, but that he would instead be attending temple camp with a shadow. She apologized for the last-minute change, and stated that "We will see you in September!!" Impomeni thanked her for letting her know and expressed to her that she hoped she had a great summer. (Exhibit 32)

38. That same day, the Child Study Team office mailed D.N. a copy of A.N.'s progress report, which covered the three-and-a-half-month period he attended school in the District (the first progress report was issued only after a month or two). (Exhibit 33) It indicated that A.N. had not achieved any of the annual goals in his IEP as that time, but that he was "Progressing Satisfactorily" toward one of them, and "Progressing Gradually" toward the other eight goals. The IEP Progress Report defines "Progressing Satisfactorily" to mean "the Student is making satisfactory progress and is expected to achieve the goal," and "Progressing Gradually," to mean "the student is making less progress than anticipated but may still achieve the goal."
39. On July 27, 2016, A.N.'s parents signed a tuition contract with the JCC, wherein they enrolled him in a full-day program.
40. Late in the evening on August 1, 2016, D.N. emailed Impomeni asking to meet to discuss the plan for A.N., and expressed some concerns about his progress. She indicated that, "I want to make sure A.N. [sic] has a productive year! Thanks so much!" Impomeni responded the following morning, setting up the meeting for September 1, so they could meet with Caruso, who, she wrote, would have a good sense of A.N.'s progress, as well as potentially the speech therapist. (Exhibit 35)
41. Due to scheduling, that meeting date was ultimately changed to September 6, to which D.N. agreed, writing, "Hey! Yes see you Sept 6 [sic] at 11!" (Exhibit 36.)
42. When D.N. met Impomeni and Caruso, she indicated that she was not happy with his progress reports, did not think the program was working for him, and indicated that he would be attending the JCC program full-time in the fall. She expressed that the JCC had started a new program in the afternoon, and she was really excited about it; A.N. would attend the JCC's morning program with D.N., and then the JCC's afternoon program

in the afternoon. She indicated that she wanted to let them know, and that she was sorry, but she was really excited about the JCC program.

43. A few weeks later, D.N. emailed Impomeni and stated, “Hope all is well. I’m still waiting to hear back from you regarding what we discussed a few weeks ago. Any update?” Impomeni responded that she was waiting on her Director, and D.N. replied that “we [sic] really rather not go the legal route but feel we need to set a timeline so that this doesn’t drag on.” (Exhibit 37)
44. A week later, Impomeni responded and indicated that the District would not agree to pay for the student’s placement at the JCC. (Exhibit 38)
45. On October 10, 2017, Perro received correspondence from the Petitioners’ attorney, indicating that they were providing notice of unilateral placement. It did not seek to convene an IEP meeting or otherwise seek to address Petitioners’ concerns. (Exhibit 39)
46. A week later, Perro had the Board’s attorney draft a response to Petitioners’ notice, which advised that the District did not believe that the parents were entitled to any reimbursement and further offered to work with the parents in discussing their concerns regarding the District’s proposed program. (Exhibit 40)
47. The parents filed a Request for Due Process seeking placement for the costs they incurred in connection with their placement of A.N. at the JCC full-day program in December 2016.
48. On March 17, 2017, Impomeni reached out to D.N. via email to schedule an IEP meeting. (Exhibit 41) She specifically requested an opportunity to see A.N. at the JCC and asked who she should contact to set this up. D.N. advised that she could be available on the proposed date, but “As for the observation at the JCC I will have to get back to you on that.”

49. The parties continued to correspond via email over the next several days, and on March 22, Impomeni wrote, "Ok thanks. Just let me know when I can come to observe him. I am free tomorrow late morning, and also Friday afternoon after 1:30. Thanks!" (Exhibit 41) D.N. did not respond to that specific request.
50. Later that day, Impomeni emailed D.N. asked if she could put her in touch with someone at the JCC to obtain A.N.'s present levels of performance in order to develop an IEP for him. D.N. responded late that evening that she would be there on Friday (March 24) and would ask them for that information. Impomeni responded the following morning that this would not give her enough time for a Monday IEP meeting, and D.N. responded on Friday, explaining that she would get them next week, and gave her contact information for someone at JCC. She also indicated that if Impomeni needed these for the meeting, she would be fine with rescheduling and gave her dates for those purposes. (Exhibit 42)
51. On Sunday, March 26, D.N. and Impomeni corresponded via email: D.N. inquired as to the status of the meeting and Impomeni responded that they should hold off on having the meeting until the JCC provided her with the requested information. (Exhibit 43)
52. In early April, after various emails back and forth, Impomeni and D.N. agreed to meet on Thursday, April 27. (Exhibit 44.) Impomeni then confirmed that through an email meeting invitation notice/request. (Exhibit 45)
53. D.N. and Impomeni exchanged emails on April 26 confirming that the parties would be meeting on April 27. (Exhibit 46)
54. JCC staff sent Impomeni A.N.'s classroom progress report and speech progress report at 4:41 p.m., and 4:51 p.m., respectively, on April 26. It

also sent an occupational therapy progress report on April 27th at 8:55 a.m. (Exhibit 47, 48)

55. The JCC did not permit Impomeni to observe A.N. in his placement before Impomeni held the April 27 IEP meeting upon advice of counsel.
  
56. Impomeni convened an IEP meeting on April 27, 2017. During the meeting, the IEP Team developed an IEP for A.N. Impomeni and Conrad revised his goals with D.N. and the District proposed a program that included education in Caruso's Preschool Disabilities classroom for half the day, as well as attendance at the Stepping Stones preschool for half the day, both of which would be with a one-to-one aide. It also provided A.N. with individual occupational therapy six times per month, for thirty minutes each, as well as a dedicated fifteen minute (minimum) monthly consult between the teacher and occupational therapist to discuss A.N. and occupational therapy principles to work on in the classroom; individual speech therapy three times per month, for thirty minutes each, as well as a dedicated thirty minute (minimum) monthly consult between the teacher and speech therapist to discuss A.N. and speech therapy principles to work on in the classroom; and small group speech six times per month for thirty minutes each. Finally, the program included an extended school year program where he would continue to receive speech and occupational therapies during the summer, as well as education in a Preschool Disabilities class with a one-to-one aide. (Exhibit 49)

### **TESTIMONY**

#### **Laura Impomeni**

Laura Impomeni is a social worker and case manager for the District. She is a service coordinator for early intervention. She is contacted when a child is about to turn three and schedules a transition conference. Impomeni testified that she held a transition conference with petitioner in April 2013, although A.N. was not going to turn three until December 2013. The IPM consisted of the parents, the physical therapist,

the occupational therapist and the special education teacher to share information and concerns. It was determined that A.N. would be tested and which evaluations would be done. In November 2013 A.N. was observed at the JCC. At the JCC he had “mommy and me time” in the morning, which was unstructured. She spoke to the director of JCC to determine how A.N was progressing.

On January 11, 2016, there was an IEP meeting. The proposal was for a full-day program with an ABA based program in the morning from 8:25 a.m. to 12:25 p.m. and the afternoon in the preschool disabled program, where A.N. would be with more typical peers and generalize what he is learning. ABA is a structured way of teaching using among other things reinforcement, feedback, and discrete trials. In discrete trials, the behavior is broken down to small portions and reinforced immediately. The preschool disabled program consisted of students older than A.N. He was three and most of the other students were four.

The IEP addressed related services. Occupational Therapy (OT) was to address sensory concerns. Speech Therapy (ST) was pragmatic language and social skills. Evaluations and conversations with petitioners were used to develop the IEP. The goals in the IEP were developed from the evaluations. There was a concern with A.N.’s ability to interact with peers. A goal was developed to interaction with peers in play and in the ABA program. A motor skills goal was developed by the occupational therapist. OT would be once per week with a monthly consult. Speech would be three times per week with a monthly consult. An extended school year program was included in the IEP.

The IEP had modifications for A.N. including a one-to-one aide to gain instructional control and frequent reinforcement. The director of special services hires the aides. The aides should have a background in working with special needs children. The aides are trained by the teacher and the district behaviorist. There is online training which is approximately twenty hours.

Petitioners believed that the morning program had too much ABA and A.N. would be bored and it would be restrictive. The district believed A.N. needed ABA for

reinforcement. It agreed that he did not need discrete trials. Petitioner's main concern was A.N.'s social skills. A.N. fixates on letters and numbers to a lesser extent.

A.N. began attending school in the district on February 29, 2016. From March until the June, A.N. missed twenty days of class. Petitioners did not express dissatisfaction with A.N.'s program. There was twenty minutes on the playground to interact with peers in the preschool disabled class. In addition, there was twenty to thirty minutes of center time. In center time, a student places his name in a center with two to three other students. The students initiate play. A.N. needed to be prompted. The other students in the class were higher functioning than A.N. One other student in the class had autism. Impomeni did not receive any complaints about A.N.'s aide. ABA was appropriate for institutional control for A.N.

On June 2, 2016, D.N., the mother of A.N. along with two people from JCC observed A.N. in the preschool disabled class in the afternoon. A.N. did not attend the ESY program in the summer of 2016.

On August 1, 2016, D.N. emailed the district to request a meeting. She did not list any specific concerns. The meeting took place on September 6, 2016, with Impomeni, Caruso, and D.N. D.N. stated that she was unhappy with the progress that A.N. was making, the district was not meeting his needs, and that A.N. would not be returning to the district—he would be going to JCC full time. D.N. was not happy with A.N.'s progress in social skills, he could not play independently, and believed that the support was not adequate. D.N. did not ask for a change to A.N.'s program. Impomeni did not recommend any other placement. It was unclear as to how she felt A.N. was not progressing. D.N. requested the district pay for A.N.'s enrollment at JCC. The district refused D.N.'s request for it to pay tuition at JCC.

In March 2017, Impomeni contacted petitioner to schedule an IEP meeting. She needed to speak to A.N.'s teachers at JCC and observe him. Impomeni had some familiarity with the program at JCC. When she contacted a secretary there to schedule the visit, she was told she would not be allowed into the building. Impomeni received



present levels in OT and speech as well as a class report about A.N. from JCC on April 26, 2017, the day before the IEP meeting.

Elizabeth Caruso

Elizabeth Caruso (Caruso) has a Bachelor of Arts and a Master's Degree in special education. She has taught in New Milford for twenty-two years in the preschool disabled class. A.N. was in her class.

Caruso recalled that A.N. needed prompting picking toys and getting a friend to play with. Mrs. Ramirez was A.N.'s aide. They bonded well. Caruso trained Ramirez on one-to-one and monitored her with the students. A.N. would approach a student and follow him. One boy he liked and would sit with him. A.N. had issues with focusing, Ramirez would tap him or call him to redirect him and limit the distractions.

A.N.'s speech therapist and Caruso went over who, what, and where exercises for expressive language. The speech therapist worked with him on articulation. A.N. was the only child in the class with autism. D.N. had concerns with A.N.'s social skills, conversation, and making friends.

A.N.'s social skills goals were worked on by Caruso, her assistant, the occupational therapist, and the physical therapist. There were concerns about A.N. fixating on numbers. After going over the calendar, she would turn off the smart board or she would move him. A.N. was verbally redirected. His behaviors did not affect his classroom activity.

D.N. and two members of JCC observed A.N. in class. That day was unusual because it was another student's birthday. The students were more excited and the playtime was shorter. Caruso does not recall being asked any questions by D.N. or the two people from JCC. A.N. was absent often and came late often because he was in a different program in the morning, he would have lunch with his mother and she would bring him to her class at approximately 1:00 or 1:15 pm. Caruso did not mark A.N. late on those days because she and D.N. had come to an agreement.

Progress reports were sent out at the end of every marking period. A.N.'s speech and OT goals were updated. Caruso did not write the speech goals in the progress reports. A.N.'s was progressing gradually in his social, emotional, and behavioral goals. She expected him to achieve those goals at the end of the year. D.N. was concerned about his social interactions but not specific goals.

In September 2016 Caruso and Impomeni met with D.N. who informed them that A.N. would be withdrawn from the school and he would be going to JCC. Caruso does not recall any specific issues for the change. D.N. never said that the district's program was inappropriate. She did not offer changes to A.N.'s program because she believed that petitioner's mind was made up regarding A.N. going to JCC. Caruso believed that A.N.'s placement was appropriate and he would progress.

#### Jeanine Conrad

Jeanine Conrad (Conrad) has a Master's Degree in special education. She began working for New Milford in July 2013. She testified that she met A.N. in September 2015 when she went to JCC to observe A.N. Caruso spoke to the Director of JCC about how progress was monitored. A.N.'s IEP called for ABA classes, which she taught in the morning and afternoon classes with Ms. Caruso. Conrad's classes consisted of one-to-one ABA practice and one-to-one instruction. All of the students are on the autism spectrum. She uses a token economy system. At the January 11, 2016, IEP meeting Conrad believes that structured play was added to the IEP. On January 29, 2016, petitioner observed Conrad's class with representatives from JCC. Conrad never taught A.N.

#### Eliscia Minaya

Eliscia Minaya (Minaya) has a degree in OT and has worked with New Milford as an Occupational Therapist for seven-and-one-half years. Minaya evaluated A.N. late 2015 or early 2016. She recommended direct services once a week and consultation

once a month service for A.N. The consultation is with the teacher to determine progress and things that can be done to help him.

A.N. began attending the afternoon classes. She looked at his fine motor skills and his pre-handwriting skills. She used putty or play-dough to get his hand musculature to get it where it needed to be. Minaya saw A.N. eleven of fifteen times, during the other four sessions A.N. was absent. A.N. was in the pre-handwriting stage. She completed the motor skills portion of his progress report. He was progressing gradually on some goals. It became hard to see significant progress due to his absences. She would have to start the skill from the beginning once he returned. Minaya believe that there was potential for A.N. to reach the goals. She does not know why A.N. was absent.

### Sara Engel

Sara Engel (Engel) has been a speech pathologist for sixteen years. She is a member of the American Speech and Hearing Association (ASHA) and works with pre-school and elementary school autistic students. Engle was not part of A.N.'s evaluation process. She relied on Bacola's evaluation. A.N. had a large vocabulary but difficulty expressing what he knew and answering questions. He had articulation issues. She wanted to improve his intelligibility, pragmatic skills, and ability to express himself. A.N. had individual speech therapy once per week and small group speech therapy with Engel. The small group usually consisted of two students. Engel saw A.N. twenty-one times. Engel wrote the speech progress notes. A.N. progressed satisfactorily in the goal of producing nasal sounds. Progressing satisfactorily means that A.N. would master the goal in the next marking period. A.N. was progressing gradually in the goal of using language to communicate his needs. He still needed verbal prompts. He would master the goal but not in a three-month period. A.N. was making progress with the goal of conversational speech but he would not be able to master the goal in three months.

Engel did not write the speech goals in the IEP. The articulation goals were appropriate. Once she knew A.N. she would have added expressive language goals.

The goals covered articulation and pragmatic speech. A.N.'s IEP provided individual speech therapy three times per month and speech language group four times a month with a monthly consult. Engel testified that she did not know that A.N. was receiving private speech therapy and when A.N. began at school he needed prompts for anything more than basic conversation.

Whitney Perro

Whitney Perro (Perro) has a Bachelor's Degree in elementary education and special education. She also has a Master's Degree in administration and is the Director of Special Services for New Milford. Perro testified that she met with Conrad and Impomeni regarding A.N. prior to his enrollment in January 2016. Originally A.N. would be in IBC in the morning and in Caruso's class in the afternoon. The aides in the IBC must complete nine modules regarding ABA. The aides also have ongoing professional development and are in the rethink program. The rethink program requires forty hours of advance training to become a Registered Behavioral Technologist. An internship with a behaviorist is also required. Perro does not know which aid was assigned to A.N. Ramirez, an aide, completed the nine training modules and is in the forty-hour program. Aides must have a minimum of sixty hours of college credits.

A.N.'s IEP for April 2017 required him to be in Caruso's class half of the time and at the Stepping Stones program the other half. The District teams with Stepping Stones and have had this relationship for three years. Stepping Stones is a typical pre-school environment. Perro has not received any complaints regarding Stepping Stones which is a state approved research based program. Petitioners did not communicate any concerns regarding Stepping Stones.

Perro has not met A.N. She met petitioner in January 2017. Pre-school students are sent to Stepping Stones. It has a general education curriculum that can be adapted to a special education curriculum.

D.N.

D.N. is the mother of A.N. She testified that she relied on the evaluations of New Milford and private assessments regarding A.N. A.N. was diagnosed at eighteen months old. She wanted him classified to get an early start. A.N. started school in February 2016. A.N. needs socialization. D.N. believes that A.N. would not have good peer models in the autistic class. She agreed to A.N. going to Caruso's class but not the ABA class. D.N. was present when Conrad, Nicola Elmira, and the BCBA observed the JCC program. They were there for twenty-five minutes.

In the New Milford pre-school disabled class numbers and letters were on the rugs and posters. A.N. fixates on numbers and letters. The other children in the class were one year older than A.N. and he was the only student with autism. It was hoped that the older students would be good models for A.N. A.N. needed a lot of facilitation. A.N. needed social skills and strong facilitation.

At the JCC therapeutic nursery, where A.N. went, he hugged other classmates a lot. He received sensory input from squeezing peers. He was given a toy to squeeze. D.N. mentioned the hugging to Caruso and an aide. In Caruso's class, the social interaction was done at circle time, where the students would do exchanges with her and use a smart board. New Milford would turn numbers around so that A.N. would not fixate on them. D.N. did not think that this was appropriate, but did not tell this to Caruso. The classroom had a lot of numbers and letters in it. A.N.'s aide was Ramirez.

At JCC they worked through his fixation with letters and numbers. Numbers and letters were not as prevalent at JCC. His fixation with numbers was confronted head on and he became desensitized to it.

A.N. has verbal apraxia. He has low muscle tone in this mouth. He had speech three times a month at New Milford. At JCC he had individual speech two times a week. A language lesson specialist would give him lessons in the class. He had private speech therapy twice a week. It was explained by doctors to D.N. that ABA discrete trials were not appropriate for A.N. This information was never written down.

Dr. Mendelson and Anita Miller of JCC observed A.N. in class at New Milford. The day was the birthday of one of the students. The board game he played was not

appropriate for A.N. because he was counting spaces. He was successful with barnyard bingo because there were no numbers and he had to physically pass pieces to other students. In the playground A.N. was playing by himself. The other students played together. At JCC recess is used as a social time and A.N. would be told to find a friend. He could play with others with prompting. A.N. would go to JCC in the morning and Caruso's class in the afternoon. The doctors were in contact with JCC. They saw his goals being met at JCC but not at New Milford.

The January 2016 IEP proposed A.N. spend half of the day in the ABA class and the other half in the preschool disabled program. The IEP had social, behavioral, and emotional goals. Some of the goals were not achieved. D.N. observed both programs and voiced her concerns about A.N. attending the ABA class. On February 25, 2016, A.N. advised New Milford that A.N. would go to JCC in the mornings. He went to the New Milford Preschool disabled class in the afternoons. It also provided for and extended school year (ESY). It did not include a one-to-one shadow which is what he needed for socialization. When D.N. asked about a shadow being provided for A.N., she was told he would be provided whatever the IEP allowed. The IEP states that A.D. would have a personal aide from January 2016 until November 2016, which covers the ESY period. D.N. asked about prompt certificate for the speech therapist. Bacola told her that speech therapist does not need to be prompt certified.

The days that A.N. was absent from New Milford were Jewish holidays. When D.N. received the progress report in June 2016, A.N.'s goals were either not met or not consistently met. At that time, she decided that A.N. would not return to New Milford. D.N. consulted with Dr. Shulman and Dr. Cargan. Neither Dr. Shulman nor Dr. Cargan observed A.N. at New Milford or reached out to the teachers or staff at New Milford. They told her if the program was not working for A.N. put him in a new program. D.N. was told that ABA was not appropriate for A.N., she was not told that New Milford was not appropriate for A.N. The goals at JCC for A.N. were met.

In the 2017-2018 IEP, A.N. would have spent half of the day at Stepping Stones and the other half in the disabled preschool class. The IEP included talk tools. D.N. went to observe Stepping Stones in either January or February 2017. Stepping Stones

did not have heat in the hallways, the classrooms were large, the teacher had difficulty rounding up the kids, and it was not very structured. D.N. voiced her concerns to Impomeni. At JCC the modeling behavior consists of first watching adults, then older students then students his age. This is done throughout the day. JCC follows a social skills curriculum.

A.N.'s September 2016 program at JCC consisted of being in the therapeutic nursery in the morning and the mainstream preschool with an aide in the afternoon. Social skills would be taught in the therapeutic nursery. He has made meaningful progress at JCC.

In September 2016, D.N. met with Impomeni and Caruso, who had the IEP and progress notes. D.N. told her that A.N. would be going to the JCC therapeutic nursery. Caruso said that she understood. Prior to September 2016, A.N. did not tell New Milford that she was taking A.N. out of New Milford and putting him in JCC fulltime. D.N. signed the tuition contract for A.N. for the 2016-2017 school year at JCC on July 31, 2016, to hold the place so that he would not be blocked out of JCC. D.N. received A.N.'s progress report in June 2016. There are no written communications between D.N. and New Milford where she voiced her concerns after receiving the June 2016 progress report. When she spoke to Caruso and Impomeni in August, D.N. was open to the Stepping Stones program.

D.N. thought when she advised that she was taking A.N. out of New Milford, in September 2016, the district would offer feedback. The teachers agreed that he was not making progress. At that meeting D.N. was requesting that New Milford pay a portion of the JCC program for A.N. She did not ask for New Milford to change its program for A.N. New Milford did not bring up any other options for A.N. She never said that JCC fulltime was a done deal. Further, she never explained to New Milford that her problem with Stepping Stones was socialization.

At no point did D.N. ask for a new IEP. In her August 2016 conversation with Impomeni, D.N. did not advise that they were sending A.N. to JCC fulltime. At no point prior to September 2016, did D.N. communicate to New Milford that after consulting with

doctors, New Milford's program for A.D. was not working. D.N. had concerns about the social skills program at New Milford. She discussed her concerns with Dr. Mendelson and Dr. Miller of JCC. She did not discuss those concerns with New Milford. D.N. never raised concerns about the aid with Impomeni or brought up the aide in the September 2016 meeting. She did not discuss her playground observations of A.N. with Caruso or Impomeni.

At the 2016 IEP meeting everything that D.N. requested was put into the IEP. At the April 17, 2017 meeting A.N.'s present levels came from JCC and his private therapists. It was difficult for the district to obtain the information because it was requested during the holidays. New Milford was sent A.N.'s classroom report from JCC on April 26, 2017. His speech report would be sent on a later date. New Milford wanted to observe A.N. at JCC after the legal proceedings began. D.N. was advised to go through JCC for the observation. JCC refused to have A.N. observed by New Milford at that time.

### Anita Miller

Anita Miller (Miller) has a Bachelor's Degree in education and a Master's Degree in OT. She has worked for JCC for twenty-two years. Miller testified that she is the Program Coordinator and Assistant Director of JCC. She was never employed in public schools. Although JCC develops its own goals in each discipline separately, Miller has had input on IEP's. Miller was the head teacher at JCC and the lead teacher in the toddler program from 1996-1999.

The toddler program at JCC is a mini therapeutic nursery that focuses on socialization and play. The therapeutic nursery was five days a week two-and-a-half-hours per day. OT and speech were included. Parents are involved in both programs. JCC did not teach numbers and letters. The toddler group was taught how to play and be part of a group. A.N. was in the toddler group from April 2015 to August 2015. When he had a tantrum in the class, he was removed in a therapeutic approach. A.N.'s meltdowns decreased while he was in the toddler group. There are no goals in the toddler group. No report was issued when A.N. ended the toddler program.



Miller recalled A.N. being a very self-directed child. He did not like to be with other children. He perseverated on numbers and letters. She used numbers and letters to entice him to do other tasks. He had attention issues which she addressed by trying to maintain a routine. Data is not tracked in the toddler group. A.N. made meaningful progress in the toddler group. He no longer perseverates on numbers and letters. The children in the JCC programs need socialization and play skills. A.N. can now play with others.

A.N. was placed in the therapeutic nursery in September 2015. The therapeutic nursery program is a half-day program that includes Speech and OT. Michele Imhoff and Lisa Corner are the teachers in the therapeutic nursery. The teachers prepare progress reports for the students annually. A.N. made progress in the therapeutic nursery.

Miller was present when New Milford staff observed A.N. at the JCC. They did not have much time to observe A.N. In January 2016, Miller observed the New Milford autistic and pre-school disability classes. The pre-school disability program would not facilitate socialization or structure play. It is not a treatment program. Miller observed A.N. at New Milford. A.N. did not note the coming or going of adults or peers. A.N. did not interact with other students. When the class went outside A.N. went off by himself, he liked the smart board because it had numbers and letters and he did not have to interact with the other students. She did not see an effort to facilitate play for A.N. When he had a toy, he did not let other kids play with the toy. The other students were older than A.N. New Milford pre-school disabled class was not an appropriate placement for A.N. There was no facilitation of social skills or play skills. It was a more academic program and A.N. did not have academic problems. Petitioners reported that there was a report from New Milford stating that A.N. did not make any progress. Miller did not see this report.

Miller recalled that there was a birthday party in A.N.'s class the day she came. The class spent twenty to thirty minutes on the smart board. Miller does not recall discussing the appropriateness of the New Milford program for A.N. with representatives

of New Milford. She wrote a report on the appropriateness of the New Milford program for A.N. in December 2016. Miller did not review the New Milford progress report for A.N. in determining the appropriateness of its program. She did not look at the New Milford goals and objectives for A.N. Her opinion of the New Milford program is based on her experience and observation of the program. Most of A.N.'s progress is attributable to the JCC program. Miller saw A.N.'s IEP, which provided for an all-day program for A.N. This was not done because the parents objected.

Absences can cause a student to fall back but would not affect the total outcome of progress. If Miller saw regression in a student, she would start again with the student to see if he could catch up. Fifty-two days out of seventy-two days in a program is enough to determine the effectiveness of the program. JCC therapeutic nursery is closed when the JCC is closed. Miller was not aware that New Milford was told in the spring of 2017 that it could not observe A.N. at JCC

Miller has not observed the New Milford program since June 2016. She has not observed the Stepping Stones program and is not familiar with it. Miller did not review the New Milford curriculum. She is not familiar with the Creative Curriculum and does not know if it is utilized in the New Milford program. She did not speak to Caruso about social skills program at New Milford.

### Michele Imhof

Michele Imhof (Imhof) has a Master's Degree in early childhood education and special education. Imhof testified that she has taught since 2000. She began working at JCC in September 2015 as a Special Education teacher in the therapeutic nursery. She is a co-teacher at JCC. She works on goals and does an annual report. Her co-teacher at JCC is Lisa Corner.

Imhof met A.N. in September 2015. At that time, he spoke in one-word utterances, was distractible, had difficulty staying on task, impulsive, quick to tantrum, did not initiate play, had trouble with transitions, and obsessed over numbers and letters. Play time is a group activity. Play choice is when the student can play with an

item and then put it back. The students practice taking turns. The use scripts for play with the students. The teachers act out the script, then eventually the students act it out. The script gives the students a language base. The scripts that are used go home with the students to work on with family. There was an annual report done on A.N. on April 1, 2016, which was accurate.

A.N. can now say let's play. He sets up the props and chooses the children who will participate. He can take what is done in the classroom and use it on the playground. He now speaks in four-to- eight-word utterances that are more easily understandable. He can sit through a lesson and be redirected. He now initiates play with peers, can sustain peer interaction. He has fewer meltdowns and makes transitions easier.

Social skills curriculum is group game. Group games have mantra's. The teacher will act out a scene the wrong way and ask the students to see the problem, then the teacher acts out the scene the correct way. The alphabet is not taught in class. Letters and numbers are not taught in the therapeutic nursery. However, the annual report of April 2016 notes the numbers that A.N. can identify.

One of the cognitive goals of the April 2016 report is to identify numbers in and out of sequence. The play based curriculum incorporates numbers and letters. There was also a JCC report for A.N. from November 2016. The attention and behavior goal in both reports are almost identical except for a few sentences. The change between the reports is that A.N. can read the schedule by himself. The goals evolve as the child progresses. The goals are re-written each school year. JCC meets with the parents to discuss the goals that were not met.

The socialization and play goals for A.N. in the April 2016 and November 2016 annual report use almost identical wording except the November 2016 report stated that A.N. can become stuck on activities with a cognitive component. The reports are accurate and give a baseline for his parents. The April 2016 report was provided to New Milford.

The assessments were broken down into four parts: cognitive, speech, gross motor skills and fine motor skills.

Imhof observed at New Milford in January 2016. When the students went out to the playground there were two adults. The staff at New Milford did not go out with the students at playground time. Petitioners shared the New Milford goals for A.N. with her, but she did not use them at JCC.

A.N. made progress with socialization and play goals. Parents can help generalize goals in family social situations. The progress report reinforces for the parents the strategies that are being used in school.

### Freda Atkinson

Freda Atkinson (Atkinson) has a Master's Degree in speech pathology and has been in private practice since 1983. Since May 8, 2016 Atkinson worked privately with A.N. once a week. She reviewed A.N.'s district evaluation, goals, reports from JCC, recent goals on his IEP, and evaluations from JCC. She observed A.N. in the therapeutic nursery at JCC. Atkinson has previously worked at JCC as a speech therapist in the therapeutic nursery from 1995 to 1999.

A.N. is diagnosed with Autism and Apraxia. Apraxia is a neurological disability that affects motor planning. It can include difficulty imitating movement, forming sequence of sounds, distortion of vowels, and the inability of getting an action from the brain to the articulators. Typical articulation errors are sound and placement. People with apraxia need constant drilling and practice. Atkinson stated that the ASHA states practice is the most important portion of treating Apraxia. There should be one-on-one treatment five times a week. A.N. needed oral motor training.

When Atkinson began treating A.N. he had limited repertoire, distorted vowels, production was inconsistent with consonants and dropped all of the final syllables. His intonation was too loud and too quick. He has issues with attention. He would make eye contact, but it would not be sustained.

The speech goals for A.N. in the 2016-2017 IEP were not appropriate for him. A.N. producing single words, and four-word phrases were not appropriate. It could be a target, but Attinson would not expect to hear a four-word phrase from A.N. at that time period. The IEP had a goal of cooperative play with a peer. A.N. would need to master parallel play and individual play before cooperative play. He could not introduce a topic or take turns. Working on vowel to consonant and consonant to vowel would have been appropriate. At that time A.N. would roll a car back and forth without any meaning or attention to a peer. Nothing suggests that prompting was used with A.N. A.N. would not make meaningful progress with the IEP because speech services needed to be consistent several times a week. The IEP does not address vowel sounds. It was not realistic to expect A.N. to engage in cooperative play at that time.

A.N. has speech once a week with Attinson at JCC. She targeted bilabial sounds but prompted all sounds in words. At JCC there is always a speech pathologist in the class. Presently A.N. can sustain attention and eye contact for thirty minutes. He greets her and asks her questions independently. She still works with A.N. on articulation, intonation, and quality. He has made progress.

The goals and frequency of therapy in the speech and language evaluation of A.N. by Katherine Bacola of December 21, 2015, was not adequate for A.N. It first states that his play skills are okay, it goes on to say his play skills are reduced. It further states that A.N. follows directions easily, which is incorrect. A.N. did not produce final sounds. Speech therapy using the "N" sound would be appropriate. The speech evaluation did not test for vowel sounds. Working on "P" "B" and "M" sounds would be appropriate for A.N. A.N. has difficulty with back sounds.

A.N. had difficulty associating with others and using language in many functions. Prompt is the most successful technique for teaching articulation. Attinson worked with A.N. while he attended New Milford. She did not communicate with New Milford. Attinson used prompts to work on all sounds. She would target sounds but when others appeared in words she would work on those as well. A.N. made significant progress in 2017.

At New Milford A.N.'s received three individual speech sessions per month and six dyad sessions per month. He was receiving two individual speech and two language lesson sessions at JCC as well as one dyad per week. JCC would provide individual target sessions while in a group because there is a speech therapist in every class.

Attinson last observed A.N. at JCC during his first year at JCC. She did not observe him in any individual speech sessions. She spoke to JCC speech therapist about A.N. but is not familiar with the reference to individual speech consult. Her opinion that the IEP services do not meet A.N.'s needs is based on the fact that it provides monthly speech services instead of weekly speech services. ASHS provides that children at a young age with apraxia have individual speech therapy four to five times weekly.

Attinson uses the Wesby Play Scale, which is the standard for all speech language pathologists. Play can be worked on individually and in a group. Reciprocal play skills are worked on individually first then in a group. A.N.'s speech and language goals at JCC for the 2015-2016 year included increased ability to play with a peer, take turns with toys, and give an item to a peer. He would practice with an adult and progress to working with a peer.

### Lois Mendelson

Lois Mendelson (Mendelson) has worked with JCC for forty years. She completed a four-year post-graduate program, in child psychology. She began at Einstein Medical School, which used to be a part of JCC, as a teacher and therapist. Initially Mendelson was Program Coordinator, and later Associate Director, and is presently the Therapeutic Nursery Director at JCC. JCC was part of Einstein Medical School. JCC moved to New Jersey in 1998.

The therapeutic nursery was created for children with self-regulation, sitting in place, and playing with peers difficulties. It breaks social skills into small bits and

practices with the students. They teach self-regulation and social rules. The teachers will role play a scenario for example how to get calm. The teachers will do the scenario the wrong way and ask the students what happened. The teacher goes over calming strategies and does the scenario the correct way, in turn the students act out the scenario the correctly. The students practice the scenarios at home.

The teachers also act-out social lessons such as how to say hello or when is too much touching. As the student become more verbal they act out the script. The social rules JCC teaches include compromise and being a good sport. A graphic organizer is used by JCC to teach the students how to organize their thoughts. When a student is out of control, teachers try to help them.

The therapeutic nursery at JCC has cognitive goals but they are not the focus. The teachers are certified. The language therapists are prompt certified. A.N. was not taught numbers—he needed other lessons. The children in the therapeutic nursery and the toddler program are bright with social and self-regulation issues. They are not globally cognitively impaired. Mendelson has the final word on which children will be accepted into the program. The therapeutic nursery is half-day with pull-out services and small-group language sessions. Structured lessons are twice per week. Once or twice a week they do let's play games. Playtime is half of an hour. A schedule is discussed for play time. Toward the end of playtime, the child has a free choice of what they want to do. Playground time is half of an hour. During playtime and playground time teachers facilitate what the students have learned in social skills. In the playground there are two teachers and a language specialist.

When A.N. began at JCC, he would walk over other children to get what he wanted. The parents collaborate in the therapeutic nursery. Mothers come to the JCC every day, but are not with the child the entire time.

The goals for the students are written by the teachers, but Mendelson looks over them before they are sent to the parents. The goals are for one year. Approximately six weeks after the goals are written there is a meeting with the parents to discuss the goals and how it's going.

When a child has problem behavior there are steps taken to calm the child down. When A.N. was in the toddler group he had many meltdowns but they began to lessen. He does not have meltdowns anymore. Social skills and self-regulation were difficult for A.N. Initially he did not care about the other students. Now he will speak to the other students. He can start and maintain play now. A.N. has made amazing progress.

The therapeutic nursery provides speech therapy three times a week. When the child is ready, two children work together. There are language based lessons. The teachers' track the students' progress daily with the parent. If a child has an IEP, JCC will comply with the IEP. JCC is closed for the Orthodox Jewish Holidays. The students have classes 180 days per school year. The school year is spread out longer to accommodate the Jewish Holidays.

A.N.'s April 2016 and November 2016 reports are similar because the November 2016 report was compiled because it was requested by New Milford. Mendelson decided that creating a totally report was not necessary. In the April 2016 report of JCC, the goals for A.N. included receptively and expressively identifying numbers and matching letters and numbers, although JCC has a play-based curriculum.

Mendelson also observed A.N. at New Milford. He did not have a meltdown when she was there. She does not know if New Milford Staff is trained in de-escalation. When a child is out of control at JCC they are restrained with the mother's permission. This is not punitive. It is helping the child master what to do when they are out of control. Restraint is the last resort.

In September 2016 A.N. went to the typical preschool at JCC in the morning and the therapeutic nursery during the second half of the day.

### **FACTUAL DISCUSSION**

Based on the testimony presented and the documentary evidence submitted, and having had an opportunity to observe the witnesses and to assess their credibility, I **FIND** the following additional **FACTS**:



Miller is an expert in education of preschool children with special needs. Imhoff is an expert in teaching children with disabilities. Atkinson is an expert in speech therapy for children. Imhof is an expert in teaching children with disabilities, Engle is an expert in provision of speech therapy services, Perro is an expert in the Special Education clinic.

A.N. began in the Toddler program at JCC in April 2015. He began the JCC therapeutic nursery in September 2015. JCC provided annual progress reports. The preschool disabled program at New Milford was more of an academic program than the program at JCC. The testimony is that the alphabet and numbers are not taught in the therapeutic nursery. Although one of the skills in the student's annual report is identifying numbers. At JCC, A.N. had socialization and play goals. JCC always has a speech pathologist in the class. The therapeutic nursery at JCC was created for children with self-regulation, sitting in place and difficulties in playing with others. The students are taught self-regulation using role playing scenarios.

The JCC therapeutic nursery program is a half-day program with pull-out services. There are structured lessons twice per week and let's play activities once or twice per week. During playtime or when the students are in the playground, the teachers facilitate what the child has learned. A.N. had two individual speech and two language lessons sessions per week at JCC.

A.N. began school at New Milford on February 29, 2016. The January 2016 IEP related services were half-day preschool disabled class five times per week for 150 minutes, individual occupational therapy (OT) once a week for thirty minutes and an OT consultation once a month individual speech language therapy three times a month for thirty minutes, speech language therapy group not to exceed four times per month, speech language consultation once per month, and an individual personal aide five times per week for 150 minutes. It also included an extended school year (ESY) program.

Caruso was A.N.'s teacher in the pre-school disabled class. On a typical day, Caruso greets the students, they have circle time, she takes attendance, the students move their names on the smart board, state the day of the week, the seasons, and match numbers, among other things. Each student has a helper job. They go over the alphabet and there is a letter of the week for vocabulary. During play time, the students chose what they want to play with and put their name on the item and get a friend to play with them. Caruso did not use a formal social skills program. The students had social interaction during circle time with the teacher and peers. At center time, a child could choose an activity. A.N. choose the kitchen area. He interacted with other children but needed prompting. There was one student in particular that A.N. liked and he would sit with that student. A.N. had an aide, Ms. Ramirez. If A.N. had focus issues, Ramirez would tap him or redirect him. The aides complete nine modules regarding ABA. Ramirez completed the nine modules.

A.N. was one year younger than the other students in the class. He was the only student with significant language skills deficits. A.N. perseverates on numbers and letters. Caruso would turn off the smart board after she was finished with it. She would turn A.N.'s back to the calendar or turn the calendar around so that A.N. would not be distracted. Initially, A.N. would go to the calendar on the wall and want to touch it. He was repositioned further away from the calendar and he stopped the behavior. A.N.'s preservation did not significantly impact his progress. D.N. was not comfortable with the way New Milford dealt with A.N.'s preservations, but she did not mention it to the District.

Caruso did not address A.N.'s articulation issues, the speech therapist addressed articulation. Caruso worked on expressive language with A.N. She would model language for A.N. and ask him who, what, and why questions. She spoke to the speech therapist daily.

A.N. was late often. He was progressing gradually in social, emotional, and behavioral and Caruso believes that he would have met his goals by the end of the year. The goals included engaging in cooperative play skills, initiate play activity with peers when prompted by an adult, attempt to join peers in play when prompted by an adult taking turns and sharing.

Minaya, the OT therapist saw A.N. eleven times. A.N. missed four sessions due to absences. He progressed gradually but the absences made it difficult because once he returned from the absence, he would have to relearn a skill.

A.N. had a large vocabulary but difficulty expressing what he knew. Engle, the speech therapist at New Milford wanted to improve A.N.'s pragmatic skills, intelligibility and ability to express himself. He was progressing satisfactorily producing nasal sounds and progressing gradually with the other goals. He needed verbal prompts. He was not able to master the goals in three months. Once she got to know A.N., Engle believed that he needed an expressive language goal.

D.N. was told that ABA discrete trials were not appropriate for A.N. A.N. was absent twenty-one days from New Milford between February 29, 2016 and the end of the semester in June 2016. The absences were mainly due to the observance of Jewish holidays.

A.N. has verbal apraxia, which is a neurological that affects motor planning. People with verbal apraxia have difficulty with imitation of movement, formulation sequences of sounds, distortion of vowel sounds, grouping and inconsistency. In March of 2016, A.N. received individual speech three times per month and four to six day speech sessions per month at New Milford, two individual speech sessions and two language lesson sessions per week at JCC and one individual speech session with Attinson per week. Attinson stated that ASHA recommends four to five individual speech sessions per week for children with verbal apraxia. However, ASHA states that there is emerging research to support four to five individual speech sessions per week. It does not list this as a recommendation. In addition, ASHA does not make specific differentiations between therapy conducted at schools and clinical therapy. Most studies done on the intensity of therapy by ASHA are done in clinical, not school settings. Working on "P" "B" and "M" sounds would be appropriate for A.N. A.N. has difficulty with back sounds.

One of the speech benchmarks of the January 2016 IEP was for A.N. was to pronounce nasal sounds in all positions of single words and four-word phrases. Atkinson testified that the benchmark was not appropriate because A.N. would not be able to produce four-word phrases. She testified that he can now produce four-word phrases using nasal sounds. She stated that it is not inappropriate to work on reciprocal play skills in a group. Atkinson starts with individual therapy, then when the child is able introduces group therapy. A goal for A.N. would be to take turns with her, once it was established that he knew how to take turns, the goal would be to take turns with peers. In her report to the insurance company regarding A.N., his goals for January to June 2016 included developing turn taking skills, reciprocal skills for simple games and table-top activities. Both of these goals engage in joint activity and can be verbal or non-verbal.

On June 2, 2016, D.W., Miller, and Mendelson observed A.N. in Caruso's pre-school disabled class. That day was not a typical day because there was a birthday for one of the students in the class. He was observed in the playground where he was not interacting with the other students. Miller based her opinion that New Milford program was not appropriate for A.N. on this one observation which lasted ninety minutes. She did not look at the goals and objectives in the IEP as part of her determination. She did not look at A.N.'s progress notes from New Milford. She stated that petitioners told her that the notes showed no progress. Miller believes that whatever progress A.N. made from March 2017 to June 2017 is not due to New Milford.

D.N. received A.N.'s summer progress report from New Milford in June 2016. Upon receipt of the report which shows that not all of the goals were met or met consistently, D.N. decided that A.N. would not return to New Milford. She signed a tuition contract with JCC for A.N. to be a full-day student on July 27, 2016. On August 1, 2016, D.N. requested a meeting with New Milford. The meeting was held on September 6, 2016, with D.N., Caruso and Impomeni. At that time D.N. stated that A.N. would not be returning to New Milford and would be going to JCC as a full-day student. This was the first time D.N. informed New Milford that A.N. would not be returning. D.N. did not request a new IEP meeting or any changes or modifications be made to the IEP. Instead, she requested reimbursement from the district for tuition JCC. A.N. was in the

therapeutic nursery in the morning at JCC and in the mainstream class in the afternoon at JCC. He became a full-day student at JCC in September 2017.

The April 27, 2017, IEP made changes to the prior IEP. A talk tool program for speech was added a motor goal was also added. He would have a full-day program where he would be in general education preschool in the morning and in the disabled preschool class in the afternoon. The general education school would be Stepping Stones. An aide would have gone with A.N. to Stepping Stones. Stepping Stones had a sixteen-to-one ratio of students to the teacher with one instructional assistant. The evaluation from A.N.'s pediatrician stated that ABA was contraindicated. Impomeni believed that A.N. needed ABA. All students from New Milford inclusion are sent to Stepping Stones. D.N. did not like Stepping Stones. She visited Stepping Stones and felt it was dirty and outdated. The goals and objectives in the 2017 IEP came from the present levels from the JCC. Other than Stepping Stones being old and outdated, D.N. did not voice any criticism to New Milford regarding the April 2017 IEP. After the April 27, 2017 meeting, the district did not hear from petitioners.

### **LEGAL ANALYSIS AND CONCLUSIONS**

The IDEA provides federal funds to assist participating states in educating disabled children. Hendrick Hudson Cent. Sch. Dist. Bd. of Educ. v. Rowley, 458 U.S. 176, 179 (1982). One of purposes of the IDEA is “to ensure that all children with disabilities have available to them a [FAPE] that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.” 20 U.S.C. § 1400(d)(1)(A). In order to qualify for this financial assistance, New Jersey must effectuate procedures that ensure that all children with disabilities residing in the state have available to them a FAPE consisting of special education and related services provided in conformity with an IEP. 20 U.S.C. §§ 1401(9), 1412(a)(1). 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). The district bears the burden of proving that a FAPE has been offered. N.J.S.A. 18A:46-1.1.

The United States Supreme Court has construed the FAPE mandate to require the provision of “personalized instruction with sufficient support services to permit the child to benefit educationally from that instruction.” Rowley, 458 U.S. at 203. New Jersey follows the federal standard that the education offered “must be ‘sufficient to confer some educational benefit’ upon the child.” Lascari v. Bd. of Educ. of Ramapo Indian Hills Reg’l High Sch. Dist., 116 N.J. 30, 47 (1989) (citing Rowley, 458 U.S. at 200). The IDEA does not require that a school district “maximize the potential” of the student, Rowley, 458 U.S. at 200, but requires a school district to provide a basic floor of opportunity. Carlisle Area Sch. v. Scott P., 62 F.3d 520, 533-34 (3d Cir. 1995). In addressing the quantum of educational benefit required, the Third Circuit has made clear that more than a “trivial” or “de minimis” educational benefit is required, and the appropriate standard is whether the IEP provides for “significant learning” and confers “meaningful benefit” to the child. T.R. v. Kingwood Twp. Bd. of Educ., 205 F.3d 572, 577 (3d Cir. 2000); Ridgewood Bd. of Educ. v. N.E., 172 F.3d 238, 247 (3d Cir. 1999); Polk v. Cent. Susquehanna Intermediate Unit 16, 853 F.2d 171, 180, 182-84 (3d Cir. 1988), cert. den. sub. nom., Cent. Columbia Sch. Dist. v. Polk, 488 U.S. 1030(1989). In other words, the school district must show that the IEP will provide the student with “a meaningful educational benefit.” S.H. v. State-Operated Sch. Dist. of Newark, 336 F.3d 260, 271 (3d Cir. 2003). This determination must be assessed in light of the individual potential and educational needs of the student. T.R., 205 F.3d at 578; Ridgewood, 172 F.3d at 247-48. The appropriateness of an IEP is not determined by a comparison of the private school and the program proposed by the district. S.H., 336 F.3d at 271. Rather, the pertinent inquiry is whether the IEP offered a FAPE and the opportunity for significant learning and meaningful educational benefit within the least restrictive environment.

Toward this end, an IEP must be in effect at the beginning of each school year and be reviewed at least annually. 20 U.S.C. § 1414 (d)(2) and (4); N.J.A.C. 6A:14-3.7. A complete IEP must contain a detailed statement of annual goals and objectives. N.J.A.C. 6A:14-3.7(e)(2). It must contain both academic and functional goals that are, as appropriate, related to the Core Curriculum Content Standards of the general education curriculum and “be measurable” so both parents and educational personnel can be apprised of “the expected level of achievement attendant to each goal.” Ibid.

Further, such “measurable annual goals shall include benchmarks or short-term objectives” related to meeting the student’s needs. N.J.A.C. 6A:14-3.7(e)(3). The New Jersey Supreme Court has recognized that “[w]ithout an adequately drafted IEP, it would be difficult, if not impossible, to measure a child’s progress, a measurement that is necessary to determine changes to be made in the next IEP.” Lasari, 116 N.J. at 48.

Parents who withdraw their child from public school and unilaterally place the child in a private placement while challenging the IEP may be entitled to reimbursement if the Administrative Law Judge (ALJ) finds that the school district’s proposed IEP was inappropriate and that the parents’ unilateral placement was proper. Florence County Sch. Dist. Four v. Carter, 510 U.S. 7, 12 (1993); Sch. Comm. of Burlington v. Mass. Dep’t of Educ., 471 U.S. 359, 370 (1985.) More particularly, an ALJ may require the district to reimburse the parents for the cost of that enrollment if “the district had not made a free, appropriate public education available to that student in a timely manner prior to that enrollment and . . . the private placement is appropriate.” N.J.A.C. 6A:14-2.10(b); see 20 U.S.C. § 1412(a)(10)(C)(ii). However, parents who unilaterally withdraw their child from public school and place the child in a private school without consent from the school district “do so at their own financial risk.” Burlington, 471 U.S. at 374. If it is ultimately determined that the program proposed by the district affords the child with a FAPE, then the parents are barred from recovering reimbursement of tuition and related expenses. Ibid. A court may reduce or deny reimbursement costs based on the parents’ unreasonable behavior during the IEP process. 20 U.S.C. § 1412(a)(10)(C)(iii). In this regard, the cost of reimbursement “may be reduced or denied” if, at the most recent IEP meeting the parents attended prior to the removal of the student from the public school, the parents did not inform the IEP team that they were rejecting the IEP proposed by the district; if the parents did not give written notice to the district of their concerns or intent to enroll their child in a non-public school at least ten business days prior to the removal of the student from the public school; or upon a judicial finding of unreasonableness with respect to actions taken by the parents. N.J.A.C. 6A:14-2.10(c)(1), (2), (4).

In this matter, one issue whether or not New Milford provided A.N. with FAPE. A.N. was enrolled in New Milford from February 29, 2016, to June 14, 2016, in the

preschool disabled class in the afternoons. Of the seventy-two days that he was scheduled to attend New Milford, A.N. was absent for twenty of those days due to Jewish Holidays and illness. He was also late several times. On his progress report, A.N. was progressing gradually on most of the goals, however, he was absent for a substantial portion of the classes. New Milford afforded individual speech therapy three times per month and in dyads four times per month. He also received private speech therapy once per month. At JCC he had individual speech twice per week and language lesson sessions twice per week. I do not agree with Attinson's characterization that ASHA recommends four to five individual speech sessions for children with verbal apraxia. ASHA states that there is emerging research that suggests the above, but ASHA did not recommend it. In addition, the goals in the Attinson's January to June 2016 report to the insurance company of turn taking, reciprocal skill for simple games and table-top games are comparable to the goals in the January 2016 IEP, which she said were inappropriate. Her report to the insurance company did not specify verbal or non-verbal. A.N. was progressing gradually in social, emotional and behavioral goals at New Milford

New Milford took steps to address his preservation on numbers and letters by moving him away from calendar, turning off the smart board when the calendar was done, and turning over items that had numbers and letters. New Milford made efforts to address the concerns of petitioners while formulation of the January 2016 IEP. New Milford proposed A.N. spend half of the day in the IBC and half of the day in the preschool disabled class. Petitioners did not want A.N. in the IBC class. They wanted him at the JCC therapeutic nursery which New Milford agreed to.

JCC refused to have New Milford observe A.N. at the JCC during March and April 2017. In addition, JCC sent A.N.'s present levels for the 2016-2017 school year to New Milford the day before the April 2017 IEP meeting even though New Milford requested the present levels more than a month prior to the scheduled IEP meeting. The April 2017 IEP proposed A.N. spend half of the day at Stepping Stones, which is a mainstream preschool, and the other half of the day in the preschool disabled classroom.



I **CONCLUDE** that the District did provide FAPE to A.N. He made gradual progress in the fifty-two days that he was at New Milford.

N.J.A.C. 6A: 14-2.10(c) provides:

The parents must provide notice to the district board of education of their concerns and their intent to enroll their child in a nonpublic school at public expense. The cost of reimbursement described in (b) above may be reduced or denied:

1. If at the most recent IEP meeting that the parents attended prior to the removal of the student from the public school, the parents did not inform the IEP team that they were rejecting the IEP proposed by the district;
2. At least 10 business days (including any holidays that occur on a business day) prior to the removal of the student from the public school, the parents did not give written notice to the district board of education of their concerns or intent to enroll their child in a non-public school;
3. If prior to the parents' removal of the student from the public school, the district proposed a reevaluation of the student and provided notice according to N.J.A.C. 6A:14-2.3(g) and (h) but the parents did not make the student available for such evaluation; or
4. Upon a judicial finding of unreasonableness with respect to actions taken by the parents.

Petitioners decided in June 2016 that A.N. would not return to New Milford. Petitioners signed a tuition contract with JCC on July 27, 2016, wherein A.N. was enrolled as a full-day student. Shortly thereafter on August 1, 2016, D.N. requested a meeting with New Milford, stating that she had concerns about his progress. She did not state in the August 2016 email, that A.N. was at that time enrolled as a full-day student at JCC. The meeting was held on September 6, 2016 during which time D.N. advised Impomeni and Caruso that A.N. would be attending JCC as a full-day student. She requested that the district pay for A.N.'s placement at JCC. On October 10, 2016, New Milford received a letter from petitioners' attorney providing notice of the unilateral placement of A.N. This letter was sent one month after A.N. began full-day classes at

JCC. The IEP for A.N. was finalized at the end of February 2016. Petitioners did not object to that IEP nor did they request a new IEP. Petitioners did not inform the district of what concerns they had with the A.N.'s progress in the August 1, 2016 email.

Petitioners' actions were not reasonable. They decided in June 2016 that A.N. would not return to New Milford. When the August 1, 2016, email was sent, petitioners knew that they had enrolled A.N. at JCC as a full-day student, yet that was not included in the email. At the September 6, 2016, meeting D.N. did not ask for any modifications or revisions to be made to the IEP. She stated that A.N. would be going to JCC as a full-day student and wanted reimbursement. D.N. did not provide New Milford with an opportunity to address her concerns regarding A.N.'s progress. She knew prior to sending the email requesting a meeting that A.N. would not be returning to New Milford, but failed to advise New Milford until September 6, 2016, and did not send a written notice of unilateral placement until October 2016.

It is clear that when a student is enrolled at a private school when the parent enters into a binding contract with that private school and thus, at that time, the student is disenrolled from the public school. D.D. and N.D. ex rel. A.D. v. Montclair Bd. of Educ., EDS 9295-05, Final Decision (October 17, 2005), <http://njlaw.rutgers.edu/collections/oal/>; R.G. ex rel. E.G. v. Glen Ridge Bd. of Educ., EDS 3714-04, Final Decision (March 17, 2005), <http://njlaw.rutgers.edu/collections/oal/>; K.S. and M.S. ex rel. A.S. v. Summit City Bd. of Educ., EDS 9012-12, Final Decision (November 5, 2012), <http://njlaw.rutgers.edu/collections/oal/>; R.J. and M.S. ex rel. R.J. v. Millburn Bd. of Educ., EDS 3800-07, Final Decision (July 12, 2007), <http://njlaw.rutgers.edu/collections/oal/>.

I **CONCLUDE** that petitioners did not provide New Milford with ten-days' notice of unilateral placement.

**ORDER**

Accordingly, petitioners' claim that A.N. was not provided with FAPE by New Milford is without merit.

It is **ORDERED** that petitioners request for reimbursement for A.N.'s enrollment at JCC is **DENIED**.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2010) 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 (2010). 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.

June 25, 2018

\_\_\_\_\_  
DATE

\_\_\_\_\_  
**KIMBERLY A. MOSS, ALJ**

Date Received at Agency

June 25, 2018

Date Mailed to Parties:

June 25, 2018

**WITNESSES**

**For Petitioner:**

Anita Miller  
Michelle Imhof  
Freda Atkinson  
Lois Mendelson  
D.N

**For Respondent:**

Laura Impomeni  
Elizabeth Caruso  
Jeanine Conrad  
Sara Engel  
Whitney Perro

**EXHIBITS**

**Joint:**

1. April 20, 2015, email exchange between Impomeni and Brady regarding upcoming EIS referral
2. April 27, 2015, TPC Confirmation letter and email from Brady to Impomeni attaching same
3. June 1, 2015, email exchange between D.N. and Impomeni about touring the IBC program
4. June 3, 2015, email exchange between D.N. and Impomeni indicating that the program looks great.
5. July 6, 2015, email exchange between district staff and attached registration documents
6. August 21, 2015, email exchange between district staff and Official EIS referral letter

7. September 8, 2015, email exchange between district staff Official EIS referral letter
8. September 10, 2015, email exchange between Impomeni and staff setting up IPM
9. September 11, 2015, email exchange between Impomeni and D.N. setting up IPM
10. September 29, 2015, email exchange between District staff setting up IPM
11. September 29, 2015, letter from Impomeni to D.N. scheduling IPM
12. October 15, 2015, Initial Planning Meeting Form
13. December 17, 2015, Occupational Therapy Assessment Report and enclosure letter
14. January 4, 2016, email from Siegel to Impomeni enclosing Psychological Assessment
15. January 4, 2016, email exchange between Impomeni and D.N. re: Social History Report and first draft
16. January 6, 2016, Speech/Language Assessment and enclosure letter
17. January 6, 2016, Psychological Assessment and enclosure letter
18. January 2016, Educational Assessment and enclosure letter
19. January 8, 2016, Medical Evaluation from Montefiore
20. January 11, 2016, Revised Social History Report and enclosure letter
21. January 12, 2016, email from Impomeni to D.N. enclosing January 11, 2016
22. January 14, 2016, email exchange between Impomeni and D.N. regarding A.N.'s IEP
23. January 19, 2016, emails between Impomeni, D.N., and Conrad re: observation of IBC program with JCC
24. January 25, 2016, emails between Impomeni and D.N. re: rescheduling observation of IBC program
25. January 29, 2016, mail from Impomeni to D.N. enclosing revised January 11, 2016 IEP
26. February 19, 2016, email exchange between Impomeni and D.N. re: meeting to discuss IEP
27. February 25, 2016, signed IEP

28. March 1, 2016, letter from Impomeni to D.N. enclosing hard copy of Final version of January 11, 2016, IEP
29. May 16, 2016, email exchange between D.N. and Impomeni requesting JCC observation of A.N. in District
30. May 17, 2016, email exchange between D.N. and Impomeni regarding summer camp
31. May 19, 2016, email exchange between D.N. and Impomeni requesting JCC observation of A.N. in District
32. June 14, 2016, email exchange between D.N. and Impomeni regarding ESY program non-attendance
33. June 14, 2016, Progress Report for 2015-2016 school year
34. June 30, 2016, Attendance Records for 2015-216 school year
35. August 1, 2016, email exchange between D.N. and Impomeni requesting a meeting to discuss progress
36. August 23, 2016, email exchange between Impomeni and D.N. rescheduling meeting to discuss progress
37. September 20, 2016, email exchange between D.N. and Impomeni regarding early September meeting
38. September 27, 2016, email exchange between Impomeni and D.N. regarding request to pay for JCC
39. October 10, 2016, letter from Eastwood to Perro re: unilateral placement
40. October 19, 2016, letter from LaPira to Eastwood re: unilateral placement
41. March 17, 2017, email exchange between Impomeni and D.N. regarding request to observe A.N. at JCC and scheduling IEP meeting
42. March 22, 2017, email exchange between Impomeni and D.N. requesting information from JCC
43. March 26, 2017, email exchange between D.N. and Impomeni rescheduling IEP meeting until JCC provides requested information
44. April 5, 2017, email exchange between D.N. and Impomeni scheduling IEP meeting
45. April 7, 2017, email exchange between Impomeni and D.N. confirming IEP meeting

46. April 26, 2017, email exchange between Weiss and Impomeni enclosing classroom progress report from JCC
47. April 26, 2017, email exchange between Weiss and Impomeni enclosing speech report from JCC
48. April 27, 2017, email exchange between Imhof and Impomeni enclosing OT report from JCC
49. April 27, 2017, IEP and May 3, 2017, email from Impomeni to D.N. enclosing same
50. (a) JCC Therapeutic Nursery Report Dated April 1, 2016  
(b) Teaneck Speech and Language Center Report and Notes for A.N.
51. (a) JCC Therapeutic Nursery Report Dated November 25, 2016  
(b) A.N. speech and Language Goals from JCC for 2015-2016 school year

For Petitioner

- P-1 Anita Miller Resume
- P-2 Lets' get Ready for Social Skills Article
- P-3 Michelle Imhof Resume
- P-4 A.N. Classroom
- P-5 Therapeutic Nursing Classroom progress report April 19, 2017
- P-6 Freda Attinson Resume

For Respondent

- R-1 ASHA Technical Report on Childhood Apraxia of Speech Law