State of New Jersey

OFFICE OF ADMINISTRATIVE LAW

DECISION

OAL DKT. NO. EDS 03045-14

AGENCY DKT.NO. 2014-20719

K.S. ON BEHALF OF K.S.,

Petitioner,

v.

HACKENSACK BOARD OF EDUCATION,

Respondent.

_____

K.S., mother of **K.S.**, pro se

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

Record Closed: May 22, 2015 Decided: January 12, 2016

BEFORE **LELAND S. McGEE,** ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner brought an emergency relief action seeking an Order compelling respondent to provide home instruction pending the outcome of this proceeding; and to provide any and all other relief which the Court deems to be equitable and proper. On March 13, 2014, the Office of Special Education Programs transmitted the matter to the Office of Administrative Law (OAL). On March 18, 2014, a Settlement Conference was held before Hon. Ellen Bass, ALJ at which time the parties were unable to reach a settlement. On March 19, 2014, a hearing was held on the request for emergent relief, and on March 21, 2014, an Order denying emergent relief was issued. On June 30,

2014, the parties appeared for an in-person conference and clarified the remaining issues in this case. On that date, the parties also agreed to, and made arrangements for, placement of K.S. in Sage Day School. The parties further agreed to narrow the remaining issues to compensatory education and reimbursement to petitioner for the cost of an independent evaluator.

Evidentiary Hearings and on-the-record appearances occurred on May 13, June 30, July 28, August 19, September 17 (petitioner failed to appear), and October 21, 2014. Post-hearing briefs were filed on December 16, 2014. The parties met with Judge Robert Giordano, ALJ on May 22, 2015 for an in-person settlement conference. The parties were not able to settle and the record closed on that date.

FINDINGS OF FACT

Based upon the evidence produced and my observations of the demeanor and credibility of the testimony, I **FIND** the following **FACTS**:

K.S. was born on February 1, 1996, and is classified as eligible for special education and related services. K.S. has been diagnosed with attention deficit hyperactivity disorder (ADHD). K.S. completed kindergarten through fourth grade successfully. His academic achievement began to decline and he repeated the seventh grade in the 2009-2010 school year. He failed his core academic subjects during that school year.

On June 3, 2010, petitioner, K.S.'s mother, requested an evaluation of K.S. due to concerns about her son's academic performance and his self-esteem. All assessments were completed by the end of June 2010. Dr. Esther Friedman diagnosed K.S. with ADHD. The psychological evaluation completed by Dr. Thomas Dimitry found K.S. to have a low-average IQ with notable deficits in his processing speed. Dr. Dimitry also found that K.S. had feelings of insecurity and depressive tendencies. The learning consultant found no significant strengths or weaknesses in academic functioning.

On July 9, 2010, K.S. was found eligible for special education and related services under the category of other health impaired, based upon the diagnosis of attention deficit hyperactivity disorder. On July 19, 2010, petitioner requested an independent psychological and educational evaluation. In the interim, respondent placed K.S. on home instruction.

On October 13, 2010, an IEP meeting was held and an IEP was developed to place K.S. at the Hackensack Middle School in the eighth grade. Petitioner did not agree to implement the IEP and on November 1, 2010, and she requested that K.S. be placed in an out-of-district school. Petitioner requested a due process hearing, which was held on December 10, 2010. The Administrative Law Judge, under Docket No. EDS-08584-12, determined that respondent's IEP placing K.S. in-district in the eighth grade constituted an offer of FAPE. Petitioner appealed the decision to the Federal District Court. Thereafter, the parties agreed to place K.S. at the Community High School for the school year ending June 2013, and petitioner waived the right to claim this school as K.S.'s "stay put" placement. The undersigned is not aware of any decision by the District Court.

In May 2013 the parties agreed to an IEP that placed K.S. in an out-of-district school. Pending the identification of a school, K.S. enrolled in the Hackensack High School for the tenth grade. Respondent forwarded student records to The Craig School, Palisades Learning Center, Chancellor, Holmstead, Barnstable, and Lakeview schools. Petitioner testified that of these options, she did consider Lakeview; however, she rejected this school because K.S. did not like it after his initial interview.

On January 28, 2014, petitioner filed for a due process hearing seeking appropriate placement for K.S. and the provision of an independent educational consultant. The undersigned has no information as to the status of this matter.

Petitioner testified that she and her family experienced a fire in their home and she had been displaced. She and her children resided with relatives. In addition K.S.'s attendance at school declined and petitioner requested home instruction. This request was rejected and on February 4, 2014, petitioner filed the within due process hearing

with a request for emergent relief of home instruction pending the out-of-district placement.

A hearing was held on March 19, 2014, at which time the undersigned ordered the parties to implement a "hybrid" instruction program to include part-time home instruction and part-time in-school instruction pending a decision in the due process proceeding.

Petitioner advised the undersigned that respondent refused to implement the order because a placement, the Lakeview Learning Center (Lakeview), had been secured by respondent. On April 3, 2014, the undersigned conducted a telephone conference with the parties. The undersigned suspended the previous order for two weeks to give petitioner an opportunity to have her psychologist evaluate the appropriateness of Lakeview for K.S. The undersigned directed petitioner to ensure that her psychologist work cooperatively with respondent school district.

On April 4, 2014, petitioner provided the undersigned with a letter from her psychologist, Joseph Plasner, Ph.D., who concluded that Lakeview was not an appropriate placement for K.S. He further determined that it would take him at least thirty days to perform an appropriate evaluation of K.S. and to make a recommendation for an appropriate placement.

On April 8, 2014, the parties met with Hon. Ellen Bass, ALJ for a settlement conference and were not able to settle this matter.

LEGAL DISCUSSION

Federal funding of state special education programs is contingent upon the states providing a "free and appropriate education" (FAPE) to all disabled children. 20 U.S.C.A. § 1412. The Individuals with Disabilities Act (IDEA) is the vehicle Congress has chosen to ensure that states follow this mandate. 20 U.S.C.A. §§ 1400 et seq. "[T]he IDEA specifies that the education the states provide to these children 'specially [be] designed to meet the unique needs of the handicapped child, supported by such

services as are necessary to permit the child to benefit from the instruction.'" D.S. v. Bayonne Bd. of Educ., 602 F.3d 553, 556 (3d Cir. 2010) (citations omitted). The responsibility to provide a FAPE rests with the local public school district. 20 U.S.C.A. § 1401(9); N.J.A.C. 6A:14-1.1(d). Subject to certain limitations, FAPE is available to all children with disabilities residing in the State between the ages of three and twenty-one, inclusive. 20 U.S.C.A. § 1412(a)(1)(A), (B). The district bears the burden of proving that a FAPE has been offered. N.J.S.A. 18A:46-1.1.

New Jersey follows the federal standard that the education offered "must be 'sufficient to confer some educational benefit' upon the child." Lascari v. Bd. of Educ. of Ramapo Indian Hills Reg'l High Sch. Dist., 116 N.J. 30, 47 (1989) (citations omitted). The IDEA does not require that a school district "maximize the potential" of the student but requires a school district to provide a "basic floor of opportunity". Hendrick Hudson Cent. Sch. Dist. Bd. of Educ. v. Rowley, 458 U.S. 176, 200, 102 S. Ct. 3034, 3047, 73 L. Ed. 2d 690, 708 (1982). In addressing the quantum of educational benefit required, the Third Circuit has made clear that more than a "trivial" or "de minimis" educational benefit is required, and the appropriate standard is whether the child's education plan provides for "significant learning" and confers "meaningful benefit" to the child. T.R. v. Kingwood Twp. Bd. of Educ., 205 F.3d 572, 577 (3d Cir. 2000) (internal citations omitted).

As noted in D.S., an individual education plan (IEP) is the primary vehicle for providing students with the required FAPE. D.S., supra, 602 F.3d at 557. An IEP is a written statement developed for each child that explains how FAPE will be provided to the child. 20 U.S.C.A. § 1414(d)(1)(A)(i). The IEP must contain such information as a specific statement of the student's current performance levels, the student's short-term and long-term goals, the proposed educational services, and criteria for evaluating the student's progress. See 20 U.S.C.A. § 1414(d)(1)(A)(i)(I)-(VII). It must contain both academic and functional goals that are, as appropriate, related to the Core Curriculum Content Standards of the general education curriculum and "be measurable" so both parents and educational personnel can be apprised of "the expected level of achievement attendant to each goal." N.J.A.C. 6A:14-3.7(e)(2). Further, such "measurable annual goals shall include benchmarks or short-term objectives" related to meeting the student's needs. N.J.A.C. 6A:14-3.7(e)(3). The school district must then

review the IEP on an annual basis to make necessary adjustments and revisions. 20 U.S.C.A. § 1414(d)(4)(A)(i).

A due process challenge can allege substantive and/or procedural violations of the IDEA. If a party files a petition on substantive grounds, the Administrative Law Judge (ALJ) must determine whether the student received a FAPE. N.J.A.C. 6A:14-2.7(k). If a party alleges a procedural violation, an ALJ may decide that a student did not receive a FAPE only if the procedural inadequacies: (1) impeded the child's right to a FAPE; (2) significantly impeded the parents' opportunity to participate in the decision-making process regarding the provision of FAPE to the child; or (3) caused a deprivation of educational benefits. Ibid.

In the present case, petitioner's claim is procedural. First, with respect to the 2012-2013 school year, petitioner's claim is barred by the doctrines of res judicata and collateral estoppel. With respect to the 2013-2014 school year, the IEP provided for, and petitioner agreed that an out-of-district placement was appropriate for K.S. Petitioner essentially claims that the district impeded K.S.'s right to a FAPE and/or caused a deprivation of educational benefits.

Res Judicata and Collateral Estoppel

Although parents have the right to an impartial due process hearing on any issue pertaining to their child's placement, a parent's request is subject to the doctrine of res judicata and may be dismissed under the doctrine should a final judgment have been made on a previous petition that involved identical parties and an identical cause of action raised in the current petition. S.P. ex rel. M.P. v. E. Brunswick Bd. of Educ., EDS 6670-98, Final Decision (September 1, 1998), <http://lawlibrary.rutgers.edu/oal/final/eds6670-98.html>. Furthermore, the doctrine of collateral estoppel may bar the re-litigation of an issue raised in the request because it was conclusively resolved through a previous action. W.R. and K.R. ex rel. H.R. v. Union Beach Borough Bd. of Educ., EDS 10392-09, Final Decision (July 19, 2010), <http://lawlibrary.rutgers.edu/oal/html/initial/eds10392-09_1.html>.

The doctrine of res judicata, also identified as claim preclusion, Pittman v. La Fontaine, 756 F. Supp. 834, 841 (D.N.J. 1991), bars the "relitigation of claims or issues that have already been adjudicated" in a prior suit based on the same cause of action. Tarus v. Borough of Pine Hill, 189 N.J. 497, 520 (2007) (citing Velasquez v. Franz, 123 N.J. 498, 505 (1991)). Res judicata or claim preclusion can be invoked when the subsequent action involves "substantially similar or identical causes of action, issues, parties and relief as were involved in the prior action" and a final judgment was rendered in the prior action by a court of competent jurisdiction. Pittman, supra, 756 F. Supp. at 841 (citing Culver v. Ins. Co. of N. America, 115 N.J. 451, 460 (1989). For claim preclusion purposes, two causes of action are considered the same by identifying:

> (1) whether the wrong for which redress is sought is the same in both actions (that is, whether the acts complained of and the demand for relief are the same), (2) whether the theory of recovery is the same, (3) whether the witnesses and documents necessary at trial are the same and (4) whether the material facts alleged are the same.
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> [Pittman, supra, 756 F. Supp. at 841 (citing Culver, supra, 115 N.J. at 461-62). See also S.P., supra, EDS 6670-98 (identifying the same four factors).]

In applying the doctrine of res judicata to a petition for due process, an ALJ may dismiss the petition when all factors for res judicata are met, particularly when a petitioner fails to support that material facts have changed since the resolution of a prior identical petition for due process. S.P., supra, EDS 6670-98. In S.P., M.P.'s mother filed a petition for due process seeking the resolution of whether an autism class at the in-district school was an appropriate placement for M.P. Ibid. This same issue had been resolved a year earlier in EDS 6832-97 wherein the placement was determined inappropriate, and S.P.'s appeal of that decision was also ultimately dismissed with prejudice. Ibid. In resolving whether the second petition should be dismissed under the doctrine of res judicata, the ALJ considered the four factors used to analyze whether the cause of action was the same as the previous one. S.P., supra, EDS 6670-98.[1] The

[1] The ALJ in S.P. relied on M.R. ex rel. D.R. v. East Brunswick, 838 F. Supp. 184 (D.N.J 1993), for the language it provided on the doctrine of res judicata. Two OAL decisions were reversed and remanded based on that reliance: one determined that a settlement agreement was binding, D.R. v. East Brunswick Bd. of Educ., 93 N.J.A.R.2d (EDS) 31, and another that determined that the parents' second petition,

ALJ determined that the doctrine of res judicata warranted dismissal of the petition because, even assuming that facts regarding M.P.'s slight progress were true, "the other indicia relied upon by the district and by parents still lead to the conclusion that no material facts are different now than when the original case was litigated." Ibid.

The doctrine of Collateral Estoppel, is also identified as issue preclusion, Pittman, supra, 756 F. Supp. at 841, and bars the re-litigation of any issue that arises in a proceeding that "was actually determined in a prior action, generally between the same parties, involving a different claim or cause of action." Tarus, supra, 189 N.J. at 520 (citing Sacharow v. Sacharow, 177 N.J. 62, 76 (2003)). Collateral estoppel or issue preclusion "requires only that an issue of fact or law be determined in a valid proceeding and that final judgment on that issue was necessary to the decision. The decision on that issue is conclusive in any subsequent action between the parties on either the same or different claim." Pittman, supra, 756 F. Supp. at 841-42 (citing Alfone v. Sarno, 87 N.J. 99, 112 n. 9 (1981)); Taylor v. Engelhard Indus., 230 N.J. Super. 245, 253 n. 7 (App. Div. 1989)). The party asserting collateral estoppel must show that

> (1) the issue to be precluded is identical to the issue decided in the prior proceeding; (2) the issue was actually litigated in the prior proceeding; (3) the court in the prior proceeding issued a final judgment on the merits; (4) the determination of the issue was essential to the prior judgment; and (5) the party against whom the doctrine is asserted was a party to or in privity with a party to the earlier proceeding.
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> [First Union Nat. Bank v. Penn Salem Marina, 190 N.J. 342, 352 (2007) (citing Hennessey v. Winslow Twp., 183 N.J. 593, 599 (2005)).]

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brought a week later, should be dismissed under res judicata because the first decision determined the agreement was binding and "no facts [were] alleged which show a change of circumstances since the [first] decision was issued," D.R. v. East Brunswick Bd. of Educ., EDS 10062-92, Final Decision, (January 19, 1993) (not available online or in N.J.A.R.). After the district court's remand, the OAL determined again that the settlement agreement was binding, and this decision was appealed to the district court. D.R. v. E. Brunswick Bd. of Educ., No. 94-CV-04167, slip op. (D.N.J. 1994). The district court then reversed the OAL's determination. Ibid. An appeal in the Third Circuit followed, whereby the Third Circuit reversed the district court, ultimately agreeing with the OAL that the settlement agreement was binding. D.R. by M.R. v. E. Brunswick Bd. of Educ., 109 F.3d 896 (3d Cir. 1997), cert. denied, 522 U.S. 968; 118 S. Ct. 415; 139 L. Ed. 2d 318 (1997). The Third Circuit's opinion did not impact the language relied upon with regard to the doctrine of res judicata.

In applying the doctrine of collateral estoppel to a petition for due process, an ALJ may bar a petitioner from seeking specific relief when such relief has been determined unattainable to the petitioner in a previous final judgment. W.R., EDS 10392-09. In W.R., the petitioners brought a petition for due process seeking specific reading programs for H.R. to be provided by the district. However, the United States District Court had previously denied petitioners this relief determining that the IDEA does not require a school district to select a specific reading program over an appropriate in-house program. Ibid. Consequently, the ALJ in W.R., determined that the district court's opinion "collaterally estopped [petitioners] in their attempt to force the school district to implement the specific relief they sought" because its decision was conclusive to that issue. Ibid.

On November 1, 2012, the Honorable Joann LaSala Candido, ALJ, issued a Final Decision under Dkt. No. EDS 08584-12, which determined that respondent provided FAPE for the 2012-2013 school year. The matter was appealed to the Federal District Court and there is no evidence that the decision was reversed or remanded. As such, I **CONCLUDE** that as to the 2012-2013 school year, petitioner is not entitled to the relief sought.

The parties in the present case litigated the same issues as to the 2012-2013 school year in the matter heard before Judge Candido. In both cases petitioner claimed that respondent failed to provide a FAPE which formed the basis of recovery in both cases. There were additional witnesses in the present matter to prove the same underlying claim and to support the same underlying facts. Further, all of the elements of Collateral Estoppel are met. The issue of whether respondent provided a FAPE for the 2012-2013 school year was actually litigated before Judge Candido and she rendered a Final Decision on the merits. The issue of whether respondent provided a FAPE is essential to the prior decision. The parties in both actions are the same.

Compensatory Education

Compensatory education is a remedy not specifically provided for in the IDEA. It "is a judicially designed cure for school district failures to provide [a FAPE]." Metzger,

"Compensatory Education Under the Individuals With Disabilities Education Act," 23 Cardozo L. Rev. 1839, 1840 (2002). "Congress expressly contemplated that the courts would fashion remedies not specifically enumerated in IDEA." W.B. v. Matula, 67 F.3d 484, 494-95 (3d Cir. 1995). Thus, a student deprived of a FAPE may be entitled to an award of compensatory education, which is an available remedy even after the student has reached age twenty-one. Ridgewood Bd. of Educ. v. N.E. for M.E., 172 F.3d. 238, 249 (3d Cir. 1999)[2]; M.C. v. Central Reg'l Sch. Dist., 81 F.3d 389, 395 (3d Cir. 1996); Carlisle Area Sch. Dist. v. Scott P., 62 F.3d 520, 536 (3d Cir. 1995); Lester H. v. Gilhool, 916 F.2d 865, 873 (3d Cir. 1990), cert. denied, 499 U.S. 923, 111 S. Ct. 1317, 113 L. Ed. 2d 250 (1991).

The legal standard for the granting of such relief is summarized by the Third Circuit as follows:

> [A] school district that knows or should know that a child has an inappropriate IEP or is not receiving more than a de minimis educational benefit must correct the situation. If it fails to do so, a disabled child is entitled to compensatory education for a period equal to the period of deprivation, but excluding the time reasonable required for the school district to rectify the problem.
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> [M.C., supra, 81 F.3d at 397.]

Awards of compensatory education have included an additional two-and-one-half years of special education where the school district had been lax in its efforts to provide a proper placement, Lester H., supra, 916 F.2d at 873, and payment of college tuition where the disabled student would apply credits obtained toward the acquisition of a high school diploma. Sabatini v. Corning-Painted Post Area Sch. Dist., 78 F.Supp. 2d 138, 145-146 (W.D.N.Y. 1999).

[2] The holding in Ridgewood that there was no federal statute of limitations for compensatory education claims has been superseded by statute, 20 U.S.C.A. § 1415, as recognized in P.P. v. West Chester Area Sch. Dist., 585 F.3d 727 (3rd Cir. 2009) (A parent or agency shall request an impartial due process hearing within two years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the complaint).

It is clear that a student deprived of a FAPE may be entitled to an award of compensatory education. Ridgewood Bd. of Educ, supra, 172 F.3d. 238. It is also clear that although the parties in this matter agreed that an out-of-district placement was the appropriate resolution to the child's educational needs, they weren't able to sufficiently cooperate in order to accomplish the goal. In the end K.S. was placed but not before many challenges. Those challenges are offensive to the undersigned because the parties' failure was not in the best interest of the child. The testimony and evidence do not demonstrate that respondent knew or should have known "that a child has an inappropriate IEP or is not receiving more than a de minimis educational benefit" and failed to correct the situation. There was evidence that petitioner sought home instruction for her son which was not provided by respondent. However, there is evidence that petitioner bears some of the culpability for the inability to coordinate this service. There is evidence that petitioner suffered a fire in her home and was residing in Secaucus with her son. Respondent does not assert that they had no obligation to provide educational services since she was not a resident of the district at the time and, there were some clear challenges posed by this situation. Respondent continuously attempted to provide services; allowing petitioner to use her mother's in-district address to arrange for home instruction. There is no evidence that respondent intentionally sought to impede K.S.'s educational benefit. There is evidence, however, that respondent's efforts to have petitioner visit and inspect various out-of-district placements were impeded by petitioner not consenting to the release of records and by her actions independent of the District. I **CONCLUDE** that respondent has met it's burden of proof that it satisfied the procedural standards for providing FAPE in this matter. As stated above, the parties agreed that the substantive FAPE resolution was an out-of-district placement and ultimately arranged for same.

I therefore **CONCLUDE** that petitioner is not entitled to the compensatory education because the proofs submitted fail to establish the necessary elements such relief under the law. Specifically, respondent has met its burden of proof that it provided FAPE for the 2013-2014 schoolyear.

ORDER

For the foregoing reasons, petitioners' request for relief is **DENIED**.

This decision is final pursuant to 20 U.S.C.A. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2014) 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.A. § 1415(i)(2); 34 C.F.R. § 300.516 (2014). 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.

January 12, 2016 _____

DATE

LELAND S. McGEE, ALJ

Date Received at Agency January 12, 2016

Date Mailed to Parties: _____

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APPENDIX

Witnesses

For Petitioner:

Dr. Joseph Plasner

K.S.

For Respondent:

Dr. Thomas Dimitry

Exhibits

For Petitioner:

P-1 Dr. Plasner's protocols

P-2

P-A15 Dr. Plasner's C.V.

P-B1 May 2011 Settlement Agreement

P-E Court decision dated November 2, 2012

P-F Written Notice of Action Proposed or Denied dated June 4, 2013

P-N Written Notice of Action Proposed or Denied dated October 3, 2013

P-X1 Letter from Dr. Barudin to petitioner dated October 18, 2012

P-X2 Dr. Barudin letter to petitioner dated October 23, 2012

P-X4 Dr. Barudin letter to petitioner dated November 29, 2012

P-X5 Program Evaluation Request dated November 30, 2012

P-X6 Written Notice of Action Proposed or Denied dated December 3, 2012

P-X7 Petitioner letter to Dr. Barudin dated December 4, 2012

P-X8 Independent Evaluation dated July 11, 2013

P-T Dr. Plasner Report dated April 10, 2014

P-W School Neuropsychological Evaluation dated October 11, 2013

P-Z Educational Evaluation of December 2012

P-Y1 Interim Progress Report dated October 16, 2013

P-Y2 Student Report Card issued February 10, 2014

P-Y3 Student Report for school year 2013-2014

P-Y6 Student Conduct List

P-I1 Emails between petitioner and Dr. Dimitry ending on April 30, 2013

P-J Petitioner email dated October 10, 2013

P-L Emails between petitioner and Dr. Dimitry ending on November 13, 2013

P-L1 Letter from Dr. Barudin dated November 19, 2013

P-L2 Letter from petitioner dated November 22, 2013

P-N Written Notice of Action Proposed or Denied dated October 3, 2013

P-O Meeting sign-in sheet dated November 25, 2013

P-R2 Emails between petitioner and Dr. Dimitry ending on March 4, 2014

P-U K.S. consent for petitioner to serve as his advocate dated February 1, 2014

P-U2 K.S. letter clarifying Exhibit P-U dated February 26, 2014

For Respondent:

R-1 Meeting Attendance Form dated January 14, 2013

R-2 Letter from Community High School dated May 6, 2013

R-3 Meeting Attendance Form and IEP dated May 8,2013

R-4 Email correspondence regarding intake at Palisades and Craig Schools

R-5 Email correspondence dated June 18, 2013, and June 19, 2013

R-6 Student Attendance for 2012-2013 school year

R-7 Student Conduct List for K.S. for 2012-2013 school year

R-8 Conferences for K.S. from 2012-2013 school year

R-9 Email correspondence regarding Extended School Year 2013

R-10 Email from Dr. Dimitry to petitioner regarding intake at Craig School

R-11 Letter from Craig School to Dr. Dimitry dated September 13, 2013

R-12 Email correspondence dated September 18 and September 19, 2013

R-13 Email from Dr. Dimitry to petitioner dated September 24, 2013

R-14 Meeting Attendance Form and IEP dated September 24, 2013

R-15 School Neuropsychological Evaluation dated October 11, 2013

R-16 Written Notice dated October 22, 2013

R-17 Email correspondence between petitioner and Dr. Dimitry dated November 13, 2013

R-18 Email from Dr. Dimitry to petitioner dated November 15, 2013

R-19 Letter from Dr. Barudin to petitioner dated November 19, 2013

R-20 Consent to Exchange/Release/Obtain Information forms

R-21 Meeting sign-in sheet dated November 25, 2013

R-22 Email from Dr. Barudin dated November 27, 2013

R-23 Facsimile from petitioner to Dr. Dimitry dated November 27, 2013

R-24 Meeting Attendance Form and IEP dated December 5, 2013

R-25 K.S.'s Academic Assistance Schedule

R-26 Letters to out-of-district schools and releases

R-27 Email between petitioner and Dr. Dimitry dated December 16, 2013, and December 17, 2013

R-28 Email between petitioner and Dr. Dimitry dated January 6, 2014, to January 8, 2014

R-29 Email between petitioner and Dr. Dimitry dated January 10, 2014, and January 14, 2014

R-30 Written Notice dated January 20, 2013 (sic)

R-31 Email from Dr. Dimitry to petitioner dated January 27, 2014

R-33 Email between petitioner and Dr. Dimitry dated January 27, 2014, and February 4, 2015

R-34 Written Notice dated February 18, 2014

R-35 Email between petitioner and Dr. Barudin dated March 25, 2014, and March 26, 2014

R-36 Letter from Chancellor Academy to Dr. Dimitry dated April 8, 2014

R-37 Letter from Lakeview Learning Center to Dr. Dimitry dated April 9, 2014

R-38 Attendance Report for 2013-2014 school year

R-39 Student Conduct List for 2013-2014 school year

R-40 Lakeview Learning Center brochure