

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

**FINAL DECISION**

OAL DKT. NO. EDS 15780-17

AGENCY DKT.NO. 2018-26951

**J.S. AND F.S. ON BEHALF OF L.S.,**

Petitioners,

v.

**RIDGEWOOD VILLAGE BOARD**

**OF EDUCATION,**

Respondent.

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**Seth Broder**, Esq., on behalf of petitioners (Broder Group, attorneys)

**David Rubin**, Esq., on behalf of respondent

Record Closed: March 12, 2019

Decided: March 20, 2019

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

**STATEMENT OF THE CASE**

Petitioners, J.S. and F.S. on behalf of their minor child, L.S., requested a due process hearing to determine if the Individual Education Plan (IEP) of L.S. offered a free and appropriate public education (FAPE) to L.S., and seek an out-of-district placement and compensatory education from the Ridgewood Village Board of Education (Ridgewood).

## **PROCEDURAL HISTORY**

The matter was transferred to the Office of Administrative Law (OAL) as a contested matter on October 24, 2017. Hearings were held on April 20, 2018, May 23, 2018, June 6, 2018, June 13, 2018, January 2, 2019, and March 12, 2019. I closed the record on March 12, 2019.

## **FACTUAL DISCUSSION**

### **Testimony**

#### **David Tashian**

David Tashian (Tashian) is a guidance counselor at the Benjamin Franklin Middle School (Franklin) in Ridgewood. He has certificates in Teacher of Social Studies, Student Personnel Services and Guidance.

Tashian was a guidance counselor for L.S. at Franklin when L.S. was in the sixth, seventh, and eighth grades. He had minimal contact with L.S. while she was in the sixth and seventh grade. Toward the end of the seventh grade, L.S. began missing assignments and turning assignments in late, at that time her grades were A's and B's.

His interaction with her parents increased when L.S. was in the eighth grade. He became aware of signs of anxiety in L.S. at this time. In October 2015, in her eighth-grade year there were concerns about L.S.'s difficulties in math. Eighth-grade math seemed to be a trigger for her.

J.S. was concerned with L.S.'s math difficulties, so L.S. was moved to the Algebra 1A class, which went at a slower pace. This was done to ease the stress on L.S. At this time Tashian learned that Debbie Hollender (Hollender) was L.S.'s tutor. Petitioners did not tell him that L.S. had a disability from September 2015 through

December 2015. L.S. was seeing Marna Lynn (Lynn) for anxiety issues. Absences were beginning to accrue for L.S. from September 2015 to December 2015.

Petitioners requested L.S. have a 504 Plan before she began high school. Tashian corresponded with Hollender regarding the 504 Plan in January 2016. He requested a medical diagnosis for the 504 Plan. He received a letter from Lynn regarding the 504 Plan. Tashian was looking for a medical diagnosis and recommendations from Lynn. Lynn is a licensed clinical social worker. Tashian worked with the family and Hollender on the 504 Plan. It was anticipated that the 504 Plan would be implemented when L.S. was in high school. The 504 Plan was created in May 2016. He was still asking for a medical diagnosis. Tashian wanted the medical documentation of a diagnosis, but knew that the 504 Plan could be done without it. It was signed by J.S. in September 2016. Prior to the parents signing the 504 Plan accommodations were made which included L.S. checking in with him, taking tests in his office, and free pass to leave the class. The focus was to keep her in school. Additional accommodations included extending the test time not to exceed fifty percent of the allotted time. This accommodation was designed for high school but implemented in middle school. Petitioners were satisfied with what Tashian was doing. L.S. felt safe with him. Once the school determines what is in the 504 Plan, it reviews the 504 with the parents. The parents can make recommendations. Teachers feedback, parent recommendations, Lynn's recommendations, and L.S.'s diagnosis were used to determine the 504 Plan. The teachers have to follow the Plan. The Plan was based on Tashian's knowledge of L.S., teachers experiences with L.S., and some of Lynn's recommendations. The 504 Plan used the diagnosis of anxiety disorder for L.S.

Tashian was not familiar with the child find mandate. When he noticed an increase in absences, he contacted her therapist. L.S.'s biggest issues were absences and anxiety. The 504 Plan did not have an accommodation for missed work or turning in work late, modified class work, positive reinforcement, study guides or peer modeling. There was no accommodation for suicide ideation in the 504 Plan.

Peter Burkhard

Peter Burkhard (Burkhard) is a guidance counselor at Ridgewood High School (RVHS). RVHS has approximately 1750 students. Approximately 450 per grade. There are seven guidance counselors that handle ninth to twelfth grade. John May (May) does freshman focus. Burkhard met L.S. when she began the ninth grade. He knew that L.S. was going to have a 504 Plan. RVHS made sure that the Plan that was done in late May 2016 in the middle school was appropriate for the high school. A copy of the ninth-grade 504 Plan was sent to petitioners. He did not receive any response from the parents.

The ninth-grade Plan did not consider anything other than May 2016 504 Plan. L.S.'s disability was documented by Lynn report.

L.S. started high school well. She had difficulty in math. Attendance became an issue in October 2017. He spoke to Tashian about L.S. who recommended Lauren DePino, a crisis counselor who had previously worked with L.S. Depino reported to him that there were also academic concerns for L.S.

L.S. was referred to a Child Study Team (CST) in the Spring of 2017. Petitioners were expressing concerns in December 2016.

Kim Buxenbaum

Kim Buxenbaum (Buxenbaum) is the Ridgewood Village Director of Special Programs. She is in charge of Special Education services, 504 Plan coordination, and Home Instruction. She is a licensed psychologist with a certification in school psychology, supervisor, and principal/director.

L.S. came to her attention because she was being evaluated by the CST. She supervises the CST but is not a member of the CST. The IEP meeting was held on June 19, 2017. Eligibility had been established as emotionally disturbed. The program proposed included collaborative teaching, resource replacement classes, and

counseling twice a week with Care Plus Community Health Care Association (Care Plus). The counseling would be done at RVHS. She would be in the least restrictive environment with therapeutic supports. Petitioners signed the IEP on July 6, 2017. The resource replacement classes were English, Geometry and History. The resource replacement class size was six to eight students. The IEP had a transition Plan for L.S.

Buxenbaum is confident that the IEP would bring success for L.S. Buxenbaum became aware that petitioners placed L.S. at Barnstable Academy (Barnstable) upon receipt of a letter from petitioner's advocate, Andrew Morgan, dated August 16, 2017. The District rejected Morgan's request that it pay for L.S. to attend Barnstable.

Sarah Gregor (Gregor) was L.S.'s therapist through Care Plus in the summer of 2017. L.S. had successfully engaged in Home Instruction. Gregor wanted to contact L.S.'s private therapist, Lynn to coordinate care. Gregor did not speak to Lynn because she did not have a signed release from petitioners to do so.

#### Basil Pizzuto

Basil Pizzuto (Pizzuto) is the Assistant Principal and Administrator of Student Services at RVHS. He knows L.S. He interacted with L.S. due to her absences. He attended a meeting with petitioners, L.S., and DePino on March 20, 2017, regarding absences. At that meeting he was informed that L.S. was not taking her medications. The District can be flexible with attendance with students under a doctor's care if they are following doctors' orders. This is done through the 504 Plan committee. At the meeting L.S. agreed to take her medications. Pizzuto did not know which medications L.S. was taking. He knew that it was anti-anxiety and anti-depression medications. Pizzuto did not have any dealings with petitioners between March 20, 2017, through April 17, 2017.

When L.S. was on Home Instruction, he would see her at times in Starbucks with friends. He thought this was good. He believes L.S.'s anxiety was due to classes. He never attempted to speak to L.S.'s doctor. L.S. was dropped from Algebra class, but

later reinstated because she did the work on Home Instruction. Pizzuto was not a member of the 504 or IEP team.

### Giselle Batista

Giselle Batista (Batista) is a school psychologist at RVHS. She did a psychological evaluation of L.S. in April 2017, which was her first involvement with L.S. L.S. stated that she has low self-worth. Batista was present at the June 19, 2017, IEP meeting. She was assigned as L.S.'s summer case manager in the summer of 2017. L.S.'s processing speed was less than her peers. The IEP included fifty percent extra time to complete in-class quizzes, tests, and assignments; large assignments be broken down, L.S. was given study guides and supplemental instruction. The goals in the IEP related to English and Math do not address content. Her social-emotional goals included improving attendance and identify coping skills. Her History goals included completing assignments and attending class regularly. Buxenbaum came towards the end of the IEP meeting. New Jersey Virtual Schools and Home Instruction were not part of the IEP programing.

The statement of transition in the IEP stated that L.S. wanted to go to college or cosmetology school. The IEP included resource replacement program for Geometry, English, and History and in-class support for Biology. It also included individual counseling twice a week for thirty minutes. The counseling would be with a Care Plus therapist in the school. If the therapist was not available, L.S. could go to someone she was comfortable with.

An academic study hall was part of the IEP. If she needed to complete assignments, she could do them in the study hall. The IEP did not include a Behavioral Plan, a Functional Behavior Plan, group or daily therapy. She is aware that L.S. had district crisis counselors in the past.

L.S. could complete her freshman classes over the summer and be a sophomore in September 2017. She met with L.S. to establish a rapport. Batista emailed petitioners the IEP on July 7, 2017. Since petitioners signed the IEP, she believed that

they consented to the IEP. She believes that L.S. would be successful with the IEP. In August 2017, she learned that petitioners wanted L.S. to go to Barnstable. By this time, L.S. had participated in Home Instruction and met with the Care Plus counselor once or twice.

Batista did not visit Barnstable or contact them regarding L.S. She has seen Barnstable's website. It is not presented as a therapeutic school. Batista knew that L.S. was prescribed medication. She does not know if L.S. was taking the medicine.

### Dr. Gerald "Buzz" Mingin

Dr. Gerald "Buzz" Mingin has a certificate as a school social worker. He has clinical training with a psychologist for fifteen years. He has worked as special education case manager. He is a certified crisis counselor and a certified social worker.

Dr. Mingin accessed L.S. on January 15, 2018. Her parents were concerned with L.S. emotional ailments and struggles in school. L.S. told Dr. Mingin that she struggled at RVHS and has had anxiety since she was young. Her anxiety prevents her from going to RVHS. L.S. presented as calm, docile, fragile, innocent, nervous, and quiet. L.S. began exhibiting symptoms of anxiety at two to three years old. It became worse in fifth and sixth grade and progressively worse when she entered high school.

When L.S.'s anxiety is triggered she is unable to function, has shortness of breath, inability to focus, concentrate, and cannot follow directions. L.S. struggled in school because she cannot identify non-verbal language. She believes that her peers are looking at her in a negative way. At the time of his evaluation of L.S. she was not depressed or suicidal. At one point L.S. described an incident to him and went into a fetal position for one hour. L.S. exhibits flight or fight responses.

L.S. anxiety is caused by the building being too big and too loud and things happening too fast. Once she experiences trauma, she keeps responding to it even though the situation has changed.

Mingin visited RVHS. When he arrived, there was no security guard at the front door as he walked into the school. The door was not secure. He met with Danielle Wood, the Supervisor of Special Education and the case manager. He stayed for one period. Regarding the security, Danielle Wood (Wood) told him that the security was outside not at the front door. Mingin concluded that there was no security at the school.

Mingin visited Barnstable. L.S. was already attending Barnstable when he first assessed her. Barnstable is small with a secure entrance. It has chairs and couches in the hallways. It is quiet. The classes are collaborative and the teachers interact with the students. L.S. perceives that Barnstable makes her feel safe, therefore it is more therapeutic for her. There are more students like her at Barnstable. He observed two of L.S.'s classes, both of which had six students. She is taught with typical peers.

L.S. has not responded to treatment for years. Mingin is part of her case-management team. He was hired to clinically case manage L.S.'s emotional recovery in December 2017. She still has episodes of panic, fear, struggling to get out of bed, and struggling to manage her perceptions. She ruminates on things she experienced at RVHS. L.S. has recently had incidents that caused a change of psychologist and therapist. She was placed on a new supplement. He believes that Barnstable is appropriate for L.S. She presently is not stable.

Dr. Eliason is an administrator at Barnstable, who can provide L.S. with behavioral therapy whenever she experiences a crisis. There is a secondary counselor as back up at Barnstable. Sarah Gregor is the Care Plus representative at RVHS. There is a back-up Care Plus representative at RVHS. L.S. cannot say what is wrong, what she feels, or advocate for herself.

Mingin does not know if the answers provided by Ridgewood to his written questions were factored into his report. His questions were structural questions. He was aware that litigation had begun and that petitioners wanted reimbursement of L.S.'s tuition at Barnstable.



When L.S. went for guidance at RVHS she would wait until she could be attended to. Wood did not say that L.S. waited in the hallway. Petitioners told him of L.S. suicide ideations because when L.S. panicked, she said that she wanted to go to sleep and not get up. This is the same suicide ideation that is listed in Batista's report. When he interviewed L.S. her mother was present. He saw the psychological report of Batista after he wrote his report.

A therapeutic school is a school that has infrastructure and interventions built into the school that are complimentary to a child's behavioral needs. Mingin believes that Barnstable is a therapeutic school. However, Barnstable describes itself as a private college prep school. Barnstable has a small infrastructure, warm climate, seventy students, strategies for transitions, carpeted halls, counselors on hand, an academic locker area, and is calm and quiet. Barnstable delivers cognitive behavioral therapy to L.S. as needed. If she has a crisis Dr. Eliason is in close proximity. Mingin has not seen a written plan for services delivered to L.S. at Barnstable.

L.S. has the same issues at Barnstable that she had at Ridgewood. She has changed doctors and medication. L.S. perception is that she was bullied at Ridgewood, which may not be the case. Mingin does not suggest that Ridgewood is physically unsafe for L.S. or that she would be bullied there. L.S. changing from Barnstable to another school could trigger anxiety for her. Going from a large school to a smaller school is therapeutic but not clinically therapeutic.

Mingin did not mention the IEP in his report. He does not know if he saw the IEP prior to writing his report. He did not see L.S.'s 504 Plans or the educational consultant's report on the 504 Plans. He did not criticize L.S.'s 504 Plan or the IEP. At RVHS L.S. could leave the class to see a counselor.

In Mingin's opinion parents can agree to an IEP but then unilaterally place the child. This could be done because the parents believe that there is a better placement for the child or the child deteriorates quickly.

L.S. still has disabilities. She is on medication. The type of medication that she needs has not been medically determined. She often saw things differently than the way things were. Her perception could be a symptom of a psychotic or delusional diagnosis. He does not know if L.S. being on medication would help or hurt her at RVHS. L.S. is less at risk at Barnstable than RVHS.

### Jonathan Byrne

Jonathan Byrne (Byrne) is the Director of Outreach and Admissions at Barnstable. He handles the admissions process and reviews IEP's and evaluations. He is a licensed social worker with a Master's Degree in social work and certified school social worker. He began working at Barnstable in December 2017.

Barnstable is not a special education school. It has eighty students and fourteen teachers. The average class size is seven to eight students. The maximum class size is thirteen students. It is a fifth-through-twelfth-grade school. Seventy percent of the students have either an IEP or 504 Plan. The teachers are trained to form bonds with the students to understand the student's social behaviors and academic needs. Barnstable is not a therapeutic school, but it is a therapeutic environment. A therapeutic environment is a warm and welcoming environment. Byrne does not know if public schools in New Jersey offer therapeutic environments. Barnstable has a college prep intensity similar to a general education school.

The teachers greet the students in the morning. If the student is not making eye contact and is withdrawn, the teacher recommends the student talk to a counselor, then go to class. The academic classes end at 12:25 p.m. Students are more attentive in the morning. Elective classes are from 1:00 to 2:30 p.m. The students socialize during lunch and morning break. Some of the students have anxiety. Crisis intervention is done by a counselor or Dr. Eliason or the student will get treatment outside of school.

The application for admission form P-17 may not be the complete application. Barnstable does not presently use this form. He does not know when L.S. enrolled in

Barnstable. He was not working at Barnstable when L.S. was admitted to the school. She is currently in the tenth grade.

F.S.

F.S. is the father of L.S. and testified that L.S. struggled academically in the ninth grade. She can do the work but her mental instability caused her academic difficulty. She had difficulty taking tests.

Some mornings L.S. would have a blank stare (freeze), which are the most difficult mornings. Some mornings she would fight her parents about going to school (fight). Other days she would say she wants to go to school but she cannot (flight). These days she can be talked into going to school. Other days she fidgets (fidget) in the morning and has trouble getting started. She is easier to work with on these days. When she was at RVHS she was usually in freeze mode or flight mode. At Barnstable, L.S. is ready to go to school most mornings. Twenty percent of the time at Barnstable she had difficulty going to school.

In October 2016 L.S. sent a video to her parents apologizing for being a disappointment, and that she had suicidal thoughts. She was taken to a therapist, but her condition worsened.

The IEP meeting was in June 2017. The IEP had one resource class during the middle of the day with seven to eleven students. F.S. wanted all resource classes for L.S. He was told the RVHS could do that. The resource classes had the same curriculum as the general education classes but were taught at a slower pace. This concerned L.S. Only one resource class was a college prep class. The goal was to connect L.S. back to RVHS. Gregor is a therapist that would help connect L.S. back to RVHS. He signed the IEP for L.S. to be connected to RVHS because he wanted her connected to the Care Plus specialist. He was told that the IEP could be changed as needed. Home Instruction continued over the summer for L.S. to complete the freshman credits. Some of the instruction was done at home, some was done at the education

center and some were done at RVHS. She was the only one present for the classes at the RVHS.

L.S. did not make the type of connection with Gregor that would get her back to school. She had a connection with May in the ninth grade although it did not get her to go to school. When she did go to school she would go to May.

Petitioners sent a letter to RVHS dated August 16, 2017, requesting L.S. be placed in Barnstable. The decision to send L.S. to Barnstable was made on August 28, 2017. She was accepted to Barnstable on June 15, 2017, four days prior to the IEP meeting. Petitioners also considered the Sage School for L.S., but Sage was more clinical focused, and Barnstable was more nurturing. At the June 19, 2017, IEP meeting, there were ideas given to petitioners which they would discuss with L.S. F.S. contacted Batista with the input from L.S. The IEP was modified and signed on July 6, 2017. At the time of the IEP petitioners had an advocate who told them that they could not send a deposit to Barnstable until the IEP was finalized.

Petitioners received a communication from Barnstable on June 23, 2017, as a follow up to L.S.'s acceptance and asking if they would like a reading list for L.S. J.S. replied the same day she wanted the reading list and stating that she would set up a time for class selection. F.S. states that they wanted to see what classes would be offered to L.S. Prior to July 10, 2017, J.S. had spoken to Barnstable about electives for L.S. but F.S. does not recall the conversation. Petitioners never stated L.S. was going to Barnstable even after they sent the deposit. L.S. was staying in-district the summer of 2017 to complete her ninth-grade credits. His first choice for L.S. would be to continue in RHVS. The deposit to Barnstable was paid on August 21, 2017. Petitioners requested an out-of-district placement for L.S. on August 16, 2017.

L.S. was in a DBT behavior therapy from June 2016 to November 2016. She did not have much success with this program. She currently has a nurse practitioner who provides her medication.

Barnstable works for L.S. It has nurturing small classes and students in similar situations to L.S. Although L.S. likes Barnstable, she still has difficulty going to school. He can get L.S. to school more often at Barnstable than he could at RVHS. She sees a counselor regularly at Barnstable. She is in a better frame of mind. He would like L.S. to go back to RVHS, but she is not ready now.

L.S. received negative tweets while she was at RVHS. She is not comfortable with large groups.

### Danielle Wood

Danielle Wood (Wood) is the Supervisor of Special Education in Ridgewood Village from sixth grade through high school. She was present when Mingin visited the high school. RVHS has a security guard and a locked down system. In the mornings the security guard directs the students into the building. On the day Mingin came the guard was assisting students away from the door. Mingin wrote questions that Wood responded to with the assistance of other staff members. Mingin was not denied access to the classes. Wood can vouch for the answers to Mingin's questions of internal support when Gregor is busy and students in crisis.

On the day Mingin came to visit RVHS, Wood directed him to the Care Plus website for information about the counseling approach and the therapeutic services that they offered. Mingin was given the website for Care Plus to see the therapeutic services that they offered. The high school's website does not have a link for its therapeutic services.

### Sarah Gregor

Gregor is employed by Care Plus Community Health Care Association. Care Plus is contracted by RVHS to provide intensive services to students at RVHS. Gregor is a licensed clinical social worker. She sees approximately twenty to twenty-six students a week.

Gregor initially met with L.S. on August 8, 2017, for sixty minutes. At that time, she did not review any of L.S. medical records. L.S. was stressed but became more engaged when discussing her strengths. Gregor again met with L.S. on August 15, 2017. At that meeting they explored strategies and self-confidence. Although L.S. felt good, she had anxiety about returning to school. At that time Gregor's goal with L.S. was engagement and to build a rapport with L.S. Gregor did not request L.S.'s medical documents because L.S. was not officially on her caseload; therefore no intake done for L.S.

Gregor's activity log with L.S. began on July 13, 2017, and ended on September 25, 2017. She would have had a better sense of L.S. if she spent more time with L.S. and her family. Gregor would have made goals and objectives for L.S. three sessions after the intake. An intake is when the parents sign a release and Gregor does a comprehensive assessment.

Care Plus provides idealized intervention in the school. Gregor collaborates with the child study team and outside providers. Gregor provided some of the answers to the written questions of Mingin.

### **FACTUAL DISCUSSION**

After hearing the testimony and reviewing the evidence, I **FIND** the following **FACTS**:

L.S. was an eighth-grade student at Franklin when petitioners requested a 504 Plan for her before she began high school in 2016. At that time, she was having difficulty with eighth-grade math. She was placed in the Algebra 1A class since it went at a slower pace. Absences began to accrue from L.S. from September 2015 to December 2015. At that time Hollander was L.S.'s private tutor and L.S. was seeing Lynn for anxiety issues. Lynn is a clinical social worker.

From the first to the second quarter of her eighth-grade year, L.S.'s grades did not improve. Her grades had decreases in the second quarter. L.S.'s grades

maintained or increased from the second to the third quarter. L.S.'s grades decreased from the third to the fourth quarter. Her absences increased during this time. L.S. had a concussion in March 2016 of her eighth grade. Her doctor, Dr. Bottiglieri, made recommendations regarding the concussion, which the school adhered to. The concussion resulted in L.S. being out of school. When she returned to school, her anxiety increased because she had work to make up.

L.S. had suicide ideations in April 2016. A crisis-intervention counselor was brought in at this time. L. S. had to get clearance that she was no longer at risk before she could return to school. This is when Tashian became aware that L.S. was taking medication. There was no educational or psychiatric evaluation done by the district after L.S.'s suicide ideation.

L.S. would experience crying spells, loss of breath, dizziness, impaired concentration, and difficulty starting new assignments in eighth grade. L.S. did not have massive crying spells at school. She would be sad and cry in Tashian's office. She could come to his office during class, lunch, gym, and at the end of the day. There was no formal intervention plan—if L.S. was not feeling well, she could go to his office or to the nurse.

A 504 Plan was created in May 2016. It included accommodations for L.S. checking in with Tashian, L.S. taking tests in Tashian's office, extending test-taking time not to exceed fifty percent of the allotted time and a free pass to leave class. J.S. signed the 504 Plan in September 2016. It was implemented in the eighth grade. The diagnosis for the 504 Plan was anxiety disorder. No evaluations were done once it was discovered that L.S. suffered a concussion in March 2016.

In October 2016 L.S. sent a video to her parents apologizing for being a disappointment, and that she had suicidal thoughts. She was taken to a therapist at that time.

L.S. went to RVHS in September 2016. When she arrived, she had a 504 Plan. RVHS has approximately 1750 students, 450 students per grade. It has seven

guidance counselors. The students had flexibility as to where they could have lunch. Freshmen usually go to the gym. They can go to the art room, library, or a teacher's office. L.S. could have lunch in Pizzuto's office. L.S. may not have known the different places that she could have lunch. She has two friends at RHVS. She has difficulty socially in a group. Since the ninth grade it has been difficult getting L.S. to go to school.

There are two guidance suites at RVHS. The main suite is a large office like a doctor's office with a waiting area in the suite. Students can wait in the hall as well. Sarah Gregor was the in-house counselor. She is employed by Care Plus. She works full time at the high school.

There are two crisis counselors. There is always at least one crisis counselor at the high school. There are clinical social workers, two school psychologists, seven guidance counselors, three grade advisors, and Gregor from Care Plus at the RVHS. If a student needs to see a counselor, they can go to the counselor's office. Gregor told the teachers who the students on her caseload were and how they can access her. It is not clear that L.S. was aware of the school's support services.

Attendance became an issue for L.S. in October 2016. Petitioner expressed concerns about L.S. in December 2016. After the winter break L.S.'s schedule was changed, she had crisis counseling. Burchard and May, the ninth-grade focus coordinators, were involved on a daily basis to see how L.S. was doing and make sure she stayed in school. There was a meeting with Jeff Nyhius, May, Morris, DePino, and Burkhard that suggested supplemental help and peer counseling in Math for L.S.

On March 24, 2017, L.S. had a panic attack related to Math. On March 28, 2017, and March 29, 2017, there was consideration of revising the 504 Plan. An educational consultant hired by petitioners was present at the meeting. Petitioners' email of April 8, 2017 was his first notice that petitioners wanted L.S. evaluated by a CST. Giselle Batista is a school psychologist at RVHS. She did a psychological evaluation of L.S. in April 2017, which was her first involvement with L.S.



In April 2017, there were discussions regarding amending the 504 Plan and a CST evaluation. The last 504 Plan was updated on May 24, 2017. There was an ongoing discussion regarding L.S. missing school and depression. Pizzuto attended a meeting with petitioners, L.S., and DePino on March 20, 2017, regarding absences. At that meeting he was informed that L.S. was not taking her medications. The district can be flexible with attendance with students under a doctor's care if they are following doctors' orders. This is done through the 504 committee. At the meeting L.S. agreed to take her medications. Pizzuto did not know which medications L.S. was taking. He knew that it was anti-anxiety and anti-depression medications.

L.S. struggled with History and Math. Her grades did not improve in the second quarter. She had small growth in the third quarter. Her grades decreased in the fourth quarter. Ninth graders need to earn thirty-six credits, L.S. earned 6.25 credits.

In May or June of 2017, Burkhard was advised L.S. was placed on Home Instruction for the remainder of the school year based on a doctor's diagnosis of severe anxiety. L.S.'s psychiatrist said that she could not go to school. RVHS requested a medical letter from L.S.'s doctor regarding her not being able to go to school. L.S.'s anxiety lessened when she was on Home Instruction. The district did not oppose Home Instruction.

There was a meeting with the parents to determine if an evaluation was warranted. A social history, educational evaluation, and psychological evaluation were done. The IEP meeting was on June 19, 2017. Eligibility had been established as emotionally disturbed. The program proposed in the IEP included in-class support in Biology and resource replacement program in Geometry, English and History. The resource replacement class size was six to eight students. It also included individual counseling twice a week with Care Plus. She would be in the least restrictive environment with therapeutic supports. L.S. would also be encouraged to seek support in times of emotional crisis. She could report to the following safe spaces: CST case manager's office, Grade Administrator Office, Crisis Counselors, Care Plus therapist, or Guidance Counselors Office. If the therapist was not available, L.S. could go to someone she was comfortable with. The IEP was tailored to address L.S.'s anxiety.

L.S.'s absences were addressed in the therapeutic portion of the IEP. The therapist can call L.S. or go to her home. It was also addressed with smaller classes.

The modifications in the IEP were fifty percent more time to complete school work, tests, assignments, and quizzes. Large assignments would be broken down, study guides and supplemental instruction added. F.S. wanted all resource room classes for L.S. The goals in the IEP related to English and Math do not address content. Her social-emotional goals included improving attendance and identify coping skills. Her history goals included completing assignments and attending class regularly. New Jersey Virtual Schools and Home Instruction were not part of the programing. The IEP placement was not Home Instruction. The statement of transition in the IEP stated that L.S. wanted to go to college or cosmetology school.

An academic study hall was part of the IEP. If she needed to complete assignments, she could do them in the study hall. The IEP did not include a Behavioral Plan, a Functional Behavior Plan, group or daily therapy.

Buxenbaum suggested a tiered program for L.S. at the IEP meeting. This was a structured plan using the summer to work on her challenges and complete her work. The plan was that the summer Home Instruction would be done in either the library or Board's office. Counseling would take place over the summer with Care Plus. The goal was to get L.S. back to RVHS in the fall in small classes. Batista was assigned as L.S.'s 2017 summer case manager. L.S. could complete her freshman classes over the summer and be a sophomore in September 2017. The summer Home Instruction was given by a home instructor at the Board of Education Building. L.S. completed the summer academic courses. There was going to be an IEP meeting between the parents and teachers in August 2017 to determine if she would be able to return to RVHS. They wanted to create an environment to get L.S. back to RVHS. An evaluation would occur with her counselor. There would be another IEP meeting in August 2017. It was expected that after the August 2017 meeting that L.S. would be ready to go back to Ridgewood. If she was not ready to return, adjustments would be made.

Petitioners proposed an out-of-district placement such as Barnstable Academy (Barnstable) or the Sage school at the June 19, 2017 IEP meeting. Barnstable is a college prep school. It is not a therapeutic school. It is not a special education school. L.S. had been accepted to Barnstable on June 15, 2017. At the IEP meeting, parents did not say that L.S. was accepted to Barnstable.

Gregor is employed by Care Plus. Care Plus is contracted by RVHS to provide intensive services at RVHS. Gregor is a licensed clinical social worker. She sees approximately twenty to twenty-six students a week. Gregor initially met with L.S. on August 8, 2017, for sixty minutes. At that time, she did not review any of L.S. medical records. L.S. was stressed but became more engaged when discussing her strengths. Gregor again met with L.S. on August 15, 2017. At that meeting they explored strategies and self-confidence. Although L.S. felt good, she had anxiety about returning to school. At the time Gregor's goal with L.S. was engagement and to build a rapport with L.S. Gregor did not request L.S.'s medical documents because L.S. was not officially on her caseload therefore was no intake done for L.S.

The general service that she would have provided to L.S. would have dealt with school avoidance. This could have included Gregor visiting the home and working with community providers. Gregor received a letter from Lynn stating that L.S. was having anxiety and panic attacks and it was premature for her to return to RVHS. Gregor spoke to someone at the district regarding this letter. She does not know what the outcome was of the school.

Gregor was to provide initial intervention services to L.S. The contract broke off when L.S. mother told Gregor that she was not sure L.S. would continue to attend RVHS. An intake was not done for L.S. An intake is when the parents sign a release and Gregor would then do a comprehensive assessment of L.S. The initial issue for L.S. was school avoidance due to anxiety. Gregor works with the CST and outside providers.

Care Plus has a private office at Ridgewood High School with privacy blinds and a noise machine for privacy. There is no impediment to a child in crisis getting out of class to see her.

Buxenbaum understood the return of the signed IEP as consent that petitioners agreed to the IEP. She did not know that on July 7, 2017, petitioner sent an email to Barnstable stating that they cannot send the deposit until the IEP is finalized.

L.S. was accepted to Barnstable on June 15, 2017, four days prior to the IEP meeting. At the June 19, 2017, IEP meeting there were ideas given to petitioners that they would discuss with L.S. F.S. contacted Batista with the input from L.S. The IEP was modified and signed on July 6, 2017. At the time of the IEP petitioners had an advocate who told them that they could not send a deposit to Barnstable until the IEP was finalized.

Petitioners received a communication from Barnstable on June 23, 2017, as a follow up to L.S.'s acceptance and asking if they would like a reading list for L.S. J.S. replied the same day she wanted the reading list and stating that she would set up a time for class selection. F.S. states that they wanted to see what classes would be offered to L.S. Prior to July 10, 2017, J.S. had spoken to Barnstable about electives for L.S. but F.S. does not recall the conversation. L.S. was staying in-district the summer of 2017 to complete her ninth-grade credits. Petitioner's then-advocate Andrew Morgan wrote to the District on August 16, 2017, stating that Lynn believed that L.S. was unable to return to RVHS at that time and requested she be placed in Barnstable. The deposit to Barnstable was paid on August 21, 2017. Morgan wrote the District on behalf of plaintiffs on August 21, 2017, stating that petitioners would unilaterally place L.S. at Barnstable. F.S. testified that he had not made his final decision as to whether L.S. would go to Barnstable until August 28, 2017.

Buxenbaum received the signed IEP on July 11, 2017. At that time Buxenbaum did not know that petitioners had a contract with Barnstable. She was not aware that Barnstable sent petitioners a follow-up email regarding L.S.'s acceptance. She was not aware that Barnstable emailed petitioners on June 28, 2017, confirming petitioners

received the contract and that it should be returned as soon as possible. Petitioners contacted Buxenbaum on August 21, 2017, to request L.S.'s grades from the summer Home Instruction.

Byrne is the Director of Outreach and Admissions at Barnstable. He handles the admissions process and reviews IEP's and evaluations. He is a licensed social worker with a Master's degree in social work and certified school social worker. Barnstable is not a special education school. It has eighty students and fourteen teachers. The average class size is seven to eight students. Seventy percent of the students have IEP's or 504 Plans. Barnstable is not a therapeutic school. It is a college prep school. Academic classes end at 12:25 p.m. Elective classes are from 1:00 to 2:30. Crisis intervention is done by Dr. Eliason or a counselor. Barnstable does not have behavioral analysis, occupational therapy, or speech therapy. It is not affiliated with any organizations.

Barnstable could not find documents showing the therapeutic services given to L.S. prior to January 2018. Courtney Allen provides therapy to L.S. Allen is a certified counselor with a Master's degree in school counseling. She is not a school psychologist. Byrne does not know if there is any documentation or therapy given to L.S. by Dr. Eliason. On two instances in May 2018 L.S. was evaluated by Dr. Eliason due to concerns about her safety. On both occasions it was determined that she was not a danger to herself or others. Byrne does not know what incidents lead to L.S. being evaluated by Dr. Eliason twice in May 2018.

Danielle Wood is the Supervisor of Special Education in Ridgewood Village from sixth grade through high school. She was present when Mingin visited the high school.

Dr. Gerald "Buzz" Mingin has a certificate as a school social worker. He has clinical training with a psychologist for fifteen years. He has worked as special education case manager. He is a certified crisis counselor. He is a certified social worker. Dr. Mingin assessed L.S. on January 15, 2018. L.S. told him that she has had problems with anxiety since she was young, but the problems became worse in the fifth and sixth grade. At the time of the assessment L.S. was not depressed or suicidal.

According to Mingin, L.S. exhibits flight or fight responses. L.S. has not responded to treatment for years. Mingin is part of her case management team. He was hired to clinically case manage L.S.'s emotional recovery in December 2017. She still has episodes of panic, fear struggling to get out of bed and struggling to manage her perceptions.

Mingin visited RVHS. When he arrived, the security guard was not at the door but outside. RVHS has a security guard and a lock-down system. On the day Mingin arrived, the guard was assisting students away from the door. Mingin stayed for one period. He believed hallways were crowded and noisy when the students were in transition. The lunch area could be a target for anxiety because it is overcrowded. He had no problem with the counselors assigned to L.S. but he was concerned if the counselor was unavailable.

When Mingin visited Barnstable, L.S. was already attending there when he first assessed her. Barnstable is small with a secure entrance. It has chairs and couches in the hallways. It is quiet. The classes are collaborative, and the teachers interact with the students. He observed two of L.S.'s classes, both of which had six students. She is taught with typical peers.

Mingin did not know if he ever saw the IEP, 504 Plan or educational consultants' assessment of L.S. He recommends havening therapy, which is a psycho-sensory therapy, for L.S. Psychologist and psychiatrists do not recognize havening as a technique. L.S. is presently on medication. Mingin does not know if L.S. being on medication would help or hurt her at RVHS.

### **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.” Lascari, 116 N.J. at 48.

In addition, when scrutinizing a FAPE claim, there is a two-part inquiry. A court must first ask whether the state or school district has complied with the procedures of the Act when developing the IEP, and second, whether the IEP developed through the Act’s procedures is “reasonably calculated to enable the child to receive educational benefits.” Rowley, 458 U.S. at 207. While the IDEA does not require a school district to provide an IEP that maximizes “the potential of a disabled student, it must provide ‘meaningful’ access to education and confer ‘some educational benefit’ upon the child for whom it is designed.” Ridgewood, 172 F.3d at 247 (citations omitted).

In May or June L.S. was put on Home Instruction because her therapist said she Could not return to RVHS.

At the June 19, 2017, IEP meeting L.S. was classified as emotionally disturbed. L.S. was experiencing depression, anxiety, and school avoidance. The IEP included counseling twice a week and encouraged L.S to go a variety of safe spaces when she experienced an emotional distress. The IEP had replacement classes for Geometry, English and History and in class support for Biology. Petitioners signed this IEP. Since L.S. did not have all of her freshman credits and was on Home Instruction, The IEP had L.S. receiving Home Instruction at the education center, work with the Care Plus therapist in the Summer of 2017, and transitioning back into RVHS. Petitioners signed



the June 2017 IEP. In May or June 2017 while she was on Home Instruction, she completed her ninth-grade credits. Another IEP meeting would be held in August 2017 to discuss L.S.'s progress over the summer. If she was not ready to return to RVHS adjustments would be made. This meeting did not take place. In August 2017 Lynn wrote to Gregor stating that L.S. could not return to RVHS. Gregor was never given an opportunity to review L.S.'s medical documentation of Lynn or any of L.S.'s outside medical providers. The District could not make any adjustments to the IEP, which would have occurred at the August 2017 meeting, because petitioners had placed L.S. at Barnstable.

L.S. received the required credits and met with Gregor twice during the summer of 2017, after which petitioners placed her unilaterally at Barnstable on or about August 28, 2017. The IEP addresses L.S.'s anxiety, school avoidance, and depression with counseling twice a week and allowing L.S. to seek support whenever she experiences emotional distress.

Mingin did not begin treating L.S. until January 15, 2018, when she had already been at Barnstable for approximately six months. Mingin does not know if he saw the IEP prior to writing his report. He did not criticize the IEP.

I **CONCLUDE** that the IEP of June 19, 2017, that was signed by petitioners on July 6, 2017, would have provided L.S. with a fair and appropriate public education, which would confer a meaningful educational benefit to L.S.

The next issue is whether L.S. is entitled to Compensatory Education. Compensatory Education is a remedy not specifically provided for in the IDEA. However, the courts have recognized that "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 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, 172 F.3d. at 249; M.C. v. Central Reg. 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 (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.

[M.C., 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., 916 F. 2d at 873, and payment of college tuition where the disabled student would apply credits obtained toward 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).

In this matter, L.S. began having difficulties in the eighth grade. At that time her math class was changed from Algebra to Algebra 1A. She could go to Tashian's office during class, gym, lunch, or at the end of the day if she did not feel well. The 504 Plan was developed when L.S. was in the eighth grade. It included extended test taking time and a free pass to leave class. The 504 Plan began being implemented at the end of L.S. eight grade year.

When L.S. entered RVHS the 504 Plan was in effect. Her attendance became an issue in October 2017. Her schedule was changed after the winter break and school counselors were involved with L.S. on a daily basis. L.S.'s grades slightly improved in the third marking period. There was an IEP meeting in June 2017. L.S. was placed on Home Instruction for the summer of 2017 in order to complete the credits that she needed to start the next school year as a sophomore. L.S. received those credits.

I **CONCLUDE** that L.S. is not entitled to compensatory education.

The next issue is whether petitioners complied with the ten-day notice for out-of-district placement.

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 non-public 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 nonpublic 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 inquired about an out-of-district placement at the IEP meeting of June 2017, however, they signed the IEP on July 6, 2017. Prior to signing the IEP, L.S. had been accepted to Barnstable on June 15, 2017. Petitioner's advocate at that time told them not to send a deposit to Barnstable until the IEP was finalized. Barnstable contacted petitioners on or about June 23, 2017, asking if they wanted a reading list for L.S. and to review her schedule, which they did. However, L.S. continued with the Home Instruction during the summer of 2017 and meet with Gregor twice during that time.

I **CONCLUDE** that petitioners provided ten-day notice that they were unilaterally placing L.S. at Barnstable.

The next matter is whether Barnstable is an appropriate placement for L.S. Barnstable is not a special education school or a therapeutic school. It has two counselors on staff. L.S. had cognitive behavioral therapy as needed. There was testimony that L.S. has difficulty going to school at Barnstable and she has the same issues at Barnstable that she had at RVHS. She did not have weekly counseling but counseling on an as needed basis.

I **CONCLUDE** that Barnstable is not an appropriate placement for L.S. It is not a special education or therapeutic school. L.S. would get therapy as needed.

### **ORDER**

It is hereby **ORDERED** that the relief requested by petitioner be **DENIED** and the petition be **DISMISSED**.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2018) 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 (2018). 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 Programs.

March 20, 2019

\_\_\_\_\_  
DATE

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

Date Received at Agency

\_\_\_\_\_  
March 20, 2019

Date Mailed to Parties:  
ljb

\_\_\_\_\_  
March 20, 2019

## **WITNESSES**

### For Petitioners:

Dr. Gerald "Buzz" Mingin  
Jonathan Byrne

### For Respondent:

David Tashian  
Peter Burkhard  
Kim Buxenbaum  
Basil Pizzuto  
Giselle Batista  
Danielle Wood  
Sarah Gregor

## **EXHIBITS**

### Joint Exhibits:

- J-1 504 Plan dated September 2, 2016
- J-2 Original 504 Plan dated September 8, 2017
- J-3 Updated 504 Plan dated September 8, 2017
- J-4 IEP dated June 19, 2017
- J-5 IEP dated July 6, 2017
- J-6 Report Card for 2012-2013
- J-7 Report Card for 2015-2016
- J-8 Report Card for 2016-2017
- J-9 NJ Assessment of Skills Report Overview spring 2011-2016
- J-10 Progress report Barnstable academic Year 2017-2018
- J-11 Clinical Assessment prepared by M. Lynn M.S.W. dated January 20, 2016
- J-12 Health History prepared by the Child Study Team dated April 19, 2017
- J-13 Social History prepared by J. Gerald dated May 19, 2017
- J-14 Educational Evaluation prepared by G. Vasi dated May 24, 2017
- J-15 Psychological Evaluation prepared by Giselle Batista M.A. dated June 5, 2017

- J-16 Student Attendance Reports for 2014-2017
- J-17 Care Notes prepared by Thomas Bottiglieri
- J-18 Care Notes and Authorization prepared by D. Dalgetty, M.D. dated June 1, 2016
- J-19 Explanation of Action dated April 25, 2017
- J-20 Home Instruction Register Change Form dated June 1, 2017
- J-21 Letter prepared by D. Dalgetty dated June 14, 2017
- J-22 Letter prepared by M. Lynn dated June 15, 2017
- J-23 Care Plus Face Sheet - Kinship Notes
- J-24 Letter prepared by J.S. and F.S. dated April 5, 2017
- J-25 Letter prepared by A. Morgan to Ridgewood Public Schools dated August 16, 2017
- J-26 Letter prepared by A. Morgan to Ridgewood Public Schools dated August 21, 2017
- J-27 Letter prepared by K. Buxenbaum to J.S. and F.S. dated August 23, 2017
- J-28 Email Communication dated December 6, 2016, to November 2017 Regarding RVHS Attendance
- J-29 Email communicating concerning Barnstable Academy dated 2017-2018

For Petitioners:

- P-1 Letter prepared by M. Lynn, dated August 15, 2017
- P-2 Letter prepared by D. Dalgetty, M.D. dated November 1, 2017
- P-3 Email communication dated December 18, 2014
- P-4 Email communication dated December 16, 2015, to April 18, 2016
- P-5 Email communication concerning 504 Plan dated January 4, 2016
- P-6 Email communication regarding J.S. and F.S. concerns dated January 4 and February 10, 2016
- P-7 Email communication dated January 12-13, 2016
- P-8 Email communication dated January 23-24, 2016, and March 29-31, 2017
- P-9 Email communication dated September 1, 2016
- P-10 Email communication including P. Burkard 2016-17
- P-11 Email communication regarding J.S. and F.S. concerns dated 2016-17
- P-12 Email communication dated January 9, 2017
- P-13 Email communication dated March 13, 2017

P-14 Email communication dated March 22-27, 2017

P-15 Email communication dated March 28, 2017

For Respondent:

R-1 IEP dated June 19, 2017

R-2 IEP dated June 19, 2017, signed by petitioners on July 6, 2017

R-3 Eligibility Determination documentation dated June 19, 2017

R-4 Psychological Evaluation Report of G. Batista dated June 5, 2017

R-5 Social History Report of J. Gerald dated May 19, 2017

R-6 Educational Evaluation Report of G. Vasi dated May 24, 2017

R-7 Miscellaneous emails and correspondence to/from petitioners and school staff dated October 16, 2015, through August 29, 2017

R-8 Section 504 Accommodation Plans

R-9 CarePlus Notes of S. Gregor, July 13, 2017, through September 25

R-10 Report Cards

R-11 Attendance Data

R-12 Excerpt from documents produced by petitioners' counsel dated March 7, 2018

R-13 Letter from petitioners' counsel, dated March 12, 2018, with Enclosure

R-14 Letter from respondent's counsel, dated January 11, 2018, with Enclosure

R-15 Handwritten Notes of G. Vasi from June 19, 2017, IEP Meeting

R-16 Letter from petitioners' counsel, dated March 15, 2018, with enclosures

R-17 Student File of L.S. at Barnstable