



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 07327-22

AGENCY DKT. NO. 2023-34719

M.S. AND N.S. ON BEHALF OF R.S.,

Petitioners,

v.

EAST BRUNSWICK TOWNSHIP BOARD

OF EDUCATION,

Respondent.

Amelia Carolla, Esq., for petitioners (Reisman, Carolla, Gran & Zuba, LLP,
attorneys)

Jodi S. Howlett, Esq., for respondent (Cleary, Giacobbe, Alfieri & Jacobs, LLC,
attorneys)

Record Closed: August 17, 2023

Decided: August 22, 2023

BEFORE **SARAH G. CROWLEY**, ALJ:

STATEMENT OF THE CASE

In this matter, M.S. and N.S. on behalf of R.S. (petitioners) bring this due process action against the East Brunswick Township Board of Education (respondent or District) seeking to have R.S. returned to least restrictive environment, which they argue is in the

general education classroom with appropriate aids and services. R.S. is a nine-year-old boy who is diagnosed with Downs Syndrome and is classified as Learning Disabled and receives special education services from the District. R.S. is in the self-contained autism classroom for language arts and math, and in the general education classes for the remainder of the day pursuant to an April 19, 2022, IEP. The District maintains that R.S. is making meaningful progress and the Individualized Education Plan (IEP) which places R.S. in a self-contained classroom for math and language arts is providing R.S. with a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE).

PROCEDURAL HISTORY

On July 19, 2022, petitioners filed a complaint for due process with the Office of Special Education Programs (OSEP). The complaint was filed under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§1400 to 1482. Petitioners filed a motion for stay put, which was denied due to the request for such relief being out of time. The matter was transmitted to the Office of Administrative Law (OAL) on August 24, 2022, as a contested matter. The matter was assigned to the Honorable David Fritch on September 15, 2022. Thereafter, in January 2023, the matter was transferred to the undersigned after Judge Fritch was appointed to the Superior Court. The matter was heard via ZOOM on March 20, 2023, March 22, 2023, March 24, 2023, March 27, 2023, March 29, 2023, and June 1, 2023. The record was closed following submissions from the parties on July 25, 2023, and a telephone conference to address a discrepancy in the record on August 17, 2023.

FACTUAL DISCUSSION

R.S. is a nine-year-old student with disabilities who just completed the second grade at Central Elementary School in the East Brunswick School District. He is eligible to receive special education and related services under the category Multiply Disabled and has been diagnosed with Downs Syndrome and expressive-receptive language disorder. R.S. repeated Kindergarten in the District in 2020-2021 school year pursuant to request of the parents. R.S. was withdrawn from the District and homeschooled during

the fall of 2021. R.S. was re-enrolled in the District in December 2021, and placed in a general education setting at that time for the entire day pursuant to IEP at that time.

The District conducted evaluations and held R.S.'s annual review IEP meeting on April 19, 2022. The parents were present and participated in the IEP meeting. At that time, the District proposed a new placement to begin May 4, 2022, for the remainder of that year and for the 2022-2023 second grade school year. The April 19, 2022, IEP placed R.S. in a self-contained autism classroom for math and language arts. He remains in the general education setting for the remainder of the day. He receives supports and a one-on-one aide for the entire day. The parents do not want him pulled out for math and language arts and want him returned to the general education setting for the entire day.

TESTIMONY AND FINDINGS OF FACT

For respondent

Julia Kushnir is a case manager in the East Brunswick School District. She is responsible for drafting and reviewing IEPs. She was familiar with R.S.'s case. She testified that they all saw that R.S. was having significant struggles in the general education classroom when he returned to the classroom in January, February, and March. He had been in remote learning due to the pandemic for the 2020-2021 school year and home schooled for the fall term of 2021. He repeated kindergarten as he was not doing great and the parents requested that he repeat kindergarten. The District did not disagree. After completing evaluations, they conducted a reevaluation meeting, and they proposed to move R.S. to the self-contained autism classroom for math and language arts. He would remain in general education for other subjects, morning meeting, lunch, and gym.

She was aware that the parents wanted him to remain in general education for all subjects. They were mostly concerned about his social interaction with his peers and that was less likely to occur in the self-contained autism classroom. However, they observed very little peer interaction in the general education setting and he was struggling in the

classroom. She observed him in both the general education setting and the self-contained class and he was more engaged in learning in the self-contained classroom. There was very little social interaction with his peers in either setting. She observed that he was less distracted and more engaged in the self-contained classroom.

The District had a functional behavior assessment conducted to address his inability to keep his focus in either setting. They also had an Augmentative and Alternative Communication (AAC evaluation) to come up with an alternate communication plan for him. They completed several assessments, with the consent of the parents and drafted a new IEP. The IEP team recommended R.S. be moved to the self-contained classroom with a one-on-one aide and the same supports for language arts and math. Ms. Kushnir was not familiar with the studies about inclusion of students with intellectual disabilities that petitioner's attorney referred to. She was aware that the parents did not agree with the new IEP and wanted him to remain in the general education setting. She did not agree that he should stay in general education for all subjects. He was struggling to keep his focus and he was not making any meaningful progress in math and language arts. There was very little social interaction between R.S. and other students. Ms. Kushnir went through some of the reports and the data that had been collected, as well as the evaluations that had been conducted to support the placement of R.S. in the inclusion classroom.

Sherry Miller is a Speech Language Specialist for the District. She has worked at Central Elementary School for sixteen years. She conducts evaluations and provides speech and language therapy for special education students. Ms. Miller worked with R.S. during the 2021-2022 school year and conducted an assessment. She participated in the IEP meeting in December 2021 after R.S. returned to school. She conducted a speech and language evaluation in May of 2022, and observed R.S. in both the general education and self-contained classroom. He was using an iPad and the recommended AAC device due to his low functioning language and speech abilities. She worked with R.S. several times a week during the year and did routine observations. She observed very little interaction with other students in either the general education or self-contained classroom setting. She believed that he needed to be in the self-contained classroom for math and language arts and that he was making progress.

Stephanie Mischik is a special education teacher in East Brunswick Township School District. She has worked for the District for sixteen years and is currently working in the in-class resource classroom. She observed R.S. and evaluated him during his second year of kindergarten which was virtual due to the pandemic. The parents assisted R.S. in all remote learning. He had difficulty focusing during remote learning and received a great deal of assistance from his parents. When he returned to school in December of 2021, after the pandemic and additional time when he stayed home, she observed significant behavior issues. He had difficulty focusing in the classroom and was disruptive to other students. He needed a great deal of encouragement and was given edible incentives throughout the day to stay focused and follow directives. She observed that he was struggling in the general education setting and was not making meaningful progress even with the in-class support and edible incentives that were being provided. She discussed the progress, or lack thereof, that he was making in the general education setting and she concurred with the recommendation that he be placed in a self-contained classroom as he was unable to participate in any meaningful way in the general education classroom.

Andrea Bianco-Stampfel is a child psychologist for the District and is a member of the child study team. She was the case manager for R.S. when he was in second grade. She reviewed his prior IEPs, the data, evaluations and progress reports. In addition to a review of all his records, she conducted observations twice a week when she became his case manager. He was in a general education classroom setting for half the day or more and was in a self-contained autism classroom for math and language arts. She discussed some of her observation of his inability to focus and the supports that were constantly necessary to keep him focused in the general education setting. She opined that he was most often prompted by his aide and without such prompting, she saw little participation or interaction with others from R.S. in the general education setting.

Ms. Bianco-Stampfel testified that the self-contained classroom was set up in such a way that was more conducive to learning, and R.S. was able to focus more and participate in learning. She discussed some of his self-stimulating behaviors and noted that she saw less of the disruptive behavior in the self-contained classroom. This was essential for math and language arts for him to make any meaningful progress. She

opined that this setting for language arts and math was the least restrictive environment for R.S.

Emily Schweiderek is a special education teacher in the East Brunswick School District. She is the in-class resource teacher in the general education setting and was in R.S.'s second grade class. She is responsible for working with the children to modify their curriculum in the general education setting to accommodate their disabilities. R.S. was in her classroom for the general education subjects. She discussed the typical day and R.S.'s abilities in the classroom as well as his interaction with other children in the general education setting. R.S. did not interact with other students and did not participate without significant prompting. He is very distracted and typically removes his shoes and socks and rolls around on the ground. He does use his AAC device, but it is generally to request pretzels. In her opinion R.S. belongs in a self-contained special education classroom in order to make any meaningful progress.

Ariella Fekete is a special education teacher in the East Brunswick School District. She is the teacher in the self-contained autism classroom where R.S. is for math and language arts. She testified that it is a small classroom with children with various disabilities. Their placement is based on their abilities and not necessarily on their diagnosis. She testified about R.S.'s progress in her classroom and the daily logs that she collects on his progress. R.S. does use his AAC device, but it is usually to request treats. She uses various assessments to determine if he is making meaning progress in the classroom. He often needs prompting and guidance to keep on focus, but she believed he was making meaningful progress in her classroom. She relied upon the data she collected as well as her observations of R.S. in concluding that he is making progress. She believed that the self-contained classroom is the appropriate placement for him.

Rupa Nadkar is a board-certified behavior analyst and she completed a functional behavior assessment of R.S. in April of 2022. She was present at the April 2022 IEP meeting and presented her finding and recommendations to the team and the parents. She observed R.S. in the classroom and noted that he needs constant prompting from his aide in all settings. He exhibits flopping, eloping and episodes of crying. She observed these behaviors in both classrooms, noting that transitions are difficult for him.

She testified that he uses the ACC device but often requires prompting to use it. She observed significant behavior issues in both general education and self-contained settings. She prepared a behavior intervention plan to address his behavior issues.

For petitioner:

Dr. Chelsea Tracy-Bronson is an education consultant and was accepted as an expert in special education, education of students with intellectual disabilities, Downs Syndrome and inclusion education. She is not a licensed special education teacher in the State of New Jersey. She works with Downs Syndrome children and has a focus on inclusion education. Most Downs Syndrome children have a low IQ and maladaptive behaviors. Therefore, a focus on a specialized inclusive education program for them is critical. She observed R.S. in both the general education and self-contained setting. She reviewed his IEP but did not review other records, speak with the IEP team, or do any testing on R.S. She opined in her expert opinion that R.S., like most Downs Syndrome children would benefit from being in the general education setting, and she believed that different strategies could be used to assist R.S. and enable him to be successful in the general education setting.

Dr. Kathleen Whitbread was accepted as an expert in special education, Downs Syndrome students, students with intellectual disabilities, and literacy instruction for special education students. Her experience in the special education field have focused on Down Syndrome students and children with intellectual disabilities. She conducted an evaluation of R.S. and prepared a report which concluded that R.S., like most Down Syndrome students, would benefit academically and socially from a general education setting. Dr. Whitbread testified extensively regarding inclusion education. She observed R.S. in both the inclusion and general education classrooms. She conceded that he needed redirection on a regular basis but despite this, he was available for instruction. She noted that these behaviors were consistently exhibited in both the general education as well as the inclusion setting. She offered some specific recommendations for the literacy and math programs but did not opine as to why these could not be incorporated into the inclusion classroom, or why they would not be effective in the inclusion classroom.

She felt that the IEP was problematic as it did not have specific goals and objectives, and that most Down Syndrome children benefit from the general education setting.

N.S. is R.S.'s mother. She explained that he was diagnosed with Downs Syndrome at birth and has expressive language disorder and communication impairment. She started having trouble with him during his kindergarten year and they decided to have him repeat the kindergarten year. Due to the pandemic, the 2020-2021 year was remote learning which was challenging. Both she and her husband adjusted their schedules so they could be with R.S. during his remote learning times, and they had an aide even though he was not in person. In 2021, the school went back live, but they decided to homeschool him since he had not yet been vaccinated. They returned him to school in December 2021, after he was vaccinated. It was a slow start due to the holiday and then remote for a period following the holiday. He was returned to full-time school in January 2022.

N.S. met with the district in February 2022 to discuss the evaluations to be completed for R.S. She consented to a psychological, speech and language, as well as a functional behavior assessment. She attended the IEP meeting in April 2022 when the child study team discussed the evaluation and the proposed IEP. She testified that she did not have an adequate opportunity to review the evaluations or the proposed IEP before the meeting and she was surprised that they proposed to move him out of the general education setting for math and language arts. She felt that with the appropriate supports he could stay in the general education setting and that he should not be in the autism classroom. She also thought that they did not give him enough time to adjust back to school after the return from remote and homeschooling. She feels that he belongs with other students without disabilities and that he would do better in that setting with the appropriate supports.

FINDINGS OF FACT

The resolution of the issues in this matter requires that I make a credibility determination regarding critical facts. The choice of accepting or rejecting the witnesses' testimony or credibility rests with the finder of fact. Freud v. Davis, 64 N.J. Super. 242,

246 (App. Div. 1960). In addition, for testimony to be believed, it must not only come from the mouth of a credible witness, but it also must be credible in itself. It must elicit evidence that is from such common experiences and observation that it can be approved as proper under the circumstances. See Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961). A credibility determination requires an overall assessment of the witnesses' story in light of its rationality, internal consistency, and the manner in which it "hangs together" with the other evidence. Carbo v. United States, 314 F. 2d 718, 749 (1963). A fact finder is free to weigh the evidence and to reject the testimony of a witness, even though not directly contradicted, when it is contrary to circumstances given in evidence or contains inherent improbabilities or contradictions with alone, or in connection with other circumstances in evidence, except suspicion as to this truth. In re Perrone, 5 N.J. 514, 521-22 (1950); McPherson v. D'Amato, 305 N.J. Super. 109, 115 (App. Div. 1997).

Having had an opportunity to carefully observe the demeanor of the witnesses, it is my view that the witnesses from the District were sincere and credible in their testimony. Moreover, their testimony was consistent with the documentary evidence and with each other. The petitioner has alleged that R.S.'s IEP which placed him in a self-contained autism class for math and language arts, is denying him FAPE in the LRE. However, the extensive testimonial and documentary evidence presented by the District demonstrate that R.S. was provided FAPE in the LRE during the 2021-2022 and 2022-2023 school years, and was making meaningful progress in the least restrictive environment. It was evident that even with all the support and the one-on-one aid, R.S. was struggling in math and language arts, and the self-contained autism classroom was an appropriate placement in those subject areas.

Having had the opportunity carefully to observe petitioner's parent, it is my view that although she was sincere in her concern for her son, she provided no credible testimony that the District had failed to provide FAPE in the LRE. In addition, the expert witnesses on behalf of the petitioner did not demonstrate that R.S. was being denied FAPE in the LRE by being placed in the self-contained classroom for two periods of the day. Their testimony of the petitioner's two experts did not discredit any of the testimony of the districts' witnesses who credibly demonstrated that R.S. was being provided FAPE

in the LRE, and was making meaningful progress in the self-contained classroom for math and language arts.

Accordingly, I **FIND** the following:

1. R.S. is a second-grade student in the East Brunswick School District. He is eligible for special education services under the classification of Multiply Disabled.
2. R.S. attended kindergarten in the 2019-2020 school year and was placed in the Learning and Language Disabled program.
3. R.S. repeated kindergarten in the 2020-2021 school at the request of his parents. He had an in-class resource inclusion setting for all subjects for the 2020-2021 school year. He had a one-on-one aide, and was pulled out for speech, occupational therapy and physical therapy.
4. Following the year of remote learning, when children returned to in school programs, R.S. was home-schooled due to health concerns of his parents.
5. R.S. re-entered the District in December of 2021, and placed back in the in-class resource inclusion general education setting with supports.
6. R.S. was having significant difficulty focusing and staying on task in the general education setting, especially in the math and language arts class. He exhibited behavior issues and was struggling even with the behavior plan and supports that he received.
7. Appropriate evaluations were conducted, and consistent with same and the opinion of child study team members, R.S.'s IEP was modified to place him in the self-contained autism classroom for math and language arts.
8. An IEP meeting was conducted, which included the parents. The IEP, dated April 19, 2022, which places R.S. in the self-contained autism class for language arts and math went into effect on May 4, 2022. The parent did not agree with the IEP but did not file a timely request for stay put.

9. R.S. has made meaningful progress and the April 19, 2022 IEP provides FAPE in the LRE.

LEGAL ANALYSIS AND CONCLUSIONS OF LAW

New Jersey as a recipient of Federal funds under the IDEA, 20 U.S.C. § 1400 et seq. must have a policy that assures all children with disabilities the right to a FAPE. 20 U.S.C. § 1412. IDEA defines FAPE as special education and related services that are provided at public expense, under public supervision and direction, without charge; that meet the standards of the state educational agency that include an appropriate preschool, elementary school or secondary school education in the state involved; and that it is provided in conformity with an IEP. 34 C.F.R. § 300.17; 20 U.S.C. § 1401(9); N.J.A.C. 6A:14-1.1 et seq.

The responsibility to provide a FAPE rest with the local public school district. N.J.A.C. 6A:14-1.1(d). The local district satisfies the requirement that a child with disabilities receives a FAPE by providing personalized instruction with sufficient support services to permit that child to benefit educationally from instruction. Hendrick Hudson Cent. Sch. Dist. Bd. of Education v. Rowley, 458 U.S. 176, 203, 102 S. Ct. 3034, 3049, 73 L. Ed. 2d 690, 710 (1982). It is only after the program offered by the district is found not to provide a FAPE can an appropriate alternative program selected by the parents be evaluated and reimbursement ordered. See Forest Grove Sch. Dist. v. T.A. 129 S. Ct 2484, 2496, 174 L. Ed. 2d 168, 183 (2009).

In order to provide a FAPE, a school district must develop and implement an IEP. N.J.A.C. 6A:14-3.7. An IEP is “a comprehensive statement of the educational needs of a handicapped child and the specially designed instruction and related services to be employed to meet those needs.” Sch. Comm. of Burlington v. Dept. of Education of Mass., 471 U.S. 359, 368, 105 S. Ct. 1996, 2002, 85 L. Ed. 2d 385, 394 (1985). The educational opportunities provided by a public school system will differ from student to student, based upon the “myriad of factors that might affect a particular student’s ability to assimilate information presented in the classroom.” Rowley, 458 U.S. at 198. The

Rowley Court recognized that measuring educational benefit is a fact-sensitive, highly individualized inquiry.

The petitioner has argued that the standards set forth in the IDEA and case law interpreting same, are not being met and that R.S. is being denied FAPE in the LRE. However, the testimony and documentary evidence presented by the District clearly demonstrated that R.S. is being provided FAPE in the LRE. Moreover, it is the District's obligation to make changes where, as here it is clear that the student is struggling in the current setting. The extensive testimony from the District's witnesses clearly demonstrated the change in R.S.'s IEP was mandated in language arts and math as the efforts to educate him in the general education setting with supports and a one on one aid were not enough. The district performed evaluations, with the consent of the parents, and convened a child study team meeting which included the parents to discuss R.S. All the District child study team members concurred and had significant data and documentation to support the placement of R.S. in the self-contained classroom for math and language arts.

I therefore **CONCLUDE** that the District has demonstrated by a preponderance of the credible evidence that R.S. was appropriately placed in the self-contained autism classroom for math and language arts. I further **CONCLUDE** that the District has proven that R.S. was making meaningful progress and was being provided with a FAPE in the LRE.

ORDER

It is hereby **ORDERED** that the petitioners' complaint seeking to modify the IEP to provide for a full day in the general education setting and for compensatory education is hereby **DISMISSED**.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2022) 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 (2022). 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.

August 22, 2023 _____

DATE



SARAH G. CROWLEY, ALJ

Date Received at Agency:

Date emailed to Parties:

SGC/kl/lam

APPENDIX

WITNESSES

For petitioners

Dr. Chelsea Tracy-Bronson
Dr. Kathleen Whitbread
N.S.

For respondents

Julia Kushnir
Sherry Miller
Stephanie Mischik
Andrea Bianco-Stampfel
Emily Schweiderek
Ariella Fekete
Rupa Nadkar

EXHIBITS

Joint Exhibits

- J-1 Request for Additional Assessment-Proposed Action (ACC Evaluation), dated February 16, 2022
- J-2 Consent for Additional Assessment (AAC Evaluation), dated February 17, 2022
- J-3 Reevaluation Planning – Additional Assessment Warranted (FBA< Psych, Speech/Language), dated February 23, 2022
- J-4 Reevaluation Planning Meeting Sign-in Sheet, dated February 22, 2022
- J-5 Consent for Assessments (FBA, Psych, Speech/Language), dated February 24, 2022
- J-6 Psychological Evaluation – Mia Marciante, dated April 2022
- J-7 Psychological Evaluation – Mia Marciante, dated April-May 2019
- J-8 Triennial Speech and Language Evaluation – Jenna M. Lyons, M.S., CCC-SLP, dated April 29, 2019

- J-9 Occupational Therapy Educational Evaluation Report – Gerardina Bogdanovic, MS, OTR/L, dated March 2019
- J-10 Physical Therapy Educational Evaluation – Leslie K. Marcks, PT, DPT, PCS, dated April 2, 2019
- J-11 Social Assessment – Christin A. Grady, LSW, dated March 20, 2019
- J-12 Augmentative and Alternative Communication Evaluation – Integrated Speech Pathology, LLC, dated April 20, 2022
- J-13 Functional Behavior Assessment and Behavior Intervention Plan – Rupa Nadkar, BCBA, dated April 19, 2022
- J-14 Speech-Language Reevaluation – Sherry Mille, M.S. CCC-SLP, dated April 8, 2022
- J-15 Annual Review IEP, dated April 23, 2020
- J-16 Annual Review IEP, dated April 22, 2021
- J-17 Reevaluation Eligibility Determination with Annual Review IEP, dated April 19, 2022
- J-18 Various Email Correspondence re: Reevaluations, dated Spring 2022
- J-19 Various Correspondence from parent re: Homeschool, dated September 2021
- J-20 Correspondence from parent re: Repeating Kindergarten, dated May 14, 2020
- J-21 Various Correspondence from parent re: R.S., dated February 2018
- J-22 Progress Report for IEP Goals and Objectives, dated February 7, 2023
- J-23 AAC Consultation – Integrated Speech Pathology, LLC, dated February 25, 2023

For petitioners

- P 1 Complaint for Due Process (No response filed by District), dated July 19, 2022
- P-2 IEP for April 23, 2020 to May 6, 2021, dated April 23, 2020
- P-3 Draft IEP for May 7, 2021 to May 6, 2022, dated April 22, 2021
- P-4 IEP for May 7, 2021 to May 6, 2022, dated April 22, 2021
- P-5 Draft IEP for May 21, 2022 to May 3, 2023, dated April 19, 2022
- P-6 IEP for May 21, 2022 to May 3, 2023, dated April 19, 2022

- P-7 Progress Report for IEP Goals and Objectives, 2020-21, dated November 25, 2020
- P-8 Progress Report for IEP Goals and Objectives, 2021-22, dated December 2, 2021
- P-9 Progress Report for IEP Goals and Objectives, 2021-22, dated February 17, 2022
- P-10 Progress Report for IEP Goals and Objectives, 2021-22, date August 18, 2022
- P-11 Progress Report for IEP Goals and Objectives, 2022-23, dated November 29, 2022
- P-12 Progress Report for IEP Goals and Objectives, 2022-23, dated February 7, 2023
- P-13 Multidisciplinary Initial Child Study Team Evaluation, dated May 25, 2017
- P-14 Physical Therapy Initial Evaluation, East Brunswick Public School, date July 7, 2017
- P-15 Occupational Therapy Initial Evaluation, East Brunswick Public School, dated July 13, 2017
- P-16 Functional Behavioral Assessment, dated November 19, 2018
- P-17 Social Assessment, East Brunswick Public School, dated March 18, 19, and 20, 2019
- P-18 EBS Healthcare, OT Evaluation, dated March 18 and 29, 2019
- P-19 EBS Healthcare, PT Evaluation, dated April 2, 2019
- P-20 Speech and Language Evaluation, East Brunswick Public School, dated April 10, 11, 23, and 25, 2019
- P-21 Psychological Evaluation, East Brunswick Public School, dated April 29, May 1, and 3, 2019
- P-22 Speech and Language Evaluation Report, East Brunswick PUBLI School, dated March 23, April 5, and 7, 2022
- P-23 AAC Evaluation, Integrative Speech Pathology, LLC, dated April 1, 2022
- P-24 FBA and BIP, dated April 4, 2022
- P-25 East Brunswick Schools, Psychological Evaluation, dated April 4, 5, and 7, 2022

- P-26 Independent Educational Evaluation, Kathleen Whitbread, Ph.D., dated January 10, 2023
- P-27 CV, Dr. Kathleen Whitbread
- P-28 Independent Educational Evaluation, Chelsea P. Tracy-Bronson, Ph.D., dated January 2023
- P-29 CV, Dr. Tracy-Bronson
- P-30 Article: Is Scientifically Based Reading Instruction Effective for Students with Below Average IQs? Exceptional Children, Vol. 80, No. 3, p.,287-306
- P-31 Article: Phonics Based Reading Interventions for Students With Intellectual Disability: A systematic Literature Review, David Hill, Journal of Education and Training Studies (2016)
- P-32 Article: Does Access Matter? Time in General Education and Achievement for Students and Disabilities (2013)
- P-33 Article: Predicating the Frequency and Significance of Social Contacts Across Placements: A Bayesian Multilevel Modal Analysis (2022)
- P-34 Article: Examination of Contextual Variables Across and Within Different Types of Placements for Elementary Students with Complex Support Needs (2022)
- P-35 Article: The Relationship of Special Education Placement and Student Outcome (2020)
- P-36 Article: IEA Series: The Segregation of Students with Disabilities (2018)
- P-37 Various Emails between Parent and District
- P-38 Various Letters between Parent and District
- P-39 Various Correspondence between Counsel
- P-40 Various Data Sheets
- P-41 Various Miscellaneous District Documents related to R. (medical, etc.)
- P-42 Calendar for East Brunswick School District, 2021-22 and 2022-23
- P-43 Parental Rights in Special Education

For respondent

- R 1 Case Notes - Julia Kushnir, Case Manager, dated February 22, 2022
- R-2 Case Notes - Julia Kushnir, Case Manager, dated December 7, 2021

- R-3 Vineland-3 Adaptive Behavior Scales, dated April 2019 and Domain Level Teacher Form and Report, Parent/Caregiver Form and Report, various dates
- R-4 Preschool language Scales Fifth Edition, dated April 25, 2019
- R-5 Receptive One Word Vocabulary Test, dated April 19, 2023
- R-6 Data – Ariella Fekete, various dates for 2022-2023 School Year
- R-7 Gross Motor Data Sheet, various dates
- R-8 IT Data Collection-Ariella Fekete, various dates
- R-9 Occupational Therapy Notes, dated September 13, 2022-February 8, 2023
- R-10 Physical Therapy Notes-Nandini Prasad, PT, various dates between 2022-2023
- R-11 Speech-Language Therapy Data Sheet Brower/Mischik, various dates for School Years 2021-22 and 2022-23
- R-12 Cold Probe Data Sheet, various dates
- R-13 Targeted Behavior Sheets, various dates
- R-14 VB MAPPS Assessment, dated March 2022-April 2022
- R-15 VB MAPP Transition Scoring Form and Barrier Scoring Form, First Test dated March 2022-April 2022; Second Test dated March 2023
- R-16 VB MAPP Score Comparison Chart, First Test, dated March 1, 2022; Second Test dated, March 1, 2023