



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 15116-24

AGENCY DKT. NO. 2025-38172

L.G. AND H.G. ON BEHALF OF B.G.,

Petitioners,

v.

WEST WINDSOR-PLAINSBORO

REGIONAL BOARD OF

EDUCATION,

Respondent.

Andrew I. Meltzer, Esq., appearing for petitioners (Sussan, Greenwald & Wesler,
attorneys)

Eric L. Harrison, Esq., appearing for respondent (Methfessel & Werbel, P.C.,
attorneys)

Record Closed: June 5, 2025

Decided: June 9, 2025

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

STATEMENT OF THE CASE

This matter arises under the Individuals with Disabilities Education Act (IDEA) 20

U.S.C. §§ 1400 to 1482. Petitioners, L.G. and H.G., (parents or petitioners) filed a petition for due process, on behalf of their daughter, B.G., a minor student, seeking reimbursement for the cost associated with unilateral placement at the Newgrange School, including tuition, transportation, and continued placement at the Newgrange School, and counsel fees. The petitioners allege that the respondent, West Windsor-Plainsboro Regional Board of Education (respondent, District or Board) failed to provide B.G. with a free appropriate public education (FAPE) in the least restrictive environment (LRE). Petitioners allege that the District failed to provide an Individualized Education Program (IEP) with appropriate goals and objectives and by doing so, B.G. failed to demonstrate any meaningful progress. The issues are whether the IEP provided FAPE in the LRE and if not, was B.G. entitled to a unilateral placement, continued placement at the Newgrange School, along with counsel fees and other expenses associated with the within litigation.

PROCEDURAL HISTORY

The petitioners, on behalf of their daughter, B.G., filed a due process petition, dated September 18, 2024, claiming that the respondent failed to provide A.B. with a FAPE in the least restrictive environment (LRE). The petitioners also seek reimbursement for the costs of their unilateral placement at the Newgrange School. The respondent filed an answer on September 25, 2024, and the Commissioner of Education transmitted this matter as a contested case to the Office of Administrative Law (OAL), pursuant to N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -23. Hearings were held on March 24, March 25 and March 26, 2025. After post-hearing briefs were submitted on May 30, 2025, and the record closed after submission of agreed upon exhibit list was provided by the parties on June 6, 2025,

TESTIMONY AND FINDINGS OF FACT

For respondent:

Elissa Hughes is employed by the District as a school psychologist and has been employed there since January 2014. She has worked primarily at Millstone River School with students in third to fifth grade. She is a certified speech language pathologist but not a certified learning disabilities teacher. She manages between twenty and thirty students in grades four, five and six. She writes IEPs and is on the child study team. She was qualified and accepted as an expert in school psychology, special education and special education programming for students with autism.

Ms. Hughes met B.G. in September of 2023, when she came to school in the fourth grade. She was aware that it was a new school for her, but she was not aware of the issues with school refusal until the parents advised them. There were a number of emails and many absences but she did not know of the anxiety that B.G. was experiencing with school. When the school was advised of the school refusal issues and high levels of anxiety related to school, they offered to come to the car and assist in getting her into the classroom. No additional counseling or support services were offered. They provided the parents with the name of an outside counseling service if they were interested. B.G. was classified with a Language-based Learning Disability (LLD) and was in the in-class resource room, which is a general education class, but there is in-classroom support. B.G. would go into a smaller class setting for certain subjects. Ms. Hughes reviewed her records before she came to the school and talked with her teachers about her transition. The IEP provided for a social skills class which lasted for eight weeks at the beginning of school with the same children. There were no other social skills programs following that program.

Ms. Hughes did not observe the increased anxiety which the parents discussed. She would meet with parents and other teachers if issues were observed in the children. She was unaware of the school refusal issues and they never met with the parents or other teachers to address this issue or to discuss B.G.'s issues or her transition. She discussed B.G.'s academic progress and acknowledged that there was very little progress

in her reading level and reading comprehension. B.G. was not on grade level and did not make much progress but she testified that she believed she was making meaningful progress. When the District became aware of the school refusal issues, the school recommended some outside counseling service to the parents, but the District did not provide any counseling in school.

B.G. became her responsibility in the fourth grade which was the 23-24 school year. She identified a number of emails from the parents regarding struggles B.G. was having, problems in an orchestra class, school refusal, anxiety and stress. She acknowledged that she was having issues but stated that she felt the IEP goals were appropriate and B.G. made meaningful progress. Although the goals are supposed to be achieved within a one-year period, they can be the same every year just with different curriculum. The district was aware of the school refusal issues, but there was nothing in the old or new IEP to address these issues.

Natalie Callea is employed by the District and was B.G.'s teacher during the 2023-2024 school year. She was offered and accepted as an expert in special education. She discussed B.G.'s disabilities and her placements in the District. She was in a class with eight or nine students for reading and writing and there was always an aide in the classroom. She reviewed the goals and objectives and testified that she was not concerned about social isolation and was not aware of B.G.'s issues with school refusal or issues with anxiety. When the school was advised of this, they offered to come to the car and get B.G. However, they did not offer any additional social skills or counseling as they did not see the behavior at school. She was aware that B.G. had missed a lot of school but was not aware of the reasons.

She reviewed some of B.G.'s records and report cards and testified that she was making meaningful progress. She acknowledged that the scores were low but that did not mean she was not making any progress. She discussed the recommendation to the parents for perform care when they were advised of B.G.'s anxiety related to school and her school refusal issues. The District did not observe this behavior in the classroom so out-of-school counseling was suggested. The District did not provide any in-school counseling or additional social skills classes for her.

Ms. Callea was questioned about the reports from the petitioners' experts and doctors who reported seeing a very isolated child who had very little interaction with anyone else in the classroom. She responded that they thought that B.G. wanted her own time to decompress. Sometimes children want to do their own thing and need to decompress. She was also questioned about B.G.'s behavior in the classroom. The petitioners' experts observed very little voluntary interaction and limited prompting to engage B.G. Ms. Callea responded that she had very little unprompted interaction and needed reminders to engage. She did not know why more efforts to engage her were not made and why she still did not engage without any prompting.

Ms. Callea became aware that B.G. was to attend the school in the summer of 2023. She is responsible for IEPs and drafting goals and objectives. She reviewed the goals and objectives and testified that the goals relating to focus would be consistent from year to year and would not change, due to her diagnosis with autism and Attention Deficit Hyperactivity Disorder (ADHD). The subject matter would be changing but the goal of trying to remain focused would be consistent throughout her school years. She discussed her diagnosis and how autism manifests differently in all students. Social issues are not uncommon, and she was aware of an issue with a friend that occurred in social skills group. However, she knew that it was worked out and they moved past it.

Ms. Callea was aware that B.G. did not play with other students during recess. She testified that some kids just want to be by themselves. They had a social skills class, but it was only once a week with the same students and was from October through January. After January, there were no more social skills classes. She was aware that there were a lot of absences, but she thought that they were as a result of illness. She stated that "she was not aware that school refusal was a basis to place someone out of district." Some of the emails did advise that B.G. had some anxiety related to school or things like, "[B.G.] is having a tough time today." The District offered to have someone come to the car to get her if that would help. She reviewed some of the records which did not indicate much progress academically and she was reading well below grade level. She did not recall any discussion about doing a psychological evaluation or any request for this.

For Petitioners:

Marcie Fountaine has a Master's Degree in Speech and Language and is a speech language pathologist and works at the Princeton Speech and Language Learning Center on improving clarity of speech as well as verbal and written language. She was accepted as an expert in communication disorders, speech language disorders, development of programs for students with communication disorders and autism. Over 50% of the children that she works with have autism disorder. She works with parents and school districts to draft IEPs and develop goals and objectives in IEPs and has attended hundreds of IEP meetings.

She was retained by the parents and observed B.G. in June of 2024 at her program in the District, which was the end of her fourth grade year. She did a blind evaluation of her, meaning she did not meet her before the evaluation, and B.G. was not aware that she was being. She discussed some of the social and pragmatic aspects of speech and language, and how important they are to autistic children. B.G. has deficits in her use of language and social skills. Ms. Fountaine observed B.G. in her learning setting as well as lunch and recess. At recess, B.G. went to the blacktop area and then moved to an area under a tree and played in the dirt all by herself for the duration of recess. B.G. did not interact with any other children and there was no effort by any staff to facilitate any interactions. In her opinion there should have been some facilitation of interaction, which is important in autistic children.

Ms. Fountaine also observed her in the resource classroom, which consisted of eight or ten children. B.G. was struggling with the assignment, and there was little support. She was just drawing pictures and not focusing on the assignment. She was extremely isolated in the classroom and was struggling, with little effort to assist her. In her opinion there should have been more support. When she was off task, B.G. needed prompting to get her back on track. It was a red flag for masking, which is a coping mechanism when a child pretends to have more knowledge. The teacher should have recognized this and assisted and facilitated her participation in the classroom when it was so clear that she was struggling. B.G. was struggling from a social, as well as academic

perspective, and the IEP did not provide the necessary supports for her to make meaningful progress academically or socially. The social aspect is so important for autistic children and is essential to their ability to make academic progress.

Dana Morris is a supervisor of curriculum instruction and is the case manager for many students. She works at the Newgrange School in Hopewell, New Jersey. She participates in IEPs and sits on the child study team. She was offered and accepted as an expert in special education and designing programs for children with disabilities. She testified that developing social skills for children with disabilities, especially autistic children, is critical to the learning process. She discussed the social skills class that they have at the New Grange School, which provides at least three social skills classes a week. Newgrange is a State approved school for children with LLD, social and communication issues, dyslexia and autism.

She met B.G. during her initial interview and she is her current case manager. She reviewed her records and was involved in the admission process, but the final admission decisions are made by a different department. B.G. has problems with interaction with peers and social skills. This is typical of autistic children, which is why the school focusses so much on the social skills component of learning. She testified that in terms of academic goals and objectives for reading as well as math, the children are grouped by skill level so they could be in different groups for math, science and social studies. There is not as much of a focus on grade level, but rather on the particular students goals and objectives and their academic abilities.

Ms. Morris discussed the social skills group and the importance of focusing on this and teaching social skills for the autistic children to learn to advocate for themselves and to navigate school, learning and social situations. They have something called lunch bunch where they learn to eat in a group so children are not alone and isolated during lunch and recess. She testified that this is so important because many autistic children suffer from anxiety, and they try to mask their problems. The counseling and social skills provided at Newgrange address these issues. When B.G. first arrived, she was very reserved and did not interact with others, but now she is very sociable and has a lot of friends. She is happy, and her parents report they are not having school refusal issues.

Ms. Morris testified that B.G. routinely participates in class without constant prompting. This was not the case when she first arrived. She has improved in her interaction with other students. Sometimes she needs facilitating, but most autistic children need this sort of facilitation and prompting and they recognize the importance of this at Newgrange school. If the children are not engaged and interacting, they are generally not in an ideal situation for learning. The social and emotional component of autistic children is a critical piece of learning. They provide education and emotional support. Her classes are very small, and she is making significant and meaningful progress in all of her classes.

H.G. is B.G.'s mother and went through B.G.'s history. The petitioners realized that B.G. had special needs when she was around two years old. Since that time, she has been diagnosed with autism, ADHD, anxiety as well as an articulation disorder. She identified B.G.'s initial IEP from February 2018. She discussed the issues with school refusal and that they shared all of their concerns with the District. B.G. was regressing and refusing to go to school. They did not see this behavior at home and they were concerned with her isolation at school and problems socially that were not being addressed. In addition, due to the emotional and social issues, B.G. was not making any academic progress in school. The petitioners retained experts to conduct evaluations and make recommendation to address B.G.'s issues. They were not retained for the purpose of making an out-of-district placement. However, it eventually became clear to them, based upon the evaluations that were conducted, that B.G. was not making any meaningful progress in the District and an out-of-district placement was considered. The change in B.G. since her placement at Newgrange School has been remarkable. She is happier and is making academic, as well as social progress. She has friends and she is happy.

FINDINGS OF FACT

The resolution of the claims made by the petitioners requires that I make a credibility determination regarding the 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. 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 considering its rationality, internal consistency and the way 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 which alone, or in connection with other circumstances in evidence, excite suspicion as to its truth. In re Perrone, 5 N.J. 514. 521-22 (1950). See D'Amato by 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 testimony from the witnesses for the District was not credible and their testimony that B.G. was making meaningful progress in the LRE was not supported by the significant documentation produced by the District. The respondent's witnesses testified that B.G. was making meaningful progress but the records did not support these statements. I found the testimony of the petitioner's experts to be more credible and supported by the documentation produced by the District as well as their independent assessments of B.G. as well as her success in her current placement at the Newgrange School.

Accordingly, I **FIND** the following as **FACT**:

1. B.G. is resident of West Windsor Plainsboro school district.
2. B.G. was deemed eligible for special education and related services in preschool, under the category of autism spectrum disorder. In addition to autism, B.G. has been diagnosed with ADHD, anxiety and an articulation disorder.

3. B.G.'s IEP placed her in a general education setting for several classes and a resource room for language arts and math.
4. B.G.'s IEP did not provide any individual counseling to address anxiety and social issues related to her disability, specifically her anxiety and autism disorder.
5. B.G. was experiencing significant anxiety which manifested in isolation at school and significant school refusal.
6. The District was advised of the issues and offered a referral for outside counseling, and no counseling or services to address her issues in school.
7. B.G. failed to make any meaningful progress in the District as result of these issues which the District was aware of which were directly related to her disabilities.
4. Since her placement in the Newgrange School, B.G.'s issues of isolation and anxiety have been addressed, and she is making meaningful progress in the LRE.

LEGAL ANALYSIS AND CONCLUSIONS

The petitioners seek determination that B.G. was denied FAPE in the LRE. Specifically, they allege that the IEP was insufficient to provide B.G. with a FAPE in the LRE as a result of her anxiety and isolation which prevented her from making any meaningful progress. In addition, they seek reimbursement for the cost of their unilateral placement at the Newgrange School; and continued placement at the Newgrange School for as long as that placement remains appropriate, including tuition and transportation. They also seek attorney fees and costs in connection with their due process action as a result of the respondent's failure to provide FAPE in the LRE to B.G.

This case arises under the IDEA, 20 U.S.C. §§ 1400 to 1482. One purpose of the IDEA, among others, is to ensure that all children with disabilities have available to them a "free appropriate public education 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 short, the IDEA defines FAPE as special education and related services provided in conformity with the IEP. See 20 U.S.C. § 1401(9). A FAPE and related services must be provided to all students with disabilities from age three through twenty-one. N.J.A.C. 6A:14-1.1(d). A FAPE means special education and related services that: a) have been provided at public expense, under public supervision and direction, and without charge; b) meet the standards of the State educational agency; c) include an appropriate preschool, elementary, or secondary school education in the State involved; and d) are provided in conformity with the IEP required under §614(d). 20 U.S.C. § 1401(9); N.J.A.C. 6A:14-1.1 et seq. The responsibility to deliver these services rests with the local public school district. N.J.A.C. 6A:14-1.1(d).

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. Dep’t of Educ. of Mass., 471 U.S. 359, 368 (1985). An IEP should be developed with the participation of parents and members of a district board of education’s child study team who have participated in the evaluation of the child’s eligibility for special education and related services. N.J.A.C. 6A:14-3.7(b). The IEP team should consider the strengths of the student and the concerns of the parents for enhancing the education of their child; the results of the initial or most recent evaluations of the student; the student’s language and communications needs; and the student’s need for assistive technology devices and services. The IEP establishes the rationale for the pupil’s educational placement, serves as the basis for program implementation, and complies with the mandates set forth in N.J.A.C. 6A:14-1.1 to -10.2. The IEP must be reasonably calculated to confer some educational benefit. Hendrick Hudson Dist. Bd. of Educ. v. Rowley, 458 U.S. 176 (1982).

The Third Circuit Court of Appeals has clarified the meaning of this “educational benefit.” It must be “more than trivial,” significant, and “meaningful.” Polk v. Cent. Susquehanna Intermediate Unit 16, 853 F.2d 171, 180 (3rd Cir. 1988), cert. denied, 488 U.S. 1030 (1989); Ridgewood Bd. of Educ. v. N.E. for M.E., 172 F.3d 238, 247-48 (3rd Cir. 1999). In evaluating whether a FAPE was furnished, an individual inquiry into the

student's potential and educational needs must be made. Ridgewood, 172 F.3d at 247. In providing a student with a FAPE, a school district must provide such related services and support as are necessary to enable the disabled child to benefit from the education. Rowley, 458 U.S. at 188-89.

Parents who are dissatisfied with an IEP may seek administrative due process hearing. 20 U.S.C. § 1415(f). The burden of proof is placed on the school district. N.J.S.A. 18A:46-1.1. The board will satisfy 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. Rowley, 458 U.S. 176, 203 (1982). To meet its obligation to deliver a FAPE, a school district must offer an IEP that is reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. Endrew F. v. Douglas Cnty. Sch. Dist. RE-1, 580 U.S. 386 (2017). In Endrew, the District Court for the District of Colorado initially upheld the school denial of a reimbursement for an out-of-district placement. However, the Supreme Court reversed the finding that an IEP should be appropriately ambitious in light of the child's circumstances, and "tailored to the unique needs of a particular child."

The appropriateness of an IEP is not determined by a comparison of the private school and the program proposed by the district. S.H. v. State-Operated Sch. Dist. of Newark, 336 F.3d 260, 271 (3d Cir. 2003). Rather, the pertinent inquiry is whether the IEP offered a FAPE and the opportunity for significant learning and meaningful educational benefit within the LRE. 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 New Jersey Student Learning 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).

Here, the IEP from the District did not address the issues related to school refusal, anxiety and emotional and social issues. B.G. was incredibly isolated and no efforts were made to facilitate her engagement socially, emotionally and academically. There were inadequate social skills programs and no counseling to address the issues related to her diagnosis of autism disorder.

Accordingly, I **CONCLUDE** that the Board failed to offer B.G. a FAPE as that term is defined by law, in the LRE, and did not confer a meaningful educational benefit on B.G. The IEP did not provide an adequate plan to address social and emotional issues which directly affected her ability to make any meaningful progress. There was very little provided with respect to social skills, and no plans to facilitate her engagement socially or academically. There were no social skills classes beyond the initial six months of the years for once a week. There were no new goals and objectives related to social and anxiety issues which were directly related to her ability to make any meaningful academic progress. I therefore **CONCLUDE** that the IEP offered to B.G. by the District did not offer a FAPE in the LRE.

PLACEMENT

Parents who withdraw their child from public school and unilaterally place the child in a private placement while challenging the IEP may be entitled to reimbursement if the administrative law judge (ALJ) finds that the school district's proposed IEP was inappropriate, and that the parents' unilateral placement was appropriate under the IDEA. 20 U.S.C. § 1412(a)(10)(C)(ii); N.J.A.C. 6A:14-2.10(c). Florence Cnty. Sch. Dist. Four v. Carter, 510 U.S. 7, 12 (1993); Sch. Comm. of Burlington v. Dep't of Educ. of Mass., 471 U.S. 359, 370 (1985). More particularly, an ALJ may require the district to reimburse the parents for the cost of that enrollment if "the district had not made a free, appropriate public education available to the student in a timely manner prior to enrollment and . . . the private placement is appropriate." N.J.A.C. 6A:14-2.10(b); see 20 U.S.C. § 1412(a)(10)(C)(ii). However, parents who unilaterally withdraw their child from public school and place the child in a private school without consent from the school district "do so at their own financial risk." Burlington, 471 U.S. at 374. If it is ultimately determined

that the program proposed by the district affords the child a FAPE, then the parents are barred from recovering reimbursement of tuition and related expenses.

Having found that the respondent failed to offer FAPE to B.G., it must now be determined whether the program devised for her during the 2023-24 school year at the Newgrange School was an appropriate placement under the IDEA. At the hearing, the petitioners provided testimony from their experts, as well as a B.G.'s mother, regarding her progress at the Newgrange School, which demonstrated that the IEP developed there provided appropriate goals and objectives and that B.G. was indeed making meaningful progress, where the District had failed to do so. The program at the Newgrange School had appropriate goals and objectives and a realistic plan to address the social and emotional components of learning for B.G.. Accordingly, I **CONCLUDE** the Newgrange School was an appropriate placement for B.G., and the parents were justified in making this unilateral placement.

N.J.A.C. 6A:14-2.10(c) requires parents to give the school district advance notice of their concerns and intention to remove a student unilaterally. It is axiomatic that "[t]his notice requirement gives the school an opportunity, before the child is removed, to assemble a team, evaluate the child, devise an appropriate IEP, and demonstrate whether or not a FAPE can be provided in the public schools." J.B. & D.B. v. Watchung Hills Reg'l Sch. Dist. Bd. of Educ., 2006 U.S. Dist. LEXIS 250, *23-24 (D.N.J. Jan. 5, 2006) (citing Greenland Sch. Dist. v. Amy N., 358 F.3d 150, 159-60 (1st Cir. 2004)). This regulation also states that reimbursement may be reduced or denied if there is a judicial finding of unreasonableness with regard to the parents' actions. See N.J.A.C. 6A:14-2.10(c)(4). The parents gave the District several years, and ample notice that B.G. was not making any meaningful progress and was regressing and refusing to attend school. The emotional issues were not addressed and she failed to make any meaningful progress in this program provided by the District. She has shown remarkable progress and is making meaningful progress at the Newgrange School, which I find to be an appropriate placement in the LRE. The parents, through counsel, gave appropriate notice, pursuant to N.J.A.C. 6A:14-2.10, of the unilateral placement of B.G. at the Newgrange School.

Accordingly, I **CONCLUDE** that the petitioners acted reasonably in allowing the district to try to provide FAPE in the LRE pursuant to their proposed IEP. They afforded the District several years with little to no progress and, in fact, B.G. was regressing and not making any meaningful progress. The parents constantly communicated with the school regarding anxiety and school refusal and the continued isolation of B.G. with no modification or efforts to address these issues by the District. B.G. was not making any meaningful progress and was not being provided a FAPE in the LRE, and accordingly the unilateral placement at the Newgrange School was appropriate and the District is obligated to reimburse the petitioners for the cost of tuition and shall be obligation to pay the cost of tuition, transportation, and any related services' costs incurred for the Newgrange School.

ORDER

For the reasons set for above, the reimbursement for the unilateral placement and continued placement at the Newgrange School is **GRANTED**, including transportation, attorneys fees and costs.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2025) and is appealable by filing a complaint and bringing a civil action either in the Law Division of the Superior Court of New Jersey or in a district court of the United States. 20 U.S.C. § 1415(i)(2); 34 C.F.R. § 300.516 (2024). If the parent or adult student feels that this decision is not being fully implemented with respect to program or services, this concern should be communicated in writing to the Director, Office of Special Education.

June 9, 2025

DATE



SARAH G. CROWLEY, ALJ

Date Received at Agency:

June 9, 2025

Date Mailed to Parties:

SGC/lam/oni

APPENDIX

WITNESSES

For respondent:

Elissa Hughes

Natalie Callea

For petitioners:

Marcie Fountaine

Dana Morris

H.G.

EXHIBITS

Joint exhibits

- J-1 Email from H.G. to District regarding History/registration forms November 7, 2017
- J-2 Email from Colleen Ocone to Laura Nash and Diane Heiser regarding registration November 8, 2017
- J-3 SD Structured Observation December 12, 2017
- J-4 Emails 2017-2018 School Year
- J-5 S.D. Pre-School Multidisciplinary Evaluation by Diana Heiser, LCSW, Laura Nash, Ph.D., and JoAnne Hyman, MA CCC-SLP January 17, 2018
- J-6 IEP February 13, 2018
- J-7 SD ESY Progress Report August 8, 2018
- J-8 Emails 2018- 2019 School Year
- J-9 Testing, Early Cognitive and Academic Development and RIAS-2 2019
- J-10 SD Psychoeducational Re-Evaluation by Laura J. Nash, Ph.D. January 24, 2019
- J-11 SD Speech Language Re-Evaluation by Elaine Joseph January 2019
- J-12 Emails 2019-2020 School Year
- J-13 Pre-School/Kindergarten Progress Report February 22, 2019

- J-14 SD Occupational Therapy Educational Evaluation by Elizabeth Kidney, OTR/L March 5, 2019
- J-15 WRAVMA Drawing March 7, 2019
- J-16 Pre-School Functional Education Checklist March 7, 2019
- J-17 Request to Amend an IEP without a meeting March 15, 2019
- J-18 IEP March 21, 2019
- J-19 Request to Amend an IEP without a meeting April 5, 2019
- J-20 IEP April 15, 2019
- J-21 Neurodevelopmental Evaluation by Audrey Mars, M.D. May 16, 2019
- J-22 IEP June 18, 2019
- J-23 SD ESY Progress Report August 9, 2019
- J-24 Request to Amend and IEP without a meeting October 18, 2019
- J-25 IEP October 18, 2019
- J-26 Request to Amend an IEP without a meeting November 11, 2019
- J-27 IEP Amendment Consent Form January 29, 2020
- J-28 IEP January 29, 2020
- J-29 IEP May 11, 2020
- J-30 Emails 2020-2021 School Year
- J-31 SD Physical Therapy Evaluation March 3, 2021
- J-32 Progress Report for IEP Goals and Objectives March 29, 2021
- J-33 IEP April 9, 2021
- J-34 IEP May 6, 2021
- J-35 Progress Report for IEP Goals and Objectives June 18, 2021
- J-36 Progress Report for IEP Goals and Objectives June 22, 2021
- J-37 SD ESY Progress Report August 9, 2021
- J-38 Request to Amend an IEP without a meeting October 21, 2021
- J-39 IEP October 22, 2021
- J-40 SD Psychological Evaluation by Amanda Goodstein, MA, CAGS
December 8, 2021
- J-41 Progress Report for IEP Goals and Objectives December 16, 2021
- J-42 SD Speech-Language Re-Evaluation
- J-43 SD Educational Re-Evaluation by Marissa Farber, M.Ed. January 20, 2022
- J-44 IEP January 21, 2022

- J-45 Progress Report for IEP Goals and Objectives March 24, 2022
- J-46 IEP May 1, 2022
- J-47 Emails 2021-2022 School Year
- J-48 Progress Report for IEP Goals and Objectives June 23, 2022
- J-49 IEP April 25, 2023
- J-50 Emails 2022 – 2023 School Year
- J-51 Report Cards 2023-2024 School Year
- J-52 IEP April 22, 2024
- J-53 Emails 2023-2024 School Year
- J-54 Neuropsychological Evaluation by Elizabeth McHugh, Ph.D. May 2024
- J-55 Curriculum Vitae of Elizabeth McHugh, Ph.D.
- J-56 Comprehensive Language and Social Communication Evaluation by Marcie Fountaine, MS, CCC-SLP June 2024
- J-57 Curriculum Vitae of Marcie Fountaine, MS, CCC-SLP
- J-58 Letter from Andrew I. Meltzer, Esq. to Eric Harrison, Esq. July 30, 2024
- J-59 Letter from Andrew I. Meltzer, Esq. to Eric Harrison, Esq. August 27, 2024
- J-60 Emails 2024-2025 School Year
- J-61 Consent for Additional Assessment/Permission to discuss, release and obtain information signed by both Petitioners November 20, 2024
- J-62 Letter from Andrew I. Meltzer, Esq. to Eric L. Harrison, Esq. November 21, 2024
- J-63 School Observation Report by Marcie Fountaine, MS CCC-SLP December 10, 2024
- J-64 Letter from Andrew I. Meltzer, Esq. to Eric L. Harrison, Esq. January 9, 2025
- J-65 Social Story
- J-66 SD Psychological Evaluation by Elissa Hughes, Ed.S. December 2024
- J-67 SD Speech-Language Re-Evaluation by Rowena Moore, CCC-SLPD December 2024
- J-68 SD Education Re-Evaluation by Megan Greene, LDT-C December 13, 2024
- J-69 Progress Report for IEP Goals and Objectives 2017-2018 School Year
- J-70 Progress Report for IEP Goals and Objectives 2018-2019 School Year

- J-71 Progress Report for IEP Goals and Objectives 2019-2020 School Year
- J-72 Progress Report for IEP Goals and Objectives 2023-2024 School Year
- J-73 Progress Report for IEP Goals and Objectives 2022-2023 School Year
- J-74 N.J.A.C. 6A:14
- J-75 Emails
- J-76 Petition for Due Process September 18, 2024
- J-77 Answer to Petition for Due Process September 25, 2024
- J-78 Email chain regarding IEP April-May 2024
- J-79 Email between Andrew I. Meltzer, Esq., and Eric L. Harrison, Esq.
- J-80 Email from Elissa Hughes, Ed.S., NCSP to parties regarding meeting attendance form January 31, 2025
- J-81 Letter from Andrew I. Meltzer, Esq., to Eric L. Harrison, Esq.
- J-82 Emails
- J-83 IEP January 31, 2025
- J-84 Curriculum Vitae of Natalie C. Nunez
- J-85 Curriculum Vitae of Alexa Ross
- J-86 Curriculum Vitae of Elissa Hughes, Ed.S., NCSP
- J-87 Curriculum Vitae of Karen Abrams, M.A., ED.S.
- J-88 Classroom Observation by Elizabeth McHugh, Ph.D., January 17, 2025
- J-89 Amended Petition for Due Process, February 7, 2025
- J-90 Answer to Amended Petition for Due Process February 11, 2025
- J-91 Emails
- J-92 Observation Notes of Elissa Hughes, Ed.S., NCSP 2024

For petitioners

- P-1 Academics at the Newgrange School
- P-2 Academic Resources at the Newgrange School
- P-3 Related Services at the Newgrange School
- P-4 The Newgrange School Brochure
- P-5 The Newgrange School IEP October 22, 2024
- P-6 The Newgrange School – 30 Day Review October 22, 2024

P-7 The Newgrange School – Report Card and Write-in Comment Report
2024-2025 School Year

P-8 Curriculum Vitae of Dana Morris

P-9 The Newgrange School – Assessment Scores September 2024-Present