



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 00419-25

AGENCY DKT. NO. 2025-38345

B.A. ON BEHALF OF A.A.,

Petitioner,

v.

TEANECK TOWNSHIP BOARD

OF EDUCATION,

Respondent.

Esther Canty-Barnes, Esq., for petitioner (Rutgers University Education & Health
Law Clinic, attorneys)

Frances L. Febres, Esq., for respondent (Cleary, Giacobbe, Alfieri, Jacobs, LLC,
attorneys)

Record Closed: June 5, 2025

Decided: July 10, 2025

BEFORE **R. TALİ EPSTEIN**, ALJ:

STATEMENT OF THE CASE

Petitioner disputes changes proposed by respondent to A.A.'s individualized education program ("IEP") as set forth in the May 9, 2024 IEP. Petitioner seeks to continue the same level and amount of speech and language services, goals and other

supports provided under a December 8, 2022 “stay-put” IEP that is outdated and does not reflect A.A.’s academic progress or meet her current, age-appropriate, educational and developmental needs. Is petitioner entitled to the relief she seeks? No. The proposed May 9, 2024 IEP offers A.A. a Free and Appropriate Public Education (“FAPE”) in the least restrictive environment (“LRE”). 20 U.S.C. §§ 1412(a)(1) and (5).

PROCEDURAL HISTORY

Petitioner B.A., on behalf of her minor daughter A.A. (“petitioner”), converted her request for mediation to a request for due process with the Office of Special Education Programs, New Jersey Department of Education, on November 11, 2024.

The Department of Education transmitted the contested case under N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13 to the Office of Administrative Law, where it was filed on January 8, 2025.

On January 16, 2025, the parties appeared for a settlement conference before ALJ Evelyn J. Marose (Ret., on recall), but they were unable to reach a settlement of their dispute. The matter was then assigned to me. I entered a prehearing order on February 19, 2025, and promptly set the matter for hearing. At petitioner’s request, the hearing was adjourned as she sought to engage counsel to represent her. Following petitioner’s retention of counsel, the hearing dates were rescheduled in joint consultation with the parties’ counsel.

In advance of the hearing, the parties submitted a joint stipulation of facts. (J-1.) The in-person hearing took place over the course of two days on March 11 and April 3, 2025. The parties requested to file post-hearing submissions following receipt of the transcripts.¹ The parties’ submissions were timely received on or by June 5, 2025, and I closed the record on that date.

¹ As cited herein, “Hr’g Tr. 1” refers to the March 11, 2025 hearing transcript, and “Hr’g Tr. 2” refers to the April 3, 2025 hearing transcript.

FINDINGS OF FACT AND FACTUAL DISCUSSION

Based on the testimony presented at the hearing, my assessment of its credibility and weight, the documents admitted in evidence², and my assessment of their sufficiency, I **FIND** the following **FACTS** and accept as **FACT** the testimony set forth below:

A.A. was born on April 13, 2010. She is presently fifteen years old and a student at Thomas Jefferson Middle School in the Teaneck Public Schools. At the time of the petition, A.A. was in seventh grade. A.A. is eligible for special education under the classification of autism. In her current in-District placement,³ A.A. is in an inclusion class where she receives in-class support from a special education teacher. (J-1, ¶¶ 1–5)

The dispute concerns the District's proposed May 9, 2024 IEP, which reduces A.A.'s speech and language therapy from three weekly group sessions and one weekly individual session to two weekly thirty-minute group sessions and one twenty-minute monthly consultation. (J-2.) The proposed IEP also removes or modifies several supports previously included in A.A.'s December 8, 2022 'stay-put' IEP ("December 2022 'stay put' IEP"), including certain speech goals, OT coping strategies, a teacher 'fact sheet,' quarterly classroom observations by parents, beginning-of-year parent-teacher meetings, and social skills programming that occurred in the school cafeteria during lunch while A.A. was eating and interacting with her peers. (Id.)

The May 9, 2024 IEP further proposed to continue A.A.'s weekly social skills group and increase the duration of her occupational therapy consultations so that the quarterly consults would last thirty minutes, doubling in time from the fifteen-minute quarterly consultations provided in the December 2022 'stay-put' IEP. (Id.)

The District proposed the May 9, 2024 IEP following its reevaluation of A.A. in the spring of 2024. The District's reevaluation of A.A. was conducted pursuant to a settlement agreement entered into with petitioner on or about September 28, 2023

² The parties' joint stipulation of facts was received in evidence as J-1 ("Stipulated Facts"). To the extent each of those facts is not expressly recited below, all were considered and adopted as uncontested matters of fact by the Tribunal.

³ References to the "District" herein are to the Teaneck Public Schools or respondent.

(“Settlement Agreement”). The Settlement Agreement provided that A.A.’s December 2022 IEP would be implemented for the 2023–2024 school year and that A.A. would be reevaluated in the spring of 2024, and no later than April 15, 2024. The Settlement Agreement further stipulated that copies of the District’s reevaluation reports would be provided to the parents by May 1, 2024. The Settlement Agreement also acknowledged that petitioner reserved the right to seek independent evaluations. (J-1, ¶¶ 10–12.)

In connection with its reevaluation of A.A. in the spring of 2024, the District conducted three evaluations: psychological, educational and a speech and language evaluation. (Id., ¶ 14.)

The 2024 psychological reevaluation report indicated that A.A. had an overall FSIQ of eighty (low average range). A.A.’s performance on the Verbal Comprehension Index (VCI), Fluid Reasoning Index (FRI), and Processing Speed Index was slightly low for her age (VCI = eighty-six, FRI = eighty-two, PSI = eighty). Performance on visual spatial tasks was very low and below that of most other children her age (VSI = seventy-five) and relatively weak compared to her working memory (WMI = eighty-eight) skills. A.A. scored in the very low range for the Nonverbal Index (NVI) and on the General Ability Index (GAI). (Id., ¶ 15.)

The 2024 educational reevaluation included an oral language assessment using the Woodcock-Johnson Assessment, 4th Edition, and the Woodcock-Johnson Test of Achievement, 4th Edition. With respect to her oral language skills, A.A. scored within the “low range” for one cluster (Oral Expression) and three tests (Picture Vocabulary, Understanding Directions, and Sentence Repetition). She scored within the “very low range” for three clusters (Oral Language, Broad Oral Language, and Listening Comprehension) and one test (Oral Comprehension). (Id., ¶ 16.)

As part of the 2024 educational reevaluation, the WJ-IV Test of Achievement (“Achievement Test”) was also administered to A.A. Her standard scores on the Achievement Test were within the “average range” for one cluster (Basic Reading Skills) and three tests (Letter-Word Identification, Word Attack, and Oral Reading). A.A. scored within the “low average range” for eight clusters (Reading, Broad Reading, Reading

Fluency, Mathematics, Broad Mathematics, Math Calculation Skills, Written Expression, and Academic Fluency) and six tests (Sentence Reading Fluency, Applied Problems, Calculation, Math Facts Fluency, Writing Samples, and Sentence Writing Fluency). A.A. scored within the “low range” for two clusters (Math Problem Solving and Academic Applications) and two tests (Reading Recall and Number Matrices) and within the “very low range” for one cluster (Reading Comprehension) and one test (Passage Comprehension). (Id., ¶ 17.)

The 2024 speech and language reevaluation, conducted by Ivy Stern (“Stern”), assessed A.A.’s articulation and language skills. Stern’s evaluation concluded that A.A. was intelligible. She also noted A.A.’s monotone speech and inconsistent stress on varied words and utterances. Regarding A.A.’s language skills, Stern reported that A.A. scored below average on the General Language Ability assessment and below average on her receptive language, expressive language and lexical/semantic language. (Id., ¶ 18, J-5.)

On the Supralinguistic Index, which assessed A.A.’s ability with respect to nonliteral language, meaning from context, inference, and double meaning, A.A. scored in the first percentile rank, or in the deficient range. (Id.)

Following the reevaluation, on May 9, 2024, an IEP meeting was held to discuss A.A.’s special education services and programming for her upcoming school year as a seventh-grade student. (Id., ¶ 19; J-2.) In addition to A.A.’s parents, eleven District representatives attended the IEP meeting, including Evan Morrison (“Morrison”) and Stern, both of whom testified at the due process hearing. (Id., ¶ 20.)

Morrison, a licensed social worker, has been A.A.’s case manager since she began fifth grade in 2022. (Hr’g Tr. 1, 16:16–21; 17:2–15, 17:25–18.3.) As indicated above, Stern conducted A.A.’s 2024 speech and language reevaluation. Stern, a speech and language pathologist with forty-two years of experience, eighteen of which she spent at the District, also provided speech and language therapy to A.A. during the 2022–2023 and 2023–2024 school years. (J-1, ¶¶ 21–22; Hr’g Tr. 2, 69:9–15.)

The IEP team met a total of five times between May 9, 2024, and May 31, 2024, to discuss the proposed IEP for A.A.'s 2024–2025 school year. Petitioner and A.A.'s father attended, and petitioner actively participated in every session. Petitioner provided input regarding A.A., which Morrison confirmed was considered by the District. (Hr'g Tr. 1, 57:23–58:9.) Indeed, the final proposed IEP expressly notes parents' requests and concerns that the District considered and discussed. (J-2, at 9–11, 28–29.)

Aliza Salomon ("Salomon"), a contracted occupational therapist, also attended the third and fourth IEP sessions to report on the quarterly OT consults she had with A.A. during the 2023–2024 school year. Salomon reported that A.A. "has appropriate coping mechanisms for her sensory regulations [sic] majority of the time"; no anxiety was noted or reported by A.A.'s teachers. (J-2.) The speech and language recommendations resulting from Stern's 2024 reevaluation of A.A. were also discussed at length with A.A.'s parents during the IEP meeting. (Id., ¶¶ 23, 25–29.) Stern supported reducing the amount of speech and language therapy from three weekly group sessions to two weekly group sessions and replacing the weekly individual session with a monthly consultation.

As indicated in the proposed May 9, 2024 IEP, Stern's speech and language recommendations were adopted by the District. A.A.'s parents also submitted a September 9, 2023 private speech and language evaluation conducted by Samantha Nudo ("Nudo") of Balaban and Associates for consideration by A.A.'s child study team ("CST"). (Id., ¶ 6; J-6.) After consideration, the District rejected Nudo's 2023 report and recommendations because A.A.'s CST had Stern's current evaluation, which assessed A.A.'s present functional levels and ability.⁴ Additionally, Stern had a history of interacting with and providing services to A.A. on school premises and during the school day. Nudo, on the other hand, had never observed A.A. in her classroom or at school.

⁴ While the District rejected Nudo's 2023 report, Stern testified that she reviewed and considered the report prior to the IEP meeting and, as compared with her report, found that most of the results were similar, with two exceptions: (1) Nudo's use of a Parent Rating Scale filled out by petitioner; and (2) Stern found A.A.'s sentence assembly skills to be better than what Nudo reported. (Hr'g Tr 1, 106:18–24.) Regarding the former, Stern explained that she discounted use of the scale because parents cannot report on what happens in the classroom. By contrast, Stern's report was based on observations of A.A. at school and the testing she administered to A.A. (Hr'g, Tr. 1, 107:23–108:5.)

(Tr. 1, 46:4–48.6.) In fact, Nudo conceded at the hearing that she has never provided any direct speech and language services to A.A. (Hr’g Tr. 2, 151:17–22.)

Both Stern and Morrison agreed that the removal of the cafeteria lunch sessions in the proposed May 9, 2024 IEP was appropriate. The thirty-minute sessions, which take place in the school cafeteria while A.A. is eating lunch with her peers, were first implemented when A.A. was in elementary school. During the cafeteria sessions, A.A.’s paraprofessional would approach A.A.’s lunch table and encourage and guide conversation between A.A. and her peers. Once per week, Stern would also participate in this session.

In recent observations of these sessions by District staff, students who were seated at A.A.’s lunch table shifted their chairs away and expressed hesitation when A.A.’s paraprofessional approached and tried to interact with them. Indeed, Morrison testified that the cafeteria sessions have become “stigmatizing” to A.A. (Hr’g Tr. 1, 32:13–22.) The CST’s concerns regarding the stigmatizing effect of the cafeteria sessions and other items in the December 8, 2022 IEP that were a source of stress and distraction to A.A. were also discussed with the parents, as noted in the final proposed May 9, 2024 IEP. (J-2, at 28.)

In Stern’s expert opinion, A.A. will be able to make meaningful progress in her speech and language skills without the cafeteria sessions. (Hr’g Tr. 2, 74:18–22.) Stern testified that while the cafeteria sessions may have been appropriate in elementary school (when they were first instituted), they are now stigmatizing and unnecessary. (Hr’g Tr. 2, 75:11–25.) Indeed, Stern has observed A.A. during lunch advocating for herself and conversing with her peers, without the need for any guided assistance or intervention from her or a paraprofessional. (Hr’g Tr. 1, 99:6–13.) While Nudo recommends the continuation of the cafeteria sessions, she admits that she never observed A.A. in a cafeteria session and further conceded that facilitating interactions between A.A. and her peers does not have to be in the cafeteria. (Hr’g Tr. 2, 208:1–18.) Similarly, petitioner testified that the cafeteria sessions are helpful to A.A., but petitioner never observed A.A. in the cafeteria sessions. (Hr’g Tr. 2, 143:20–144:9; 234:21–23.)

Stern also opined that A.A. does not need individual speech and language sessions to make meaningful progress in these areas and that she would benefit more from peer models in the group speech therapy sessions and in the classroom, as facilitated by the paraprofessional and teachers. (Hr'g Tr. 2, 76:7–77:16.)

The new, monthly speech consultations proposed in the May 9, 2024 IEP were recommended by Stern so she can assess how A.A. is navigating in her “encore classes” (physical education, music, art, etc.), where there are more opportunities for social interaction. In those venues, Stern can observe more discreetly without the other student realizing that she is there to observe A.A. Based on her observations, Stern could then address any issues within her therapy sessions or with A.A.’s classroom and special education teachers. (Hr'g Tr. 1, 120:20–24.)

By all accounts, A.A. is performing well in school; she is engaged and communicative with her peers, teachers and other District staff. With certain modifications and classroom accommodations, which are continued in the proposed May 9, 2024 IEP, A.A. is earning mostly A's. (Hr'g Tr. 1, 73:23–74:15; Hr'g Tr. 2, 103:1–21; 198:22–199:6; 82:4–13; J-12; J-13.)

Notwithstanding the District's rejection of Nudo's evaluation report, Stern opined that the weaknesses in listening comprehension, oral expression and pragmatic language that Nudo identified could all be remediated in the classroom while A.A. interacted with other students and was supported by a special education teacher. Concerning other areas of deficits, such as grammar, vocabulary, utilizing context clues to assess multiple meanings and inferencing, Stern and A.A.'s current in-class support special education teacher, Dolores Connors (“Connors”), confirmed that each of these areas is addressed within the curriculum and during classroom instruction. (Hr'g Tr. 2, 69:2–70:13; 84:10–16; 85:10–21.)

In Stern's expert opinion, removing A.A. from the inclusion classroom for an additional group speech and therapy session was not necessary or needed for A.A. to

continue to make meaningful progress.⁵ A.A. benefits from her placement in a mainstream class environment where she receives in-class support from a special education teacher and can also model from her peers. Indeed, Connors confirms that A.A. is achieving high grades in her classes, performs the same work and reading assignments as the general education students, participates in class, takes on leading roles in group projects and interacts well with her peers. (Hr’g Tr. 2, 103:1–21; 90:1–11; 82:4–13; 86:2–7.)

Stern explained that the proposed reduction in group sessions was further warranted to avoid a duplication of efforts by Connors and Stern, who were working on the same skills.⁶ Connors and Stern both testified that they collaborate to identify weaknesses, and Stern proposes remediation strategies for use in the classroom. (Hr’g Tr. 2, 48:2–18; 91:20–92:1.) Further, replacing the weekly individual speech and language session with a monthly consultation minimizes the disruption to A.A.’s studies by reducing the number of times she would have to be pulled out of core classes to receive services. Further, Stern opined that A.A. benefits from being in class more, where she receives direct modeling of what is expected of her by peers. (Hr’g Tr. 2, 66:1–21; J-5, P-8.)

Regarding A.A.’s speech and language goals, Stern explained that the proposed May 9, 2024 IEP contains new and updated goals that she developed based on her 2024 reevaluation of A.A. and in consultation with A.A.’s teachers and petitioner, whose input she considered during the May 2024 IEP meetings. (Hr’g Tr. 2, 17:14–16; 19:13–18; 23:12–25; 24:1–6.) Stern assessed what A.A. needed to be more independent in school and prepare her for entry to high school. With those objectives in mind, Stern tailored and updated A.A.’s goals accordingly so they aligned with her current grade level. (Hr’g Tr. 1, 117:7–11; Hr’g Tr. 2, 53:9–25; 54:7–55:3.)⁷ The goals and objectives in the

⁵ Nudo admitted at the hearing that she did not have any data to support her opinion that reducing speech service to twice weekly would cause regression. (Hr’g Tr. 2, 204:5–10.)

⁶ Stern raised the example of teaching students “subordinating and coordinating conjunctions,” which was an area properly addressed during a language arts class and not as a speech therapy goal. (Hr’g Tr. 1, 121:8–25.)

⁷ Even petitioner’s expert acknowledged that the goals and objectives in the December 2022 ‘stay put’ IEP were not aligned with the seventh-grade curriculum and that the proposed goals and objectives in the May 9, 2024 IEP were age-appropriate, school-based goals. (Hr’g Tr. 2, 212:10–21; 177:15–17; 177:23–178:9.)

proposed May 9, 2024 IEP replace the goals and objectives in the December 2022 ‘stay put’ IEP that were developed by A.A.’s elementary school CST and are no longer appropriate for A.A. As one example, goals and objectives that address non-verbal social communication are not relevant to A.A.’s ability to navigate socially and academically as a teenager who is nearing entry to high school. (Hr’g Tr. 1, 80:14–25.)

Considering all of the foregoing, I **FIND** that the final proposed May 9, 2024 IEP was made after extensive evaluation by the CST, including meaningful participation by petitioner. I further **FIND** that A.A.’s educational needs are met through implementation of the proposed May 9, 2024 IEP, which provides an adequate and appropriate level of support, sets goals and objectives that are appropriate for A.A.’s grade level, and are adequately tailored for her individual circumstances. I further **FIND** that the programming and services proposed in the May 9, 2024 IEP enable A.A. to be educated and make meaningful progress in the least restrictive environment.

LEGAL ANALYSIS AND CONCLUSIONS

This case arises under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1401 et seq., which makes available federal funds to assist states in providing an education for children with disabilities. Receipt of those funds is contingent upon a state’s compliance with the goals and requirements of the IDEA. Lascari v. Bd. of Educ. of Ramapo-Indian Hills Reg. Sch. Dist., 116 N.J. 30, 33 (1989).

The Applicable Law

As a recipient of federal funds under the IDEA, the State of New Jersey must have a policy that assures that all children with disabilities receive a FAPE. 20 U.S.C. §1412. FAPE includes special education and related services. 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 fulfill its obligation to deliver a FAPE, the District must offer an educational program “reasonably calculated to enable [E.B.] to make progress appropriate in light of [her] circumstances.” Endrew F. v. Douglas Cnty. Sch. Dist., 580 U.S. 386, 399 (2017).

The IEP is the vehicle by which the local public school district provides each eligible student with an IDEA-mandated FAPE. Shore Reg'l High Sch. Bd. of Educ. v. P.S. ex rel. P.S., 381 F.3d 194, 198 (3d Cir. 2004) (citing 20 U.S.C. § 1414(d)). The IEP spells out how a school will meet an individual disabled student's educational needs. Y.B. v. Howell Twp. Bd. of Educ., 4 F.4th 196, 198 (3d Cir. 2021). Among other requirements, an IEP must include a statement of the "child's present levels of academic achievement and functional performance," consider the impact of that child's disability on his/her ability to be involved and "progress in the general education curriculum," offer "measurable annual goals" to "enable the child to . . . make progress in the general educational curriculum," and describe "supplementary aids and services . . . provided to the child" to meet those goals. 20 U.S.C. § 1414(d)(1)(A)(i)(I), (II)(aa), (IV). The educational benefit conferred to the student through an IEP must be "meaningful." Polk v. Cent. Susquehanna Intermediate Unit 16, 853 F.2d 171, 180 (3d Cir. 1988).

The IDEA further requires that disabled children be provided a FAPE in the least restrictive environment ("LRE"). 20 U.S.C. § 1412(a)(5). While an IEP cannot be judged by whether it provides an eligible student with the "optimal level of services" (Carlisle Area Sch. v. Scott P., 62 F.3d 520, 533–34 (3d Cir. 1995)), it must provide "more than a trivial benefit" and be reasonably calculated to confer "significant learning" in light of the particular student's individual abilities. Ridgewood Bd. of Educ. v. N.E., 172 F.3d 238, 247 (3d Cir. 1999).

Stated differently, to satisfy its obligation to provide an eligible student with a FAPE, the District must offer "educational instruction specifically designed to meet the unique needs of the [disabled] child, supported by such services as are necessary to permit that child 'to benefit' from the instruction." Polk, 835 F.2d at 180.

The District bears the burden of proving that it offered a FAPE. N.J.S.A. 18A:46-1.1. It must be able to offer "a cogent and responsive explanation for [its] decisions that demonstrates that the IEP meets the requisite standard. Endrew F., 580 U.S. at 404. Further, the District must collaborate with parents (and vice versa) to design an appropriate IEP. 20 U.S.C. § 1414 (d)(1)(B); see also N.J.A.C. 6A:14-2.3; N.J.A.C. 6A:14-3.7(b). This mandated, collaborative process reflects a recognition that the

development of a sufficiently individualized program of education necessarily involves a “fact-intensive” inquiry that is “informed not only by the expertise of school officials, but also by the input of the child’s parents.” Endrew F., 580 U.S. at 399–400.

A parent who believes that a school district has not provided their child with a FAPE as required under IDEA may request a due process hearing. See Lascari, 116 N.J. 30 at 36 (citing applicable New Jersey state regulations). The parent need only place the appropriateness of the IEP at issue, shifting the burden to the school district to prove that the IEP was indeed appropriate.

In determining whether an IEP meets the requisite standard, as particularly relevant in this case, it is important to note that the IDEA does not entitle parents, no matter how well-motivated, to dictate the specific methodologies or service levels to be provided. See, e.g., Ridley Sch. Dist. v. M.R., 680 F.3d 260, 269, 278 (3d Cir. 2012). (parents do not have a right under the IDEA to compel a school district to provide a specific program or employ a specific methodology in educating a disabled student).

Further, a reduction in services—standing alone—does not establish a per se violation of the IDEA, much less a denial of FAPE. Rather, the appropriate inquiry is whether the IEP was reasonably calculated to enable the child to receive meaningful educational benefits. See, e.g., J.W. v. Medford Lakes Bd. of Educ., 2021 U.S. Dist. LEXIS 156165, *48–49 (D.N.J. Aug. 17, 2021) (rejecting parents’ argument that the district denied their child a FAPE because of the decreased amount of reading and literacy instructions and omission of speech therapy).

In fact, under 20 U.S.C. § 1414(d)(4)(A), IEP teams are required to revise the IEP as appropriate to address the results of any reevaluation and the child’s anticipated needs. Specifically, upon reevaluation of a child, the IEP team must consider the “present levels of academic achievement and related developmental needs of the child.” Ibid. at § 1414(c)(1)(B)(ii). The IEP team is also required to evaluate “whether the child continues to need special education and related services” and make modifications or additions, as appropriate under the circumstances. Ibid. at § 1414(c)(1)(B)(iii).

The Proposed May 9, 2024 IEP Provides A.A. With a FAPE

This dispute centers on petitioner's demand that a December 2022 'stay put' IEP — developed when A.A. was in elementary school — be continued without any modification to speech and language services or any other changes. While clearly motivated by her love and concern for her teenage daughter, petitioner's due process challenge to the District's proposed May 9, 2024 IEP fails. As discussed below, the evidence presented by the District sufficiently establishes that the May 9, 2024 IEP is appropriate and offers A.A. a FAPE.

The District presented three qualified experts, all of whom have personal knowledge of A.A. and substantial opportunity to observe and evaluate her in school. Collectively, the District's experts presented a credible and comprehensive portrayal of A.A.'s academic performance, her current speech and language abilities, and her executive functioning and social skills. They competently reported on their observations of A.A. in her interactions and verbal engagement with her peers, teachers and other members of the District's educational staff.

As detailed in the Tribunal's factual findings, Stern provided "cogent and responsive" explanations for the level and frequency of the proposed speech and language services offered in the May 9, 2024 IEP. Endrew F., 580 U.S. at 404. Throughout her testimony, and even under cross-examination, it was obvious to the Tribunal that Stern was dedicated to ensuring that her speech and language recommendations, as incorporated in the May 9, 2024 IEP, were appropriate for A.A. Stern's testimony further established the District's sound rationale for rejecting Nudo's 2023 evaluation report.

Specifically, Nudo never observed A.A. in the classroom, nor has she ever treated A.A. Aside from the fact that her evaluation was conducted months before Stern's reevaluation, Nudo concedes that her 2023 evaluation of A.A. only offers a single snapshot in time of A.A.'s performance and skill level. Further, Nudo readily admits that an in-school and/or classroom observation is a typical component of an independent evaluation and would have been "relevant" and "helpful" to an assessment of A.A.'s

language abilities. (Hr'g Tr. 2, 186:15–21.) Instead, Nudo's sole interaction with A.A. prior to the challenged May 9, 2024 IEP occurred in the context of conducting a formal evaluation in an office building setting.⁸ By contrast, Stern testified to her deep and comprehensive understanding of A.A.'s capabilities, deficits and progress, which she obtained over years of working with A.A.

Stern's recommendation to reduce A.A.'s speech and language sessions, which was adopted by the District in the proposed May 9, 2024 IEP, was well-supported by evaluative data. Her opinion was informed by her personal and extensive observations and interactions with A.A. during speech and language therapy sessions, the historical data logs and therapy notes of those sessions, an assessment of A.A.'s classroom performance (and as reflected by the many A's in her report cards), consultations with A.A.'s teachers, consideration of Nudo's 2023 report and the testing results of her own 2024 reevaluation.

Additional support for Stern's recommendation to reduce the number of weekly pull-out speech and therapy sessions (from three sessions to two sessions) was based on the fact that many areas of A.A.'s identified weaknesses (e.g., idioms, abstract language, double-meaning words, and grammar) are already addressed through the curriculum in A.A.'s classroom.⁹

Further, there is no disagreement between the parties' speech and language experts that modeling social skills and pragmatic language with typically developing peers in the classroom is beneficial to A.A. or important to her success. (Hr'g Tr. 2, 66:1–16; 201:25–202:3.) Under the District's proposed programming for A.A., Stern would conduct monthly consultations with A.A. and share strategies with her teachers to promote A.A.'s interactions with her classroom peers in core and encore classes. (Hr'g Tr. 1, 120:11–121:6.)

⁸ Nudo interacted with A.A. a second time when she conducted another independent evaluation in February 2025. Nudo's February 2025 report was not presented to the District until shortly before the hearing and, obviously, was unavailable for consideration by the District when the proposed May 9, 2024 IEP was developed.

⁹ Nudo also conceded during cross-examination that those areas of weakness can be addressed in the classroom. (Hr'g Tr. 2, 210:15–211:8.)

Stern also provided “cogent and responsive” explanations to support her recommendation, as incorporated in the May 9, 2024 IEP, to eliminate the cafeteria session. Endrew F., 580 U.S. at 404. While the session may have been beneficial to A.A. when it was first instituted, it is no longer age-appropriate and does not present a positive environment for A.A. to practice her social skills and conversational speech. Indeed, both Stern and Morrison confirmed that the sessions had become stigmatizing for A.A., and her peers did not feel comfortable interacting with A.A. when her paraprofessional or speech therapist was hovering over them during their lunch period. (Hr’g Tr. 1, 27:21–24; Hr’g Tr. 2, 68:20–69:1.)

The fact that A.A. is not only able to access her education but is also excelling in her mainstream classes (with modifications and in-class resource support) and socially engaged with her classroom peers, supports the District’s determination that the amount of ‘pull-out’ speech and language services provided in the December 2022 ‘stay put’ IEP should be modified to increase the amount of in-class instruction and time spent in an inclusion classroom interacting with her peers. Connors, who observes A.A. on a daily basis during the school week, confirmed that A.A. participates in class, asks appropriate questions and/or is able to communicate when she needs help understanding, volunteers to lead on group projects, and appropriately supports her peers. (Hr’g Tr. 2, 83:5–21, 85:22–86:21.)

Further, Connors and Stern both testified to their collaboration to promote A.A.’s generalization of speech and language skills in the classroom. Stern further confirmed that she also consults and collaborates with A.A.’s teachers and paraprofessionals to that same end. (Hr’g Tr. 2, 120:21–121:6; 91:15–92:1.)

In short, the evidence presented by the District’s experts amply demonstrates, and I **CONCLUDE**, that two weekly speech and language sessions, coupled with a monthly speech and language consultation, in addition to the social skills group session that the May 9, 2024 IEP continues, suffice to meet A.A.’s speech and language needs and offer

services consistent with a FAPE.¹⁰ This conclusion comports with the relevant caselaw. See, e.g., J.W. v. Medford Lakes Bd. of Educ., 2021 U.S. Dist. LEXIS 156165 (D.N.J. Aug. 17, 2021); G.A. ex rel. L.A. v. River Vale Bd. of Educ., 2013 WL 5305230 (D.N.J. Sept. 18, 2013); M.A. ex rel. G.A. v. Voorhees Twp. Bd. of Educ., 202 F. Supp. 2d 345, 364 (D.N.J. 2002); S.N. o/b/o K.N. v. Old Bridge Twp. Bd. of Educ., 2003 WL 22978155, at *27 (N.J. Adm. Nov. 25, 2003).

Moreover, the proposed reduction and modification to A.A.'s speech and language programming adheres to the IDEA's mandate that students with disabilities be educated in the LRE alongside their non-disabled peers. 20 U.S.C. § 1412(a)(5)(a).

Finally, if the goals and objectives in the proposed May 9, 2024 IEP meet the criteria in 20 U.S.C. § 1414(d)(1)(A)(i)(I), (II)(aa), (IV) (described *infra* at 11), petitioner's "disagreement" with the modification or removal of speech and language goals that appeared in the outdated December 2022 'stay put' IEP is insufficient ground to invalidate the proposed IEP.

Here, the evidence supports the conclusion that the proposed goals and objectives for A.A. were developed to address deficits identified in the 2024 reevaluation. Stern testified in detail how each of the proposed speech and language goals in the May 9, 2024 IEP addressed A.A.'s current deficits in comprehension, expressive language, inferencing, multiple-meaning words, abstract language and pragmatic language. (Hr'g Tr. 1, 113:17–114:3, 115:3–25.) She explained how the proposed goals and objectives were tailored to the areas of identified need and reflect the A.A.'s current age, grade level, and cognitive profile. The evidence establishes that the goals proposed in the May 9, 2024 IEP directly correspond to updated evaluative data and were developed based on classroom observations and standardized assessments, as required by 20 U.S.C. § 1414(d)(4)(A)(i).

¹⁰ In making this determination, the Tribunal credits and adopts Stern's opinion and recommendations over Nudo's for the reasons discussed above. The Tribunal acknowledges that petitioner also presented Deborah Weyland ("Weyland"), a certified learning disabilities teacher consultant ("LDTC"), as an expert witness in special education and learning consulting. But Weyland was not qualified to provide opinions as a speech and language expert, nor did she.

Further, Stern provided credible testimony demonstrating that the speech and language goals and objectives in the December 8, 2022 IEP, which were developed when A.A. was in fourth grade, are no longer appropriate, as they are developmentally outdated and based on assumptions about elementary-aged students. Stern also described how the proposed IEP's short-term benchmarks and long-term speech and language goals are measurable. (Hr'g Tr. 1, 70:1–89:24, 117:3–119:11.) Her speech and language logs show how she tracks and measures A.A.'s progress towards her goals and objectives. (J-19.) Given Stern's extensive history working with A.A. and her demonstrated understanding of A.A.'s current needs, the Tribunal found her testimony more compelling than Nudo's on the issue of whether the speech and language goals in the proposed May 9, 2024 IEP were adequate and appropriate for A.A. Stern also convincingly rebutted Nudo's belief that A.A. required "more goals." (Hr'g Tr. 2, 67:6–18.)

Neither petitioner nor Nudo was able to provide persuasive evidence to refute Stern's testimony regarding the appropriateness of the proposed goals and objectives in the May 9, 2024 IEP.¹¹ Petitioner's apparent belief that the 'stay put' goals should continue indefinitely is not a valid challenge to the proposed IEP. Parents, while well-intentioned, cannot substitute their own notion of educational policy based on their informal observations in the home with that determined by school officials who are familiar with A.A. and rely on data from teachers and other educational staff who interact with her in school. See D.M. v. Watchung Hills Reg'l High Sch. Bd. of Educ., 2024 WL 939693, at *22 (D.N.J. Mar. 5, 2024); see also, M.A. v. Jersey City Bd. of Educ., 592 Fed. Appx. 124, 130 (3d Cir. 2014) quoting Ridley Sch. Dist. v. M.R., 680 F.3d 260, 268–69 (3d Cir. 2012) ("Although the IEP must provide the student with a 'basic floor of opportunity,' it does not have to provide 'the optimal level of services,' or incorporate every program requested by the child's parents.") Stern's testimony clearly showed that the District's proposed speech and language goals and objectives for A.A. are substantively appropriate and tailored to A.A.'s current educational needs. I, therefore, **CONCLUDE**

¹¹ While petitioner submits that Weyland's testimony "also substantiated the lack of sufficient goals" (Pet'r's Post-Hearing Ltr. Br. at 8), the Tribunal disagrees. As noted above, Weyland was not qualified to opine on speech and language services or goals. Further, as an LDTC, Weyland agreed with the general proposition that with the proper modifications and accommodations in the IEP, A.A. could indeed access the curriculum. (Hr'g Tr. 2, 274:2-11.)

that the speech and language goals in the May 9, 2024 IEP meet the requirements of 20 U.S.C. § 1414(d)(1)(A)(i).

Petitioner's Remaining Challenges to the May 9, 2024 IEP

In addition to disputing the speech and language services and goals addressed in the preceding section, petitioner's request for due process asserted "disagreement" with the proposed May 9, 2024 IEP because it differed from the December 2022 'stay put' IEP in that it removed: (1) OT classroom strategies; (2) parents' quarterly classroom observations and "beginning of the year meetings with A.A.'s teachers"; and (3) a "Fact Sheet" about [A.A.] to be distributed to teachers, paraprofessionals, and any substitute teachers. (Pet'r's Post-Hearing Ltr. Br. at 5.) Each of petitioner's remaining claims is addressed below.¹²

Regarding the removal of OT classroom strategies, petitioner claims that A.A. suffers from "anxiety" and, therefore, the IEP should include the OT coping strategies contained in the December 2022 'stay put' IEP. However, there is no evidence in the record to support that at the time the May 9, 2024 IEP was developed, A.A. suffered from anxiety in school. To the contrary, the District presented expert testimony through Morrison, A.A.'s case manager (and licensed social worker) and Connors, which

¹² In her post-hearing brief, petitioner cites D.B. ex rel. H.B. v. Gloucester Twp. Sch. Dist., 751 F. Supp. 2d 764 (D.N.J.), aff'd sub nom D.B. Gloucester Twp. Sch. Dist., 489 F. App'x 564 (3d Cir. 2012) for the proposition that "where a District predetermines an IEP and does not allow the parent meaningful participation, it can be considered grounds for denying a FAPE." (Pet'r's Post-Hearing Ltr. Br. at 9.) To the extent petitioner seeks to belatedly raise a procedural claim that she was denied meaningful participation in the development of the December 2022 'stay put' IEP, she correctly notes that I sustained objections to testimony relating to the development of the previous IEP because the appropriateness of the 'stay put' IEP is not before me. Petitioner's procedural claim also fails as against the proposed May 9, 2024 IEP that is the subject of this proceeding for the following reasons:

First, it is clear from petitioner's own recitation of her due process complaint that it does not include a claim that she was denied meaningful participation in the IEP process. (See Pet'r's Post-Hearing Ltr. Br. at 5.) But even if the Tribunal considered this untimely procedural claim, it fails as a matter of fact. The evidence adduced at the hearing demonstrated petitioner's involvement and meaningful participation in the IEP process. In stark contrast to the evidence before the District Court in D.B., where it was "clear" that the "IEPs were predetermined, and therefore the School District denied the parents and meaningful participation," here District witnesses Stern and Morrison credibly testified that the CST considered petitioner's input and reasonably rejected the recommendations in the independent evaluation she provided. The CST also appropriately removed unnecessary and outdated information and input that was contained in a prior IEP. Put simply, the District did not predetermine the IEP, nor did it prevent petitioner from meaningfully participating in the IEP process.

corroborated documentary evidence from the District's occupational therapist (Salomon), that A.A. does not exhibit anxiety in school that impacts her education. (Hr'g Tr. 1, 27:16–28:4; Hr'g Tr. 2, 87:7–9.) The record further supports that Salomon did not recommend continuing the OT strategies that were in the December 2022 'stay put' IEP. (Hr'g Tr. 2, 87:10–13.) Petitioner failed to present any competent evidence¹³ to refute the expert testimony provided by the District, and it is adopted by the Tribunal. Further, based on the recommendation of the District's occupational therapist, the proposed May 9, 2024 IEP continues A.A.'s OT consultations and doubles their duration.

Accordingly, I **CONCLUDE** that the proposed May 9, 2024 IEP appropriately addresses A.A.'s needs as they relate to occupational therapy. I further **CONCLUDE** that the District's determination not to include the OT strategies from the December 2022 'stay put' was appropriate as supported by the District's reevaluation of A.A.'s current needs and, thus, does not deprive A.A. of a FAPE.

Petitioner's complaints concerning the absence of information in the proposed May 9, 2024 IEP expressly providing for parental observations and a 'beginning of the year' meeting with A.A.'s teachers also fail as a matter of law.

As delineated in the applicable federal and corresponding State law, the IDEA requires the inclusion of specific information in an IEP. See 20 U.S.C. § 1414(d)(1)(A)(i)(I)–(VIII); N.J.A.C. 6A:14-3.7(e). However, the law is also clear that additional material in the IEP regarding the disabled child "beyond what is explicitly required" by statute is not mandated.

The provisions petitioner seeks to continue in the proposed May 9, 2024 regarding parent/teacher meetings and classroom observations are not required to be included in the IEP. On that basis alone, petitioner's challenge fails. Moreover, the information is redundant. As petitioner acknowledges, District policy provides parents with the right to request and meet with a student's teachers and/or observe the classroom. (J-15; Pet'r's

¹³ The hearsay correspondence from Dr. Ghacibeh (J-12–J-14) did not recommend the continuation of OT strategies for A.A., and his statements regarding A.A.'s anxiety are contradicted by competent evidence provided by the District.

Post-Hearing Ltr. Br. at 10.) Petitioner argues that she is “certainly entitled to further procedural safeguards,” but as noted above, the applicable law does not support her claimed entitlement. Further, as Morrison testified, the District reasonably determined not to include provisions regarding parent/teacher meetings and classroom observations in the proposed May 9, 2024 IEP because the IEP is a student-driven document that is tailored to a student’s needs, not a parent’s request for meetings or observations. (Hr’g Tr. 1, 24:23–25.6.) Given that there is no legal requirement to include the requested information and the information does not concern A.A.’s individualized needs, I **CONCLUDE** that the omission of the requested information was appropriate and does not constitute a denial of a FAPE to A.A.

The same conclusion obtains regarding petitioner’s complaint that the proposed May 9, 2024 IEP did not include a provision that a “Fact Sheet” containing supplemental information about A.A. be distributed to A.A.’s teachers, paraprofessionals and substitute teachers. As petitioner testified, the “Fact Sheet” was first developed when A.A. was in elementary school, and it contains personal information about A.A., such as that she “enjoys swimming,” “does Karate and plays tennis,” “folds her hands when agitated,” “plays classical piano,” and “loves Sunday school.” It also includes some basic coping strategies, such as “taking deep breaths.” (Hr’g Tr. 2, 230:19–232:4; J-14.) Petitioner testified that she believes the information on the “Fact Sheet” is helpful for substitute teachers to be able to discuss areas of interest with A.A. and calm her down when agitated. (Hr’g Tr. 2, 233:2–14.) But in the single episode that petitioner described when A.A. was calmed by a teacher, petitioner conceded that the teacher did not relay to petitioner that she referenced the “Fact Sheet.” (Hr’g Tr. 2, 239:13–25.) More importantly, petitioner is unable to point to any legal requirement compelling the District to include information in an IEP that is not required under the applicable law. Thus, I **CONCLUDE** that the District’s determination not to include the “Fact Sheet” in the proposed May 9, 2024 IEP was appropriate, and the omission of the requested information in the IEP does not constitute a denial of a FAPE to A.A.

In sum, I **CONCLUDE** that the final proposed May 9, 2024 IEP is tailored to A.A.’s evolving educational needs and developmental age and was made after extensive IEP team discussion and based on the sound professional judgment of its educational staff

that A.A. could make meaningful progress toward her goals and objectives. The May 9, 2024 IEP reflects an individualized determination, as supported by the expert testimony of District staff intimately familiar with A.A., evaluative data and classroom observations, that the proposed level of speech and language services and related goals and objectives detailed therein meet the legal standard for offering a FAPE to A.A. in the LRE, and I so **CONCLUDE**.

I further **CONCLUDE** that the District appropriately considered¹⁴ and reasonably rejected recommendations from petitioner's independent speech and language evaluator after considering current testing and evaluative data, including the assessments of school officials who have direct and deep familiarity with A.A. and her abilities.

I further **CONCLUDE** that none of the changes, including reductions or omissions, in the proposed May 9, 2024 IEP, as compared with the December 2022 'stay put' IEP, results in a denial of a FAPE to A.A.

Accordingly, I **CONCLUDE** that the due process petition should be dismissed, as the District has met its burden of proving, by a preponderance of the competent and credible evidence, that the proposed May 9, 2024 IEP was appropriate and offered A.A. a FAPE in the LRE.

ORDER

Based on the foregoing, I **ORDER** that petitioner's request for relief is hereby **DENIED**, and the due process petition is **DISMISSED**.

¹⁴ In light of the Tribunal's finding that the District considered and reasonably rejected Nudo's recommendations, petitioner's citation to D.S. v. Bayonne Bd. of Educ., 602 F.3d 553, 563 (3d Cir. 2010) is misplaced. Contrary to petitioner's position, D.S. does not provide conclusive authority for her claim that "the IEP at issue is in fact insufficient." (Pet'r's Post-Hearing Ltr. Br. at 7.) Indeed, in D.S., the Third Circuit expressly cautioned that its "opinion should not be read overly broadly," and an IEP team "may have good reason to reject," and an IDEA-compliant IEP need not incorporate recommendations "merely because [independent] evaluators propose them." Id., at 566.

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.

July 10, 2025

DATE



R. TALI EPSTEIN, ALJ

Date Received at Agency

July 10, 2025

Date Mailed to Parties:

July 10, 2025

cc

APPENDIX

List of Witnesses

For petitioner:

B.A., mother of A.A.

Samantha Nudo, M.S., CCC-SLP

Deborah Weyland, Learning Disabilities Teacher Consultant

For respondent:

Dolores Connors, Special Education Teacher, Teaneck District

Evan Morrison, Social Worker, Teaneck District

Ivy Stern, Speech and Language Therapist, Teaneck District

Exhibits

Joint Exhibits:

J-1 Joint Stipulation of Facts, dated March 7, 2025

J-1a¹⁵ Meeting attendance sheet for 2024–2025 IEP meetings, dated 5/13, 5/16, and 5/23/2024

J-2 2024–2025 proposed IEP, dated May 9, 2024

J-3 2022–2023 ‘stay put’ IEP, dated December 8, 2022

J-5 A.A.’s speech and language reevaluation report, dated March 9, 2024

J-6 A.A.’s speech evaluation report from Dr. Nudo, Balaban & Associates, dated September 9, 2023

J-7 Progress report for IEP goals and objectives, dated February 7, 2024

J-8 June 2024 progress reports

J-9 ESY progress report, dated August 4, 2023

J-10 Progress report for IEP goals and objectives, dated June 16, 2023

J-11 Progress report for IEP goals and objectives, dated February 7, 2023

¹⁵ The parties’ Joint Stipulation of Facts was entered in evidence as J-1. To avoid confusion in the record, this exhibit is being renumbered as J-1a.

- J-12 A.A.'s sixth-grade report card (2023–2024)
- J-13 A.A.'s fifth-grade report card (2022–2023)
- J-14 District Fact Sheet
- J-15 Parent Observation Form
- J-16 2023–2024 OT consult notes
- J-17 Social expectations form
- J-18 Social skills lunch group with IEP students form
- J-19 Ivy Stern Speech and Language logs 2023–2024
- J-20 Teaneck District Calendar
- J-21 Ivy Stern Resume
- J-22 Evan Morrison Resume
- J-23 Dolores Connors Resume
- J-24 Email re: A.A. OT strategies, dated June 5, 2024

For petitioner:¹⁶

- P-7 Plasner, Wayland, Nudo Resumes
- P-8 A.A.'s speech evaluation report from Dr. Nudo, Balaban & Associates, dated February 8, 2025
- P-9 A.A. psychological reevaluation report, dated April 4, 2024
- P-10 A.A. educational evaluation report, dated April 5, 2024
- P-12¹⁷ Letter from Dr. Ghacibeh, dated May 16, 2023, with services recommendations for A.A.
- P-13 Letter from Dr. Ghacibeh dated May 11, 2023, with accommodation recommendations for A.A.
- P-14 Letter from Dr. Ghacibeh, dated May 8, 2024, with accommodation/services recommendations for A.A.
- P-24 A.A.'s December 2024 progress report, dated December 10, 2024
- P-31 "LinkIt" assessment results, dated February 27, 2025
- P-36 Parent Fact Sheet

¹⁶ The nonsequential numbering of petitioner's exhibits reflects the fact that numerous pre-marked exhibits were neither identified nor offered into evidence.

¹⁷ P-12–P-14 were admitted in evidence for the sole purpose of supporting petitioner's claim that she provided Dr. Ghacibeh's letters to the CST; they are hearsay documents that bear no evidentiary weight as to the truth of the matters asserted in the letters.

For respondent:

None