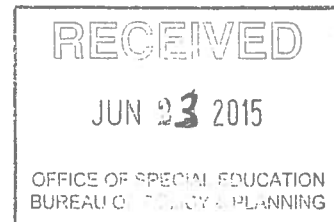


Peggy McDonald, Director
Office of Special Education
NJ Department of Education P.O. Box 500
Trenton, NJ 08625-0500



June 22, 2015

Request for Enforcement of Stay-put Issued by the Office of Administrative Law.

Dear Ms. McDonald

We are writing on behalf of our [REDACTED] S [REDACTED]. We filed for due process hearing against Mount Olive Township Board of Education late last year regarding [REDACTED]'s placement. The hearings were completed in February. However, to date, the Office of Administrative Law has not rendered a Final Decision on this matter.

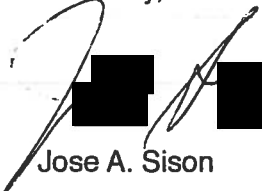
On February 19, 2015, Judge Caridad Rigo issued an Order of Emergent Relief stating that [REDACTED] is to remain at the [REDACTED] School as [REDACTED] FAPE during the process of the hearings and until a Final Decision is issued.


On May 21, 2015, we were informed by the principal of the [REDACTED] School that [REDACTED] would not be allowed to attend [REDACTED] School ESY program unless Mount Olive files the required paperwork.

On June 12, 2015, an IEP phone conference occurred where the Mount Olive Special Services Director offered an in-district ESY program. There is no offer for an ESY program at the [REDACTED] School. Without a Final Decision, this is a direct violation of Judge Rigo's Stay-put Order.

Thank you very much for your attention to this matter.

Sincerely,


[REDACTED]
[REDACTED]
Jose A. Sison


[REDACTED]
Rosario Manalo, MD

[REDACTED]
Budd Lake, NJ 07828
tel. [REDACTED]
email: [REDACTED]

Enclosures:

- 1- Emergent Relief Order
- 2- Letter from Park Lake School Principal
- 3- Mount Olive offer of in-district ESY

cc: Lenore Boyarin, Esq.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

ORDER GRANTING

EMERGENCY RELIEF

OAL DKT. NO. EDS 17208-14

AGENCY DKT. NO. 2015-22039

J.S. & R.M. ON BEHALF OF I.S.,

Petitioners,

v.

MOUNT OLIVE TOWNSHIP BOARD

OF EDUCATION,

Respondent.

Lenore Boyarin, Esq., appearing on behalf of petitioner (Sussan, Greenwald & Wesler, attorneys)

Alison L. Kenny, Esq., appearing on behalf of respondent (Schenk, Price, Smith and King, LLP, attorneys)

BEFORE **CARIDAD F. RIGO, ALJ:**

ORDER

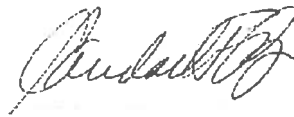
THIS MATTER having been opened to the Court by Petitioners, through their attorney, Sussan, Greenwald & Wesler, Lenore Boyarin, Esq., appearing and Schenk, Price, Smith and King, Alison Kenny, Esq., appearing on behalf of Respondents, and all parties acknowledging that they have been given appropriate notice and all parties

consenting to this Order, and this Court having considered the papers submitted and having heard the oral arguments of the parties;

Hereby **ORDERS** on this 19th day of February 2015, that the Mt. Olive Township Board of Education shall immediately provide and continue to provide for I.S.' placement at the [REDACTED] School as [REDACTED] free, appropriate public education. Said placement shall continue until a Final Decision is rendered on the underlying and pending Due Process case that bears the herein docket number, and;

It is **FURTHER ORDERED** that this is a temporary order for the immediate and continued placement of I.S., so that I.S.' education proceeds uninterrupted during the pendency of this action.

This order on application for emergency relief shall remain in effect until issuance of the decision in the matter. The parties have been notified of the scheduled hearing date. 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.



February 19, 2015

DATE

CARIDAD F. RIGO, ALJ

E-Mailed to Parties:

February 19, 2015

lr



Angelo A. Vilardi, Ed. D.
Superintendent
973-540-8844
avilardi@escmorris.com

Marci Spadafora
Principal
973-983-1099
mspadafora@escmorris.com

May 21, 2015

Dear Mrs. S [REDACTED]:

RE: [REDACTED] S [REDACTED]
ESY Program 2015

To date, we have not received the required ESY form from the Mt. Olive school district to enable [REDACTED] to attend [REDACTED] ESY Program 2015. If we do not receive a request from your school district, [REDACTED] will not be able to attend our ESY program.

I suggest you contact your district to discuss the program they have in place for [REDACTED]

Sincerely,

Marci Spadafora
Principal

MS:sb

**PARENTAL NOTICE FOLLOWING AN IEP REVIEW
WHEN THE IEP IS NOT USED AS NOTICE**

Date Friday, June 12, 2015

Name F. [REDACTED] M. [REDACTED] and J. [REDACTED] S. [REDACTED]
Address [REDACTED]
City, NJ ZIP CODE Budd Lake, NJ 07828

Dear: Dr. M. [REDACTED] and Mr. S. [REDACTED]

The purpose of this letter is to provide written notice of the proposed changes to the current IEP for your child, [REDACTED] S. [REDACTED]. These changes were proposed at the IEP team meeting that was conducted on 6/12/15 and are based on a review of your child's progress towards meeting his/her annual goals and the determinations of the IEP team, of which you are a member.

The following IEP changes, including supports, modifications, and accommodations have been made to [REDACTED]'s program:

[REDACTED] will receive ELA, Math, Science, Social Studies, and vocational/life skill within a special class program five days a week for 49 minutes a day for each subject.

[REDACTED] will receive an extended school year program, four days a week for four hours per day from July 6, 2015 through August 6, 2015, in the [REDACTED] Program at Mt. Olive School District.

As there is currently a due process dispute about [REDACTED]'s IEP program, pending receipt of a final decision by Judge Rigo, [REDACTED] will continue to receive all special education programming at [REDACTED] School in accordance with a court order issued in that case. It was discussed at the IEP Meeting that upon receipt of the judge's decision, the IEP Team would meet again to review and revise the IEP in accordance with the judge's decision and to develop a transition plan if [REDACTED] will be coming to the proposed in-district program.

The following IEP changes have been made to the related services provided to [REDACTED] S. [REDACTED]:

- [REDACTED] will receive speech therapy twice a week in an individual session for a duration of thirty minutes.
- [REDACTED] will receive occupational therapy twice a week in an individual session for a duration of thirty minutes.

- [REDACTED] will receive physical therapy twice a week in an individual session for a duration of thirty minutes.
- [REDACTED] will have a one to one aide five days a week throughout the school day.
- Parent training will be provided two hours a week following the 2015-2016 school calendar.
- Transportation will be provided with an aide on the bus to and from school for the ESY Program and the 2015-2016 School Year.

During the ESY Program (July 6, 2015 – August 6, 2015)

- [REDACTED] will receive speech therapy once a week, individual, for thirty minutes.
- [REDACTED] will receive occupational therapy once a week, individual, for thirty minutes.
- [REDACTED] will also receive physical therapy once a week, individual for thirty minutes.
- [REDACTED] will also have a one to one aide for the ESY Program.
- Parent training will be provided one hour a week during ESY, July 6 and August 6, 2015.

The following IEP change has been made to the placement for [REDACTED] S [REDACTED]:

The following is a description of any other options discussed (when other options were considered) and the reasons why they were rejected:

Program: None

Related Services: None

Placement:

For the 2015-2016 school year, including the 2015 ESY, [REDACTED] will attend Mt. Olive Public Schools. This placement decision is on hold pending receipt of the decision in a due process dispute. Until receipt of the decision, [REDACTED] will continue to attend [REDACTED] School pursuant to a court order issued in that case. The IEP Team will reconvene following receipt of the decision to discuss necessary changes to [REDACTED]'s IEP program and placement, including the development of a transition plan.

[REDACTED] S [REDACTED]: Written Notice Following an IEP Meeting.

The IEP proposed in this notice will become effective 15 days after you receive the notice unless you initiate mediation or a due process hearing to dispute the program. You have the right to consider this proposal for 15 days. Your written consent is not required in order for the district to proceed. However, you may agree to an earlier implementation of services by signing in the box on the next page and returning the form to Colleen Geddis at Mt. Olive Middle School

160 Wolfe Rd.
Budd Lake, NJ 07828.

If you have any questions regarding this notice, please contact me.

Sincerely,
Colleen Geddis
School Social Worker
973-691-4006 ext. 5403

Enclosures:

Procedural Safeguards Statement
Request for Consent

█ S █: Written Notice Following an IEP Meeting.

PROCEDURAL SAFEGUARDS STATEMENT:

As the parent of a student, or as an adult student, with disabilities, you have rights regarding the identification, evaluation, classification, the development of an IEP, placement, and the provision of a free, appropriate public education under the New Jersey Administrative Code for Special Education, N.J.A.C. 6A:14. A description of these rights, which are called procedural safeguards, is contained in the document, *Parental Rights in Special Education (PRISE)*. This document is published by the New Jersey Department of Education.

A copy of *PRISE* is provided to you one time per year and upon referral for an initial evaluation, when you request a due process hearing or complaint investigation and when a disciplinary action that constitutes a change of placement is initiated. In addition you may request a copy by contacting Special Services at 973-69 - ext. 8400.

For help in understanding your rights, you may contact any of the following:

Special Services 973-691-4008 ext. 8400

Statewide Parent Advocacy Network (SPAN) at 1(800) 654-7726

Disability Rights New Jersey at 1-800- 922-7233

The New Jersey Department of Education through the Morris County Office, (Morris County Supervisor of Child Study), 973-285-8336

REQUEST FOR CONSENT TO IMPLEMENT THE IEP

(PRIOR TO THE 15TH DAY)

You have the right to consider the proposed IEP for up to 15 calendar days. To have the IEP services start before the 15 days expire, you must sign below. If you take no action, the IEP will be effective after the 15th day from the date notice is provided.

If you disagree with the IEP and you do not request mediation or a due process hearing from the New Jersey Department of Education, Office of Special Education Programs, the IEP will be implemented without your signature after the 15 days have expired.

I/we agree to have the IEP services start before the 15 calendar days have expired.

Signature(s)

Date