

RECEIVED  
MAR 13 2015  
OSEP  
POLICY & PLANNING

The Desk of M [redacted] W

[redacted]

Newark, NJ 07112

Phone: [redacted]

Fax: [redacted]

FAX

Fax Transmittal Form

To: Board of Education  
Name: Peggy McDonald c/o Ms. Lewis  
Cc:  
Phone number: 609 292-0147  
Fax number: 609 984-8422

From M/ [redacted] W [redacted]

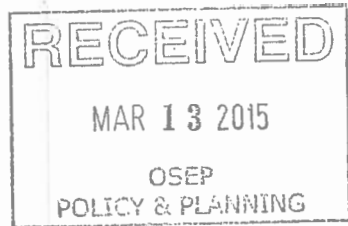
Date sent: March 13, 2015  
Time sent: 12:45  
# of pages including cover page: 9

Urgent  
For Review  
Please Comment  
Please Reply

Message: I am requesting an expedited enforcement of decision  
Issued by the Office of Administrative Law.

NEW JERSEY DEPARTMENT OF EDUCATION  
PARENTAL REQUEST FOR ENFORCEMENT OF DECISION ISSUED  
BY THE OFFICE OF ADMINISTRATIVE LAW

Date: March 13, 2015



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

Relationship to Student(s): (Check One)  
 Parent/Guardian  Attorney  
 Advocate

From: M [redacted] W [redacted]  
(Name of person submitting the request)

Address: [redacted]  
Newark, NJ 07112

Phone [redacted] ax: ( ) - - Email address [redacted]

*Please note: the Office of Special Education (OSEP) must have a copy of the ALJ's decision before any action can be taken with respect to a request for enforcement.*

Is a copy of the final decision (or Order) issued by the Administrative Law Judge (ALJ) included with this request?  Yes  No If not, is a copy being sent by separate mailing?  Yes  No

What is the date of the ALJ's decision? October 16, 2014

Subsequent to issuance of the decision, have the parties reached any agreements that modify the decision or the terms of the Order?  Yes  No (If yes, explain below)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Note: If any part of the decision is modified by subsequent agreement of the parties, enforcement may not be sought with respect to that part of the decision.*

When was the action that you are seeking to enforce directed to occur? \_\_\_\_\_

Note: A request for enforcement must be made to the OSEP no later than the 90<sup>th</sup> calendar day from the date that the action directed in the hearing decision that is the subject of the enforcement was required to have occurred. If your request is untimely, the OSEP will not enforce the request.

Are you currently involved in, or have you recently requested, mediation or a due process hearing?  
 \_\_\_ Yes \_\_\_  No

If you have recently requested mediation or a due process hearing, what is the subject of the disagreement?

\_\_\_\_\_

\_\_\_\_\_

Briefly state the specific provision (identify the page and paragraph) of the decision that you assert the education agency has failed to implement.

Newark Collegiate Academy Never abides by agreements issued through mediation of the courts IEP to be done within 30 days of his 12/01/2014 start date nor has the 90 day evaluation from [redacted] done.

Also a manifestation of determination or neither a functional Behavioral Assessment have ever been done to implement a Proper IEP for N.L.

Upon receipt of a request for enforcement, the OSEP will forward a copy of the request to the district for response and, if appropriate, the opportunity to resolve the request with the parent. If the matter is not timely and satisfactorily resolved by the parties, however, the district will be directed to submit to the OSEP evidence of compliance, whereupon, the OSEP will determine the implementation of the decision. If it is determined that the district has failed to implement the decision, or part of the decision, the OSEP shall order the district to implement the decision or part of the decision, as appropriate.

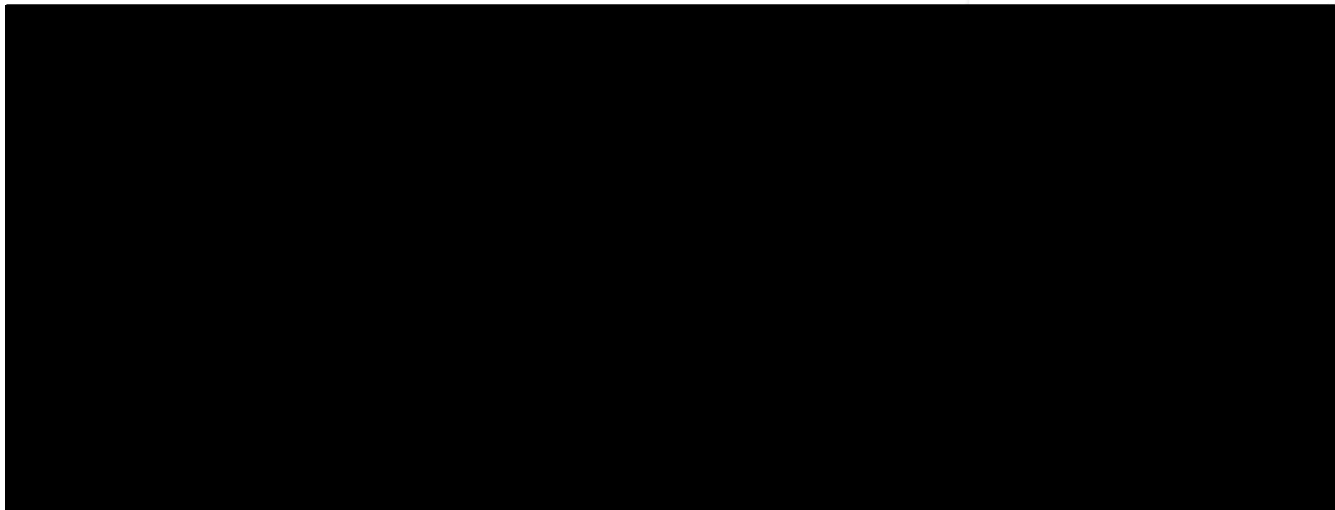
Signature: [Handwritten Signature]  
 (Person(s) Submitting Request)

would like an Expedited Hearing, thank you

March 11, 2015

Good morning all;

As the parent of N [redacted] [redacted], I am writing due to some disciplinary activity that has recently taken place that I deem questionable. About a month and a half ago to two months ago I conversed with Ms./Mrs. Cilley about a court ordered IEP that was to be done within 30 days of [redacted] start date December 1, 2015. We had also on spoken about N [redacted] taking [redacted] SAT's this year and I also inquired about [redacted] being able to take college courses in the 11<sup>th</sup> and 12<sup>th</sup> grades so [redacted] may graduate with an Associate's Degree due to the curriculum not being challenging enough for [redacted]. From December 1, 2015 until sometime in February primarily N [redacted] was doing well and [redacted] grades were great. Since these conversations, beginning approximately a month ago disciplinary actions has been about every week. The most egregious of actions was suspending [redacted] off of the bus route knowing full well [redacted] does not have another way to get to school in Kinnelon, NJ from Newark, NJ. Nor did anyone speak to N [redacted] to know what happened on the bus. Three days ago, N [redacted] was suspended for calling another student a name (not a curse word) and saying according to Mr. Bleuer, that he would do something hurtful to [redacted]. This action landed [redacted] a second suspension that appears to be until [redacted] school meets with the district. [redacted] School, as was TEAM Academy and Newark Collegiate Academy are violation of IDEA and ADA. While N [redacted] once again sits at home with no homework or classwork to do for the second week in a row. N [redacted] came to [redacted] School with an IEP that apparently no one deems necessary to follow. Suspending a child for something within [redacted] IEP is illegal although it is commonly practiced does not make it right.



Lastly, I would like to correct a mistake if you received the previous email that there is not yet a date set for the annual IEP meeting I gave two dates that I would not be available. Considering that Newark Collegiate Academy is currently in violation of the court ordered

settlement agreement, I purpose, that you take this time to get it right and have the educational and psychological evaluation done prior to the annual IEP, and do the Functional Behavior Assessment that has never been done to implement a proper Behavior Implementation Plan that is suited for N [REDACTED], while NCA absorbs the cost. Also I am requesting that the district conducts a manifestation of determination prior to any further disciplinary action against N [REDACTED].

I am requesting any/all paperwork concerning N [REDACTED] disciplinary actions from Shepard School including the two suspensions.

I am also requesting any/all disciplinary actions from TEAM Academy and Newark Collegiate Academy including suspension and copies of [REDACTED] transcripts and any paperwork following [REDACTED] from one school to another. I expect to have this documentation in my possession by April 2, 2015. Thank you all for your time and may you all be blessed.

Sincerely,

m [REDACTED] u [REDACTED]



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

**FINAL DECISION**

**APPROVING SETTLEMENT**

OAL DKT. NO. EDS 08252-14

AGENCY DKT. NO. 2014/21214

**M.W. o/b/o N.L.,**

Petitioners,

v.

**TEAM ACADEMY CHARTER SCHOOL,**

**BOARD OF EDUCATION,**

Respondent.

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**M.W.,** petitioner, pro se

**Raquel Lord, Esq.** (Porzio, Bromberg & Newman, PC), representing respondent

Record Closed: October 7, 2014

Decided: October 16, 2014

BEFORE **SANDRA ANN ROBINSON, ALJ:**

This case arises under the Individuals with Disabilities Education Act, 20 U.S.C.A. §§1400 to 1482. The parties have voluntarily agreed to resolve all disputed matters and have entered into a settlement as set forth in the attached document.

I have reviewed the terms of settlement and I **FIND:**

OAL DKT. NO. EDS 08252-14

1. On October 10, 2014, Raquel Lord, Esq., attorney for respondent, TEAM Academy Charter School Board of Education, confirmed in writing to the Office of Administrative Law (OAL) that in the matter of M.W. o/b/o N.L. vs. TEAM Academy Charter School Board of Education, approval by the Board is not required for the entry of the Stipulation of Settlement between the parties;
2. The parties have voluntarily agreed to the Settlement as evidenced by their signatures or their representatives' signatures on the attached document; signed by petitioner M.W. and respondent's attorney Raquel Lord;
3. The settlement fully disposes of all issues in controversy between the parties and is consistent with the law.

Therefore, I **ORDER** that the parties comply with the settlement terms and that these proceedings be concluded.

This decision is final pursuant to 20 U.S.C.A. § 1415(i) (1) (A) and 34 C.F.R. § 300.514 (2010). If this decision is not being fully implemented, the concern should be communicated in writing to the Director, Office of Special Education.

October 16, 2014

DATE

lr/attachment



SANDRA ANN ROBINSON, ALJ

EDS OBISZ: N/A

N.W. v. N.L. vs. Family Academy Charter School District of Columbia

Agency No. 2014 21214

October 7, 2014

Settlement

1. The parties agree to place N.L. at the [redacted] School in Kinnelon, New Jersey, subject to [redacted] successful completion of the [redacted] School intake process, and said placement shall be funded pursuant to law.
2. The parties acknowledge that TEAM has drafted an IEP calling for placement at the [redacted] School, <sup>dated 9/29/14</sup> Petitioner shall sign the 9/29/14 IEP, which shall govern N.L.'s program for 30 days, during which time N.L. and TEAM shall complete the [redacted] School intake process.
3. Within 30 days of ~~the~~ N.L.'s starting school at the [redacted] School, an IEP meeting shall be held which shall include the participation of <sup>appropriate</sup> [redacted] School personnel. The purpose of the meeting shall be to agree on a program for N.L. for the remainder of the 2014-2015 school year.
4. TEAM shall transmit a copy of the 9/29/14 IEP to Newark Public Schools.
5. Petitioner waives + releases the School ~~from~~ any claim brought here, for attorney's fees, compensatory education, or any other claims under the IDEA 20 U.S.C. sec. 1400 et. seq. and its implementing state regulations.
6. TEAM agrees to conduct psychological re-evaluations of N.L. within 90 days of [redacted]