



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION
APPROVING SETTLEMENT
OF APPLICATION FOR
EMERGENCY RELIEF

OAL DKT. NO. EDS 04149-18
AGENCY DKT. NO. 2018 27692

C.H. ON BEHALF OF S.H.,
Petitioner,

v.

ALLOWAY TOWNSHIP BOARD
OF EDUCATION,
Respondent.

Jamie Epstein, Esq., for petitioner

Susan Hodges, Esq., for respondent (Parker McCay, P.A., attorneys)

Record Closed: March 23, 2018

Decided: March 23, 2018

BEFORE **JOHN S. KENNEDY, ALJ:**

THIS MATTER was brought before this tribunal by petitioner upon application for emergency relief pursuant to N.J.A.C. 6A: 14-2.7.

On the return date, the parties entered into a settlement agreement.

Having reviewed the terms of the settlement agreement placed on the record, I **FIND** that the parties have voluntarily agreed to the following terms:

1. S.H. shall return to his previous educational placement within the district on Monday March 26, 2018, with a 504 plan to accommodate his post-concussion symptoms.
2. Said 504 plan shall be reduced to a written 504 plan and shall include all of the accommodations in the document attached hereto and marked as J-1 with the exception of the item under the heading "Emotional: 1" and the item under the heading "Cognitive: 7."
3. The parties do not waive their rights to further litigate the remaining terms of the underlying petition for due process but agree to confer, negotiate and consult with the medical providers in order to resolve the remaining issues in the underlying petition for due process.

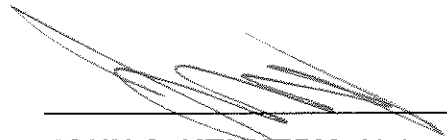
I also **CONCLUDE** that the settlement agreement is consistent with the law.

Therefore, I **ORDER** that the parties comply with the settlement terms and that these proceedings on the application for emergent relief be concluded.

This decision on application for emergency relief shall remain in effect until the issuance of the decision on the merits in this matter. The hearing having been requested by the parents, this matter is hereby returned to the Department of Education for a local resolution session, pursuant to 20 U.S.C.A. § 1415 (f)(1)(B)(i). 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 Programs.

March 23, 2018

DATE



JOHN S. KENNEDY, ALJ

Date Received at Agency:

March 23, 2018

Date Sent to Parties:

March 23, 2018

JSK/dm

Physical:

1. No music class, physical education or participation in recess activities, however may follow class outdoors as tolerated.
2. If symptomatic, provide 15 to 20-minute mid-morning and mid-afternoon breaks in quiet setting for rest.
3. May wear sunglasses or hat inside and outside as needed
4. Allow quiet passing in halls
5. No cafeteria. Provide quiet room for lunch such as guidance office or classroom without students present.
6. Do not isolate; allow student to choose friend to join him in quiet setting for lunch.
7. Limit screen/computer use time as tolerated

Emotional:

1. Allow Student to develop "signal" to leave room or situation
2. Allow student to remove self from activity to de-escalate symptoms and return as tolerated.

Cognitive:

1. Provide extra time for assignments
2. Reduce workload by limiting number of problems given- quality not quantity.
3. Grade completed work only; do not penalize for work not done
4. Provide paper copies of all work displayed on screens or smartboard as this may trigger/increase symptoms.
5. Exempt/postpone any large assignments/tests/projects.
6. Consider alternative testing methods (i.e. one-on-one, oral, quiet)
7. Allow alternate learning fashion developed with student and parent.
8. Reduce the amount of work given- no busy work. Limit work to most important concepts to learn and eliminate material not essential for comprehension.

Sleep/Energy:

1. May not be penalized for tardiness, absence or early dismissal. Allow Sawyer to spend less hours at school if very symptomatic.
2. Allow for "brain breaks" (i.e. Head on desk for 5-10 minutes, short walk out of classroom in quiet hallway for 5 minutes) *at 1:45*
3. If symptomatic, Sawyer responds well to taking a small walk rather than relaxing. Please allow Sawyer to walk the hallway under RN or teacher supervision until symptoms reduce