

This is a redacted version of the original decision. Select details have been removed from the decision to preserve anonymity of the student. The redactions do not affect the substance of the document.

Pennsylvania Special Education Hearing Officer **Final Decision and Order**

Closed Hearing

Consolidated ODR File Numbers

26207-21-22

26584-21-22

26585-21-22

Child's Name

C.B.

Date of Birth

[redacted]

Parents

[redacted]

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Hearing Officer

Michael J. McElligott, Esquire

Date of Decision

11/15/2022

Introduction

This special education due process hearing concerns the educational program and placement of C.B. ("student"), a student who resides in the Peters Township School District ("District").¹ The parties agree that the student qualifies under the terms of the Individuals with Disabilities in Education Improvement Act of 2004 ("IDEIA")² as a student identified with autism, intellectual disability, and speech/language impairment. Parents claim that the District, in general, failed to provide the student with programming designed to provide a free appropriate public education ("FAPE") under IDEIA. Specifically, parents assert that the District's programming failed to provide services to the student in the least restrictive environment ("LRE"), failed to provide appropriate extended school year ("ESY"), and failed to provide an appropriate offer of COVID compensatory services ("CCS") as a result of the realignment of learning environments necessitated by the COVID-19 school closures and/or consequent health plans. Parents also bring a denial-of-FAPE claim under the Rehabilitation Act of 1973, particularly Section 504 of that statute ("Section 504").³

¹ The generic use of "student", and avoidance of personal pronouns, are employed to protect the confidentiality of the student.

² It is this hearing officer's preference to cite to the pertinent federal implementing regulations of the IDEIA at 34 C.F.R. §§300.1-300.818. *See also* 22 PA Code §§14.101-14.162 ("Chapter 14").

³ It is this hearing officer's preference to cite to the pertinent federal implementing regulations of Section 504 at 34 C.F.R. §§104.1-104.61. *See also* 22 PA Code §§15.1-15.11 ("Chapter 15").

The parents seek a compensatory education remedy for alleged deprivations of FAPE in the 2019-2020 (including the District's offer of ESY programming for summer 2020) and 2020-2021 school years and reimbursement for ESY claims for a private summer camp where parents unilaterally enrolled the student for summers 2021 and 2022.

The District counters that its proposed programming over the periods of parents' claims, in general and in the specific areas highlighted by the parents, was appropriate for the student. Therefore, the District argues, parents are not entitled to remedy. Additionally, the District placed at issue through a separate complaint the appropriateness of its programming for the 2021-2022 school.⁴

Issues

1. In general, did the District provide FAPE to the student in the 2019-2020 and 2020-2021 school years?⁵

⁴ The parents' original complaint, placing at issue the 2019-2020 and 2020-2021 school years (including summers 2020 and 2021), was filed at ODR file 26207-2122. Thereafter, parents made a claim for reimbursement for ESY programming for the summer of 2022, at ODR file number 26584-2122. At approximately the same time, the District filed a complaint to place at issue the appropriateness of the student's programming for the 2021-2022 school year, at ODR file number 26585-2122. For judicial efficiency, all three matters were consolidated into one hearing process, to be resolved through this consolidated final decision.

⁵ The parties entered into a tolling agreement, which preserved parents' claims with a filing date of September 2021. When parents ultimately filed their complaint in March 2022, the complaint included claims for the student's entire period of enrollment at the District from the 2017-2018 school year onward. The District

2. Specifically, did the District provide FAPE in terms of (1) its LRE obligation to the student, (2) its ESY programming for the summers of 2020, 2021, and 2022, and (3) its handling of CCS for the student?
3. Should reimbursement to the parents be ordered for unilateral programming for the summers of 2020, 2021, and/or 2022?
4. Should compensatory education be awarded to the student?
5. Did the District propose appropriate programming for the student in the 2021-2022 school year?

Findings of Fact

All evidence in the record, both exhibits and testimony, was considered. Specific evidentiary artifacts in findings of fact, however, are cited only as necessary to resolve the issue(s) presented. Consequently, all exhibits and all aspects of each witness's testimony are not explicitly referenced below.

asserted that parents knew or should have known ("KOSHK") of the alleged actions/omissions at a point prior to two years before the filing of the tolling period (i.e., prior to September 2019), and an evidentiary session was held as to KOSHK evidence regarding parents' knowledge/purported knowledge, or lack thereof. An evidence-based KOSHK ruling was issued which found that the parents knew of the alleged acts/omissions prior to September 2019 that formed the basis of their complaint. Therefore, the denial of FAPE evidence as to parents' complaint was limited to the 2019-2020 and 2020-2021 school years.

2019-2020 School Year [redacted]

1. In October 2018, the student's individualized education program ("IEP") team met to design the student's IEP. This IEP included a positive behavior support plan ("PBSP"). (School District Exhibit ["S"]-23, S-24).
2. The October 2018 IEP was in place in September 2019.
3. The October 2018 IEP included eleven goals in object/object-parts identification, group/group-member identification, reading comprehension, written expression, math computation, behavior, expressive/receptive speech, speech articulation, pragmatic speech/social exchange, occupational therapy ["OT"] (printing), and OT (cursive writing). (S-23).
4. The October 2018 IEP contained a PBSP, addressing the behavior goal, where, when faced with a non-preferred task demand, the student would reduce physicality in response, with both peers and adults, and reduce the throwing of objects. (S-24).
5. In September 2019, after the start of the 2019-2020 school year, the student engaged in three instances of physicality with adults, zero instances of physicality with peers, and three instances of throwing object. (S-30).
6. The District requested, and parents granted, permission to perform a functional behavior assessment ("FBA"). (S-28).

7. In September 2019, the FBA was issued as part of a re-evaluation report ("RR"). Hand-biting was observed in addition to the acting-out behaviors. (S-30, S-31).
8. In October 2019, the student's IEP team met to revise the student's IEP. (S-32).
9. Progress monitoring in the October 2019 IEP was included in the present levels of academic performance for the first six weeks of the 2019-2020 school year. (S-32 at pages 12-18, 50-55, 58-61).
10. The October 2019 IEP contained eleven goals in reading comprehension, written expression, math computation, math application, behavior, independence skill (manipulating combination lock), expressive/receptive speech, speech articulation, pragmatic speech/social exchange, occupational therapy ["OT"] (printing), and OT (cursive writing). (S-32).
11. The October 2019 IEP recommended a placement of 38% in regular education settings. (S-32).
12. Following an increase in acting-out behaviors in December 2019/January 2020, and an emerging behavior where the student would inappropriately place hands inside pants, the District requested permission to perform a FBA. Parents did not provide permission for the FBA. (S-34 at pages 3-4).

13. In January 2020, the District issued a RR, including details of the increased behaviors of December 2019 and the results of an assistive technology evaluation. (S-33, S-35 at pages 3-4, 38-65).
14. The assistive technology evaluation did not make any significant assistive technology recommendations. The use of technology in educational settings is, at times, distracting and interferes with the student's learning: The record is clear that the student is incredibly adept at very quickly accessing computers for private content that is not related to instruction. (S-35 at page 38-65; Notes of Testimony ["NT"] at pages 138-203, 330-432, 440-593, 890-948).
15. In February 2020, the student's IEP was revised to include information from the January 2020 RR. (S-37).
16. The February 2020 IEP included updated baselines and goals in certain areas. (S-37).
17. The February 2020 IEP recommended a placement of 38% in regular education settings. (S-37).
18. In February 2020 the District developed an updated PBSP, based on the prior September 2019 FBA. (S-38).
19. In February 2020, the District recommended summer 2020 programming in the District's ESY program. (S-39).

20. In March 2020, as a result of the COVID-19 pandemic, District schools, as with all schools in the Commonwealth, were closed. (NT at 138-203, 330-432, 752-885).
21. Initially after the school closure, the District circulated on-paper work for students to complete. (S-81).
22. By April 2020, the student's IEP team had met to designate goals and instruction that would be delivered to the student utilizing distance learning. The student participated in online learning for the remainder of the school year. (S-40, S-41; NT at 138-203, 330-432, 752-885).
23. In May 2020, the District issued a revised recommendation for ESY programming in the summer of 2020, to be delivered online rather than in person. (S-42).

2020-2021 School Year [redacted]

24. In the 2020-2021 school year, the student returned to in-person instruction at the District. As the result of normal grade-promotion, the student began to attend a new school building. (NT at 138-203, 440-593).
25. Following an increase in acting-out behavior in October 2020, the District requested permission to perform a FBA. Parents did not provide permission for the FBA. (S-43).

26. In February 2021, the student's IEP was revised. (S-45).
27. Over the period February 2020 – February 2021, when goals from the February 2020 IEP were being implemented, the student made progress in all but one goal. The student showed progress in the reading comprehension, written expression, math computation, math application, behavior, speech articulation, expressive/receptive speech, combination lock skill, OT-printing, and OT-cursive goals. (S-45 at pages 7-14, 26-28, 30, 31-32).
28. The student did not make progress in the speech/social skills goal, as the student was only working in exercises and did not show progress in any structured peer interactions. (S-45 at 30-31).
29. The February 2021 IEP contained eleven goals, in reading comprehension, written expression, math computation, math application, behavior, expressive/receptive speech, speech articulation, speech/social skills, independence skill (combination lock), OT (printing), and community-based instruction (task approach). (S-45).
30. The February 2021 IEP recommended a placement of 32% in regular education settings. (S-45).
31. In March 2021, parents provided permission for an independent FBA. (S-46).

32. In March 2021, the District issued a notice of recommended educational placement, indicating that the student did not qualify for CCS. (S-47).
33. In March 2021, the District recommended its ESY programming for the summer 2021 for work on the student's reading comprehension and math computation goals. Parents requested that the District support the private ESY program they had selected, and the District declined to support the private placement. (S-45 at pages 75-77, S-48, S-49, S-50; NT at 138-203, 752-885).
34. In May 2021, the independent FBA was issued. (S-52 at pages 21-34; NT at 212-312).
35. In May 2021, parents granted permission for the District to fund an independent educational evaluation ("IEE") by an evaluator of their choice. (S-51).
36. In May 2021, in light of parents' ongoing concerns, the District proposed CCS in the form of tutoring two days per week through the end of the school year. (S-53).
37. In June 2021, the student's IEP team met to revise the student's IEP in light of the May 2021 IEP. (S-55).
38. The goals in the June 2021 IEP remained the same except for the behavior goal and the expressive/receptive speech goal, which were both revised. New goals were added for task accuracy and

transition between tasks. (S-45 at pages 46-69, S-55 at pages 64-104).

39. The June 2021 IEP recommended a placement of 32% in regular education settings. (S-55).

40. The June 2021 IEP included a PBSP based on the May 2021 FBA. (S-56).

41. In June 2021, the District proposed offering CCS in the form of tutoring in September 2021 at the outset of the 2021-2022 school year. (S-58).

42. In the summer of 2021, parents undertook a unilateral placement of the student in the private ESY program. (Parents Exhibit ["P"]-10, P-16, P-17; S-86; NT at 603-641).

2021-2022 School Year [redaction]

43. The June 2021 IEP was in place for the 2021-2022 school year. (S-55).

44. In December 2021, following a behavior incident, the District requested permission to perform a FBA. Parents did not provide permission. (S-63).

45. Over the period February 2021 – January 2022, when goals in the February 2021 IEP were being implemented, the student made progress in reading comprehension, written expression, math

computation, and community-based instruction (task approach) goals. (P-14 at pages 2-3, 3-6, 9-11, 27-28).

46. Over the period February 2021 – January 2022, progress for the math applications goal cannot be gauged. The progress reporting on this goal is muddled— in June 2020, goal-progress is reported for the 4th quarter of the 2020-2021 school year but the remainder of the progress is reported in various short-term objectives within the goal and not goal-progress itself. (P-14 at pages 12-13).
47. In March 2022, the District recommended its ESY program for the summer of 2022, focusing on reading comprehension, math computation, and speech/social skills. Parents rejected the District’s program and requested that the District support the private ESY program selected by parents. The District declined to support the private ESY program. (S-65, S-67).
48. In March and April 2022, based on behavior incidents, the District requested permission to perform a FBA. Parents did not provide permission. (S-66, S-68).
49. In May 2022, parent realized and brought to the attention of the District the fact that the student was being dismissed approximately 10-15 minutes earlier than other students at the school which the student attended. The District offered to provide 30 hours of

compensatory services but parents did not approve the offer. (S-70; NT at 752-885, 890-948).

50. In May 2022, the independent evaluator issued the IEE. (S-70; NT at 650-700).⁶

51. Progress monitoring was reported in June 2022 for the speech and language and OT goals, so for the period February 2021 – June 2022, the student made progress in the speech articulation, speech/social skills, expressive/receptive speech, combination lock, and OT (printing) goals. (P-14 at pages 32-34).

52. On the new goals added in the June 2021 IEP, by June 2022 the student had made progress on the transitions goal, which was mastered and replaced by an organization goal. (P-14 at pages 30-31).

53. On the new goals added in the June 2021 IEP, by June 2022 the student had failed to make progress on the behavior goal for acting-out, as the measured levels of behaviors generally declined over the instructional year. The goal for task-accuracy is inappropriate on its face, as the goal is written for 70% accuracy, but the baseline was established at 70%. (P-14 at pages 29-30).

⁶ There is no indication in the record as to why, with permission granted by the parents in May 2021, the IEE was not issued for approximately one year thereafter. (S-51, S-70).

Witness Credibility

All witnesses testified credibly and a degree of weight was accorded to each witness's testimony. Where particular emphasis was accorded to a witness's testimony on a particular issue or event, that is pointed out above in a specific finding of fact, as applicable.

Discussion

The provision of special education to students with disabilities is governed by federal and Pennsylvania law. (34 C.F.R. §§300.1-300.818; 22 PA Code §§14.101-14.162). To assure that an eligible child receives a free appropriate public education ("FAPE") (34 C.F.R. §300.17), an IEP must be reasonably calculated to yield meaningful educational benefit to the student. (Board of Education v. Rowley, 458 U.S. 176, 187-204 (1982)). 'Meaningful benefit' means that a student's program affords the student the opportunity for significant learning, with appropriately ambitious programming in light of his or her individual needs, not simply *de minimis* or minimal education progress. (Andrew F. ex rel. Joseph F. v. Douglas County School District, 580 U.S. , 137 S. Ct. 988, 197 L. Ed. 2d 335, (2017); Dunn v. Downingtown Area School District, 904 F.3d 208 (3d Cir. 2018)). More specific legal

provisions, as those may apply to LRE, ESY, and CCS, will be included in the analysis below.

The analysis of parents' reimbursement claims will be considered in four parts: (1) general programming for 2019-2020, 2020-2021, and 2021-2022 school years, (2) claims related to LRE, (3) parents' claims for ESY reimbursement, and (4) claims related to CCS.

2019-2020, 2020-2021, 2021-2022 School Years. The student's IEPs largely provided FAPE to the student, but there were enough significant instances in terms of inappropriate goal-progress over these school years (and one instance of an inappropriate goal, as written) that those flaws support a finding of a denial of FAPE in those instances.

First, while the student's goal progress over the period February 2020 – February 2021 was generally strong, progress monitoring for the speech/social skills goal shows that the student's instruction (at least as related in the progress monitoring) was entirely in social-skills exercises and not in interactions with peers. (Finding of Fact ["FF"] 28). The student's interactions with peers is largely positive, but the goal is written so that the student can deepen those interactions in a more meaningful way. To not demonstrate progress with peer interactions is a prejudicial flaw that amounts to a denial of FAPE.

Second, while the student's goal progress was generally strong as well for the instructional year over the period February 2021 – January 2022, there were instances of denial of FAPE. Progress reporting on the math application goal was initially reported in terms of goal-progress (indeed, every single goal across the record contains goal-progress reporting). After that first quarterly reporting of goal progress, however, the student's progress was changed to reporting on short-term objectives within the goal. (FF 46). This is a prejudicial flaw because, at the least, it leads confusion on the part of parents as to consistently understanding how the student is, or is not, progressing on the annual goal; it may even be unintentionally misleading, as it cobbles together short-term "snapshots" of progress rather than global, annual progress. Additionally, it may prejudice future goal-writing, as there is no concrete picture of goal-progress for future baselines. And, as indicated, it is entirely perplexing when the progress-reporting is so uniformly reported in all other aspects of the progress-monitoring reported for the student. All of these elements lead to a finding that this element of provision of FAPE, and parents' ability to participate in understanding that aspect of the student's programming, is a prejudicial flaw that amounts to a denial of FAPE.

Third, with the new behavior goal in the June 2021 IEP addressing the student's behavior, there is a consistent decline in measures of the behaviors of concern for the student over the 2021-2022 school year. (FF

53). Here, though, what might be a prejudicial denial of FAPE is cured by the District's request to perform FBAs in December 2021 and again in March/April 2022. (FF 44, 48).

This record clearly supports a deep, ongoing division between the parties in terms of the District requesting permission to perform FBAs and the parents consistently declining to provide permission. The District's position is that whenever the student exhibited acting-out behaviors that involved aggression toward others or throwing objects, the District felt it needed to assess the behavior formally through an FBA. The parents felt that the multiple requests for a FBA with, largely, behaviors that repeated in the student's profile were excessive. Both positions are understandable. But the finding here must be in favor of the District's obligations to program for the student with an understanding of the student's behaviors. In that regard, even though the student's goal-progress in exhibiting acting-out behaviors was consistently declining over the 2021-2022 school year, it undertook the steps that it needed to in order to seek an understanding of the student. Therefore, any denial of FAPE in this regard is mitigated by the parents' withholding of permission for FBAs over that school year.

Fourth and finally, the task-accuracy goal in the June 2021 IEP is prejudicially flawed on its face. The baseline was set at 70% (or, alternatively, there is no baseline in the goal), such that goal-reporting

thereafter at 70% each quarter (with 80% in June 2022) is meaningless. (FF 53). This is a prejudicial flaw that amounts to a denial of FAPE.

Fifth, over the course of the 2021-2022 school year, the student was dismissed early, removing the student from instructional and/or task-oriented instruction, as well as removing the student from potential opportunities for the student to work on social skills with peers at dismissal. The District recognized its error and offered compensatory services. But this practice was a prejudicial flaw that amounts to a denial of FAPE in that school year. (FF 49).

Accordingly, while the IEPs over these school years are largely appropriate, the denial of FAPE as outlined above will lead to an award of compensatory education.

Least Restrictive Environment. The provision of FAPE requires that the placement of a student with a disability take into account the LRE for a student. Educating a student in the LRE requires that the placement of a student with disabilities be supported, to the maximum extent appropriate, in an educational setting as close as possible to regular education, especially affording exposure to non-disabled peers. (34 C.F.R. §300.114(a)(2); 22 PA Code §711(b)(11); Oberti v. Board of Education, 995 F.2d 1204 (3d Cir. 1993)).

Here, the student's IEPs provide for exposure to the regular education environment for 38% of the school day through the period governed by the February 2020 IEP and 32% thereafter. (FF 17, 30). This is an appropriate level of inclusion in the regular education environment for the student. The student's needs are complex and District has provided the myriad supports and instruction that the student requires for the provision of FAPE. Where it can, the District has included the student in regular education environments. But the programming, and this record as a whole, supports a finding that the District has appropriately gauged the placement requirements that balance considerations of LRE with the need to educate the student appropriately.

Accordingly, there is no denial of FAPE in the placement mosaic for the student over the 2019-2020, 2020-2021, or 2021-2022 school years.

ESY Programming. As to parents' claim for reimbursement for ESY programming, long-standing case law and the IDEIA provide for potential reimbursement if a school district has failed in its obligation to provide FAPE to a child with a disability (Florence County District Four v. Carter, 510 U.S. 7 (1993); School Committee of Burlington v. Department of Education, 471 U.S. 359 (1985); *see also* 34 C.F.R. §300.148; 22 PA Code §14.102(a)(2)(xvi)). A substantive examination of the parents' tuition reimbursement claim proceeds under the three-step Burlington-Carter

analysis, which has been incorporated into IDEIA. (34 C.F.R. §§300.148(a),(c),(d)(3); 22 PA Code §14.102(a)(2)(xvi)).

In the three-step Burlington-Carter analysis, the first step is an examination of the school district's proposed program, or last-operative program, and whether it was reasonably calculated to yield, or did yield, meaningful education benefit. Step two of the Burlington-Carter analysis involves assessing the appropriateness of the private placement selected by the parents. At step three of the Burlington-Carter analysis, the equities must be balanced between the parties.

Here, the parents clearly prefer that the student attend the private summer program that they have favored over multiple school years. The District, however, has met its obligations to the student in its offer of ESY programming for the summers of 2021 and 2022. The offers of ESY were goal-focused and would provide the student with FAPE in terms of seeking to prevent regression, or maintaining skill levels, in those goal areas. (FF 33, 47). With the District having met its obligations to the student, through an offer of appropriate programming, at step one of the Burlington-Carter analysis, the parents are not entitled to reimbursement for the unilateral private placement which they undertook.

COVID Compensatory Services. Parents claim that the District denied the student FAPE by not offering CCS, or alternatively that its offer of CCS

was inappropriate. Here, the record supports a finding that the student did not require CCS, the initial determination of the District. (FF 32). Over February 2020 – February 2021, which encompasses the period of the COVID school closure and return to schooling in the following school year, the student made progress in almost all goal areas, progress which largely continued thereafter. (FF 27, 45, 51). Thus, any lack of CCS did not amount to a denial of FAPE.

Section 504/Denial-of-FAPE

Section 504 and Chapter 15 also require that children with disabilities in Pennsylvania schools be provided with FAPE. (34 C.F.R. §104.33; 22 PA Code §15.1). The provisions of IDEIA/Chapter 14 and related case law, in regards to providing FAPE, are more voluminous than those under Section 504 and Chapter 15, but the standards to judge the provision of FAPE are broadly analogous; in fact, the standards may even, in most cases, be considered to be identical for claims of denial-of-FAPE. (*See generally P.P. v. West Chester Area School District*, 585 F.3d 727 (3d Cir. 2009)).

As outlined above, the District largely provided FAPE to the student over the 2019-2020, 2020-2021, and 2021-2022 school years. Where there was a denial of FAPE in certain instances, again as outlined above, that denial of FAPE is adopted here as instances of denial of FAPE under Section 504. Below, compensatory education will be awarded to the student, and

this compensatory education will remedy denial of FAPE under Section 504 as well as IDEIA.

Compensatory Education

Where a school district has denied FAPE to a student under the terms of IDEIA, and by analogy under the terms of Section 504, compensatory education is an equitable remedy that is available to a student. (Lester H. v. Gilhool, 916 F.2d 865 (3d Cir. 1990); Big Beaver Falls Area Sch. Dist. v. Jackson, 615 A.2d 910 (Pa. Commonw. 1992)).

The evidentiary scope of claims, which is not a point of contention in this matter, and the nature of compensatory education awards were addressed in G.L. v. Ligonier Valley School Authority, 801 F.3d 602 (3d Cir. 2015) The G.L. court recognized two methods by which a compensatory education remedy may be calculated. One method, the more prevalent method to devise compensatory education, is the quantitative/hour-for-hour calculation, where, having proven a denial of FAPE, the compensatory education remedy is calculated based on a quantitative calculation given the period of deprivation. In most cases, it is equitable in nature, but the award is a numeric award of hours as remedy. The second method, a rarer method to devise compensatory education, is the qualitative/make-whole calculation, where, having proven a denial of FAPE, the compensatory education remedy is calculated based on a qualitative determination where the compensatory

education remedy is gauged to place the student in the place where he/she would have been absent the denial of FAPE. It, too, is equitable in nature, but the award is based on services, or some future accomplishment or goal-mastery by the student, rather than being numeric in nature.

Both calculations are a matter of proof. The quantitative/hour-for-hour approach is normally a matter of evidence based on IEPs or other documentary evidence that provides insight into the quantitative nature of the proven deprivation. The qualitative/make-whole approach normally requires testimony from someone with expertise to provide evidence as to where the student might have been, or should have been, educationally but for the proven deprivation, often with a sense of what the make-whole services, or future student accomplishment/goal-mastery, might look like from a remedial perspective. In this case, parents seek a quantitative/hour-for-hour award of compensatory education.

In terms of compensatory education, there is an equitable component to the awards below. The denial of FAPE for the speech/social-skills goal is important, but it is rooted in lack of precise services rather than an overarching flaw in the goal's design or consistent lack of progress. In this way, the denial of FAPE is somewhat surgical. The denial of FAPE for the lack of goal-progress monitoring in math application is not only prejudicially confusing, but it also presents problems for adequate parental participation in understanding the student's progress in that area. The denial of FAPE for

the task-accuracy goal is prejudicial as written; it does not afford the student for anyone to gauge accurately the student's progress in that area. The denial of FAPE for the student's early dismissal consistently denied the student the ability to receive instruction, or potential instructional opportunities, for a full school day.

Bearing these equitable factors in mind, it is the considered opinion of this hearing officer that compensatory education should be awarded as follows:

- Speech/social skills – 25 hours
- Math application – 50 hours
- Task accuracy – 100 hours
- Early dismissal – 50 hours

Thus, the entirety of the compensatory education award will be 225 hours.

ORDER

In accord with the findings of fact and conclusions of law as set forth above, the Peters Township School District denied the student a free appropriate public education. The student is awarded 225 hours of compensatory education.

Parents are not entitled to reimbursement for any unilateral summer programming.

Any claim not specifically addressed in this decision and order is denied and dismissed.

s/ Michael J. McElligott, Esquire

Michael J. McElligott, Esquire
Special Education Hearing Officer

11/15/2022