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J.W.

Child's Name

Xx/xx/xx

Date of Birth

6231/05-06 AS

ODR File Number

February 21, 2006

Date of Hearing

Closed Hearing

Parties to Hearing

Parents

Date Transcript Received:
March 13, 2006

Parent Representative

Drew Christian, Esq.
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Scranton, PA 18510

Date of Decision:
March 21, 2006

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Kenneth Rose
Hearing Officer

Background

The student is a [pre-teenaged] student residing in the North Pocono School District. He is identified as an eligible student with Autism Spectrum Disorder and in need of Speech/Language (S/L) therapy. The student started school in an autistic support program administered by the [local] Intermediate Unit (IU). For grade one he was in a regular education class with resource room support. For grade two he transitioned to his home school district. The parents have a history of concerns about the school district addressing socialization and behavioral needs of the student. Against the parents' wishes, the student was redistricted to another elementary school for grade three. Due to behavioral issues early in grade three, the student was put in a very restrictive placement of a class composed of a teacher, an aide and the student. This the Hearing Officer refers to as a "two on one" setting. This class was in a music teacher's office.

Findings of Fact

1. In the Evaluation Report (ER) of April 14, 2002 the student was identified as a child with the disability of Autism Spectrum Disorder and a secondary disability of S/L Impaired. (NT 26; P-1)

2. The student started school in kindergarten at Elementary School in an IU autistic support program. He had difficulties and was transferred to another class in the same building. He was half day regular kindergarten and half day autistic support. In grade one he was in a regular classroom with resource room support. In grade two he was in his home school district in Education Center. (NT 26-30)

3. The student is hyperlexic. He understands the written word, but lacks comprehension. (NT 36)

4. On June 4, 2004 the school district revised the second grade Individual Education Program (IEP) to provide for transitioning from the IU program to Elementary School. Another meeting was held in August. (NT 68, 69; S-2)

5. The school district staff and parents met in June and August 2004 to prepare for the student's start in second grade in a new school. Behaviors were discussed and daily progress reporting was set up. It was not implemented because the parents did not approve the reporting. (NT 69, 70, 164, 165, 173, 174; S-3, S-4, S-5)

6. In August 2004 the parents declined an ER for the student. (NT 69; S-3)

FAPE - Grade Two

7. At the start of grade two there was no IEP. The teacher went on conversations with the parent until the October 7, 2004 IEP was developed. (NT 150, 151)

8. At the start of second grade the student resisted going to school. He stated he would kill his teachers to avoid school. He had poor peer relationships. (NT 35, 36)

9. The second grade teacher had training in Autism Spectrum Disorder. (NT 200)

10. On September 21, 2004 the school district did a Functional Behavior Assessment (FBA) on the student. The “Functional Assessment Interview” refers to step one of the FBA. It called for charting and reporting to parents. It had a reward system and goals. A Behavior Plan (BP) was developed. There is no evidence it was implemented. (NT 70, 71, 178, 179; S-6)

11. An ER was issued October 7, 2004. The ER was reviewed and an IEP developed. A Notice of Recommended Educational Placement (NOREP) was issued which the parents did not respond to. (NT 71, 73; S-10, S-11, S-12, S-13, S-14)

12. The IEP of October 7, 2004 had an end date of June 30, 2005. It stated the student had behaviors that impeded his learning or others’ learning. It was noted that difficulties with social skills would impact on participation in regular education. Goals and objectives were developed for S/L, general education, language arts and reading. Program modifications and Specially Designed Instruction (SDI’s) were listed including personal aides. Related services of S/L therapy and Occupational Therapy (OT) were listed. There was no behavior plan, only vague SDI’s on behavior. It stated progress on annual goals will be reported quarterly.

There are no social skills goals in the October 7, 2004 IEP. Neither is there a behavior plan to address “melt downs” or other problematic behavior. (NT 35-36, 166; P-7)

13. In grade two regressions after Christmas and spring break were monitored. (NT 169)

14. Dr. S, an independent evaluator, issued a report on October 12, 2004. This was her second report on the student. It was a review of school progress and behavior data for the purpose of suggestions concerning educational progress and behavior plan. Data from the school was used. She recommended a FBA. The report was given to the school district. (NT 38; P-6)

15. The student made considerable academic and social progress up to May 2005. Grades were A’s, B’s, S’s and O’s. He scored at or near average on the Terra Nova Tests in reading, language and math even though he resisted the testing. Reading fluency was high, as was phonics. Socialization did not improve to that of an average student.

In grade two there were quarterly report cards, DIBELS scores and test/quiz results. There were two parent-teacher conferences. (NT 77, 83, 84, 85, 181, 182, 188, 191-200, 218; S-19, S-24; P-11)

16. The second grade teacher did not report progress on IEP goals. There were quarterly report cards and folders of work sent home. The IEP of October 7, 2004 calls for quarterly reporting on goals. Only one S/L progress report was issued. (NT 37, 153-155, 157; S-12)

17. During second grade, the student had “melt downs” a couple of times a month. [Redacted.] These increased at the end of the year. From March 2005 on, behaviors deteriorated. (NT 40, 171)

18. On March 14, 2005 an IEP was developed. It had updated educational levels. Behavior issues such as threatening, social interactions, [and] anger [redacted] were noted. Progress in socialization skills was noted, but he still had needs in this area. Goals and objectives were developed for reading comprehension, general education, speech pragmatism and question forms. Accommodations and SDI’s were listed. These included a personal aide, positive reinforcement and reward system. SDI’s for behavior, related services of S/L, OT and parent training were listed.

It states student progress on goals will be reported quarterly. Placement was in regular education except for reading and S/L therapy.

A NOREP was issued. The parents did not respond.

The student qualified for Extended School Year (ESY) but it was to be developed later. (NT 39, 47, 74, 75; S-16, S-17; P-8)

19. By March 21, 2005 the parents were unhappy that the IEP had no behavior plan to address the student’s needs. No IEP team meeting was convened. (NT 43)

Change of Schools

20. Between the 2004-2005 school year and the 2005 school year, the school district redistricted the elementary school attendance areas resulting in a change of the student’s assigned school. The parents requested an exemption to the change for the student. The parents requested transition support. (NT 48, 49, 50, 92, 93; P-13)

21. In the May 15, 2005 evaluation Dr. S suggested the school district address transitioning issues for the change from second grade to third even though redistricting had not been announced and she thought the student would be in the same building. (NT 50, 51; S-19)

22. No IEP meeting was convened to develop a transition plan for the change of elementary schools. The parents met with the superintendent to request an exemption from the redistricting. They were denied. (NT 49, 92, 93)

FAPE - Grade 3

23. In September 2005 the student started at Elementary School. (NT 52; P-14)

24. The third grade learning support teacher did not have the IEP the first week or two of school. She relied on a phone conversation with the previous learning support teacher.

She opines the student should have had a transition plan for the student's change in settings. (NT 120, 121, 122, 137)

25. The third grade learning support teacher implemented no behavior plan with the student. She sees a need for social skills goals. (NT 141, 148)

26. The third grade teacher did not have the IEP for the first week of school. She relied on information from the student's aide. Data toward goals attainment was not kept.

The third grade teacher sought help the first week of school. She used her own classroom behavior plan with the student. She opines the student should have had transitioning support for the new setting.

She received no training in teaching students with Autism Spectrum Disorder. (NT 105, 107, 109, 111, 114, 116, 118)

27. During the first six weeks of school when the student was in regular education, he was frequently removed from the classroom for behavioral issues such [redacted] aggression. He had two or three good days. These behaviors hindered the teacher's ability to teach the class. The student was sent with an aide to the music office. The student displayed the same behaviors in the third grade learning support class as the regular education class. (NT 52, 53, 90, 95, 97, 99, 127, 128)

28. As a result of the suspensions, the school district suggested homebound instruction. The parents refused. (NT 55, 93)

29. On September 26, 2005 the school district informed the parents of its intention to do a FBA. (NT 85, 86; S-25)

30. Due to his behavior, the school district assigned the student to a room with a teacher and an aide for half day attendance. He was the only student. This was to be a two week transition program.

As stated above, the Hearing Officer is using the term “two on one” setting/placement to describe the placement.

During the two weeks of transition poor behavior continued [redacted]. (NT 55, 56; P-19)

31. The student’s school schedule for 2005-2006 school year was: August 31, 2005 – first day; September 20, 2005 – one day suspension; October 5, 6, 7, 2005 – three day suspension; October 11, 2005 – started half day two on one placement; December 1, 2005 – one hour added; December 27, 28, 29, 2005 – ESY two and a half hours per day; January 23, 2006 – returned to full days. (NT 100, 223-225, 247, 248; S-26)

32. The goal of the current placement is to return the student to regular education. (NT 252, 253, 254; S-28)

33. During the interim placement the student received S/L therapy. (NT 87, 88)

34. The “two on one” teacher has been trained by Ms.B, the behavior specialist, and is utilizing suggestions by her and others. (NT 230-237; S-37)

35. The “two on one” teacher tries to keep on the academic pace with the student’s former regular education teacher. (NT 230)

36. In the “two on one” setting, regular education students are sometimes brought in to interact with the student. (NT 227)

37. The student’s teacher in the “two on one” is a substitute regular education teacher. (NT 222)

38. The school district attempted to hold an emergency IEP meeting at the time of the first suspension in September 2005, but the parents could not attend. (NT 77, 78)

39. At an IEP meeting on October 24, 2005, it was agreed to continue the student in the half day “two on one” program while an Independent Educational Evaluation (IEE) was conducted and recommendations received. Developing an IEP was to await IEE.

On October 24, 2005 an IEP meeting was held. It was agreed not to do the IEP at that time. (NT 57, 58, 80, 81; S-32; P-20)

40. In October of 2005 discussions of sending the student back to Elementary School were held, but the parents wanted the IEE results before deciding. (NT 61)

41. The third grade learning support teacher meets with the student daily in the “two on one” setting. (NT 146)

42. The classroom observations for Mr. L's, an independent behavioral evaluator, IEE were made in the "two on one" classroom. Behaviors observed were [redacted]. (NT 59; P-23, P-24)

43. The report card for the first report period of 2005-2006 school year listed "incompletes" in all academic areas and noted the student was in a temporary specialized placement. (NT 63; P-25)

44. The "two on one" teacher issued a report card for the second marking period. A S/L progress report was also issued. (NT 243, 244; S-41)

45. The third grade learning support teacher has issued no progress reports on his attainment of IEP goals. (NT 139)

46. On December 1, 2005 an IEP meeting was held at which the IEP team was defined, data gathering was started, ESY over the Christmas break was agreed to, IEP changes agreed to, the student's day was increased by one period and an inclusion log was created. Staff trainings were set up. (NT 63, 64; P-26)

47. The school district is not implementing the student's IEP. They are using a collage of recommendations from many sources. (NT 255; S-36, S-37)

IEE

48. On March 21, April 4 and April 21, 2005 the parents requested in writing that the school district pay Dr. S for an IEE. The parents also stated their dissatisfaction with the current IEP and evaluation in the March 21, 2005 letter. There was no response until July 2005.

The school district did not file for a due process hearing on their refusal to provide an IEE. (NT 41, 42, 43; P-9)

49. Dr. S was hired by the parents to do an IEE. She issued her evaluation report May 15, 2005. It was comprehensive and offered recommendations to the school district. (S-19)

50. The school district did not convene an IEP meeting after receiving Dr. S's May 15, 2005 evaluation. (NT 45; S-19)

51. After a "melt down" in May 2005, the school district called Dr. S for advice. The school district implemented some advice from Dr. S. In a letter of May 23, 2005, Dr. S further advised the school district. (NT 46, 47, 203; P-10)

52. In its NOREP of October 7, 2005 the school district used information provided by Dr. S in making its placement recommendation. (S-28)

53. The school district used Dr. S's report in its decision making for the student's current placement. (S-28)

54. At the school district's request, Dr. S, on May 23, 2005, elaborated on her recommendations to address current inappropriate behavior of the student. (S-20)

55. The parents have paid Dr. S for the May 15, 2005 IEE. The cost of the May 15, 2005 evaluation is \$1,600. (NT 82, 83; S-19)

Extended School Year (ESY)

56. In a settlement agreement the school district's ESY for 2004 was three one week half day sessions at a [redacted] Camp. A one on one aide was provided. There were academic and recreational activities. The parents were reimbursed for transportation. S/L therapy was provided as well as reading support. (NT 33, 34, 75, 76; P-4)

57. No ESY IEP was developed for the summer of 2005. (NT 40)

Issues

1. Did the student receive Free Appropriate Public Education (FAPE) for the 2004-2005 school year and from the beginning of the 2005-2006 school year to date? This includes the ESY program for the summer of 2005.

2. Is reimbursement due to the parents for the IEE that was done?

Discussion and Conclusions of Law

Under Schaffer v. Weast, 546 U.S. __ (November 14, 2005), the party that request the due process hearing, the parents in this instance, bears the burden of proof on the provision of FAPE or the lack there of..

The issues of the hearing will be divided into sections for discussion. Decisions are being made on substantive grounds and a preponderance of the evidence.

FAPE

The issue here is FAPE. The IDEA (20 U.S.C. §1412) requires the states to provide a "free appropriate public education" to all students who qualify for special education services. In Board of Education of Hendrick Hudson Central School District v. Rowley, 458 U.S. 176 (1982), the U.S. Supreme Court held that this requirement is met by providing personalized instruction and support services to permit the child to benefit educationally from the instruction, providing the procedures set forth in the Act are followed. The Rowley standard is only met when a child's program provides him or her

with more than a trivial or de minimis educational benefit. “Free appropriate public education” is defined as special education or related services that: (1) are provided at public expense; (2) meet the standards of the state; (3) include preschool, elementary school, or secondary school; and (4) are provided in conformity with an IEP, meeting the requirements of 34 CFR §300.340-350.

34 CFR §300.346(a)(1)(2) Development, review, and revision of IEP.

(a) Development of IEP

(1) General. In developing each child’s IEP, the IEP team, shall consider (i) The strengths of the child and the concerns of the parents for enhancing the education of their child; (ii) The results of the initial or most recent evaluation of the child; and (iii) As appropriate, the results of the child’s performance on any general State or district-wide assessment programs.

(2) Consideration of special factors. The IEP team also shall – (i) In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies and supports to address that behavior.

In 34 CFR §300.46(c) it states:

(c) Statement in IEP. If, in considering the special factors described in paragraphs (a)(1) and (2) of this section, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child’s IEP.

In this case the student has Autism Spectrum Disorder with needs for S/L therapy. From his earliest ER in 2002 behavioral needs have been noted. Throughout grade two the parents directly, or through their independent evaluator, requested a behavior plan in the IEP for the student. When an IEP was developed on October 7, 2004, it had no behavior plan, nor was one placed in the March 14, 2005 IEP. This is inexplicable since the school district did a FBA and BP in September 2004. The only behavior interventions in the IEP’s were vague SDI’s on behavior. That the student did well up to nearly the end of second grade can be attributed to talented staff rather than the IEP planning.

Looking further at the implementing of the IEP’s, 34 CFR §300.343(c) states:

(c) Review and revision of IEPs. Each public agency shall ensure that the IEP team –

(1) Reviews the child’s IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and

(2) Revises the IEP as appropriate to address – (i) Any lack of expected progress toward the annual goals described in §300.347(a), and in the general curriculum, if appropriate; (ii) The results of any reevaluation conducted under §300.536; (iii) Information about the

child provided to, or by, the parents, as described in §300.533(a)(1);
(iv) The child's anticipated needs; or (v) Other matters.
(Authority: 20 U.S.C. §1413(a)(1), §1414(d)(4)(A))

34 CFR §300.342(a)(b) states:

§300.342 When IEPs must be in effect

(a) General. At the beginning of each school year, each public agency shall have an IEP in effect for each child with a disability within its jurisdiction.

(b) Implementation of IEPs. Each public agency shall ensure that –

(1) An IEP – (i) Is in effect before special education and related services are provided to an eligible child under this part; and (ii) Is implemented as soon as possible following the meetings described Under §300.343;

(2) The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and

(3) Each teacher and provider described in paragraph (b)(2) of this section is informed of – (i) His or her specific responsibilities related to implementing the child's IEP; and (ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

At the start of the 2004-2005 school year no IEP was being used. This continued to October 7, 2004 when an IEP was developed. In grade three the regular education and learning support teachers did not have the student's IEP. Even more alarming is that after the student was placed in his "two on one" setting in grade three no IEP was followed.

When it was decided to transfer the student to his redistricted school, no transition plan was appended to the student's IEP. Previously the school district did this when the student transitioned from the NEIU placement to the school district for second grade. This failure contributed to the disastrous start of the third grade.

With the advent of third grade, the applicable law changed to 20 U.S.C. §1400. In the applicable areas there are no great changes from IDEA 1997. FAPE is stated at 20 U.S.C. §1402(9)(A)(B)(C) as:

(9) FREE APPROPRIATE PUBLIC EDUCATION – The term "free appropriate public education" means special education and related services that –

(A) have been provided at public expense, under public supervision and direction, and without charge;

(B) meet the standards of the State educational agency;

(C) include an appropriate preschool, elementary school, or secondary school education in the State involved.

20 U.S.C. §1414(d)(2)(A) states

(2) REQUIREMENT THAT PROGRAM BE IN EFFECT –

(A) In General – At the beginning of each school year, each local educational agency, State educational agency, or other State agency, as the case may be, shall have in effect, for each child with a disability in the agency’s jurisdiction, an individualized education program, as defined in paragraph (1)(A).

As stated above, the third grade started with the staff not having the student’s IEP for one or two weeks.

20 U.S.C. §1414(d)(2)(B)(i) states:

(IV) the academic, developmental, and functional needs of the child

(B) Consideration of Special Factors – The IEP team shall –

(i) In the case of a child whose behavior impedes the child’s learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.

No plan addressing behaviors or socialization were in the IEP at the start of grade three when the student’s behavior escalated to the point of exclusion from his class. The school district must be credited with paying for an IEE to do a FBA and working with the staff after the disastrous start of grade three. This has not gotten into an IEP since neither an interim or revised IEP has been made final.

In looking at reporting of the student’s progress on meeting his IEP goals, 34 CFR §300.347(a)(7) states:

(7) A statement of – (i) How the child’s progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and (ii) How the child’s parents will be regularly informed (through such means as periodic report cards, at least as often as parents are informed of their nondisabled children’s progress, of – (A) Their child’s progress toward the annual goals; and (B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

Further, 20 U.S.C. §1414(d)(1)(II)(III)

(II) a statement of measurable annual goals, including academic and functional goals, designed to –

(aa) meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum; and

(bb) meet each of the child’s other educational needs that result from the child’s disability;

(III) a description of how the child’s progress toward meeting the annual goals described in subclause (II) will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

There were no quarterly progress reports measuring progress on annual goals, as called for in the IEP's, in grade two or grade three, except for one S/L report. Parents cannot be informed, active participants in the planning for their child without proper progress reports. Samples of student work, conferences and report cards are not a substitute for regulatory reporting requirements.

ESY

The issue of ESY for the summer of 2005 falls under 14 PA Code §14.132(1). It sets forth the standards for determining whether a student with disabilities requires ESY as part of the student's program.

(1) At each IEP meeting for a student with disabilities, the school districts shall determine whether the student is eligible for ESY services and if so, make subsequent determinations about the services to be provided.

The school district did not convene an IEP meeting to make final the 2005 summer ESY program, nor did it issue an ESY IEP and NOREP describing the program.

For the numerous citations noted above the school district failed to provide FAPE for the 2004-2005 school year and the period of time from the start of the 2005-2006 school year until an appropriate IEP is implemented for the student.

IEE

To address the issue of reimbursement for the IEE done by Dr. S dated May 15, 2005, 34 CFR §300.501(b) must be noted:

(b) Parent right to evaluation at public expense.

(1) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency.

(2) If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either – (i) Initiate a hearing under §300.507 to show that its evaluation is appropriate; or (ii) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing under §300.507 that the evaluation obtained by the parent did not meet agency criteria.

When denying the parents' request for an IEE at public expense, it did not request a due process hearing. The IEE was used by the school district in planning for the student from the incident on primary election day, May 17, 2005 to the present. The parent is due compensation for the Dr. S IEE.

LRE

Before going on to the issue of compensatory education, a word on LRE is needed. *Oberti v. Board of Education of the Borough of Clementon*, 995 F.2d 1204 (3d Cir., 1993), stated a preference, within the context of an appropriate program, for regular education in public school classes unless certain criteria are satisfied, which the Court there summarized as follows: “In sum, in determining whether a child with disabilities can be educated satisfactorily in a regular class with supplemental aids and services (the first prong of the two-part mainstreaming test we adopt today), the court should consider several factors, including: (1) whether the school district has made reasonable efforts to accommodate the child in a regular classroom; (2) the educational benefits available to the child in a regular class, with appropriate supplementary aids and services, as compared to the benefits provided in a special education class; and (3) the possible negative effects of the inclusion of the child on the education of the other students in the class.”

Given the student’s behavior the first six weeks of third grade, the district clearly needed to take action. The burden was clearly on the school district to follow *Oberti*. The reevaluation and IEP process should have been better utilized. There is little or no evidence of LRE activities. The process of transitioning back to regular education has been slow and without the benefit of an IEP or solid reevaluation. This is a further denial of FAPE.

Compensatory education is an in-kind remedy. A child is entitled to compensatory educational services if the child is exceptional and in need of special education and related services (i.e., eligible for FAPE) and if through some action or inaction of the district, the child was denied FAPE. See *Lester H. v. Gilhool*, 916 F.2d 865 (3rd Cir. 1990), *In Re the Educational Placement of J. A.*, Opinion Number 1238. Compensatory education’s specific purpose is to remedy a period lacking such benefit computed from when the district knew or should have known of the programmatic deficiency. See *M.C. v. Central Regional School District* 81 F. 3rd 389 (3rd Cir. 1996). Thus, services must be over and above what is required for FAPE now and in the future. See *Id.*, *J. A.*

The denial of FAPE for 2004-2005 and 2005-2006 school year to date has been so systemic that compensatory education for the entire time period is warranted. Equities can be argued for excluding time periods like October 7, 2004 to March 14, 2005, but failures such as not addressing socialization and behavioral needs or failure to report progress on annual goals argue against this. The student is owed compensatory education for the entire period of time. This should be calculated on the number of hours in a school day times the number of elapsed school days. In addition, the parents are owed compensatory education for the 2005 summer ESY. This will be calculated at thirteen and a half hours of reading and/or S/L therapy agreed to for 2004 ESY. Since the recreational time offered both years is about the same, this isn’t a factor. Also, the parent is due transportation reimbursement for ESY at the IRS rate.

The LEA is ordered to take the following action

1. Immediately develop an appropriate IEP for the current placement and transition to regular education with needed supplementary aides and services. A comprehensive BP is to be part of the IEP.
2. Reevaluate the student following requirements of IDEA 2004.
3. Provide compensatory education equal to the number of hours school was in session in the 2004-2005 school year and the 2005-2006 school year until the IEP in item one is implemented. An additional thirteen and one half hours will be added as compensatory education for summer 2005 ESY.
4. Reimbursement for transportation costs at the IRS rate for the 2005 ESY.
5. The use of the compensatory education time will be decided by the IEP team with the parents having final approval. The compensatory education must be used to meet stated IEP goals and objectives. The compensatory education will be delivered outside of the regular school day and ESY. The time period for utilizing the compensatory education will extend until the student's twenty-first birthday.
6. Upon presentation of proof of payment by the parent to Dr. S for the May 15, 2005 IEE, the school district will reimburse the parents up to one thousand six hundred dollars (\$1,600).

Date _____

Kenneth Rose
Hearing Officer