

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

DECISION

Child's Name: Student

Date of Birth:

Dates of Hearing: 7/31/2009

CLOSED HEARING

ODR No. 10142/08-09 KE

Parties to the Hearing:

Parent : The Chancellor Center
30 North Chancellor
Street
Pro SE Newtown, PA 18940

School District
Attorney:
Joanne Sommer, Esq.
Eastburn and Gray
60 E. Court Street
Doylestown, PA 18901

School District:
Council Rock School
District

Date of Hearing: July 31, 2009
Date Record Closed: August 6, 2009
Date of Decision: August 21, 2009

Hearing Officer: Deborah G. DeLauro

INTRODUCTION AND PROCEDURAL

HISTORY

Student (Student)¹ is a second grade student in the Council Rock School District (hereinafter “District”). Student’s Parent contends that the reading program provided during the 2008-2009 school year was inappropriate and therefore Student’s Individualized Education Program (hereinafter “IEP”) was inappropriate. Parent also complains that the reading program proposed in the IEP for the 2009-2010 school year is similarly inappropriate. Parent believes that the District has provided a “reading plan” and not a reading program and the only reading

¹ All future references to Student will be generic and gender-neutral. These impersonal references to Student are not intended to be disrespectful but rather to respect his privacy.

program appropriate for Student is the Lindamood Bell Reading Program². After a due process hearing session and a careful review of the parties' testimony and evidence, I find for the District for the reasons described below.

ISSUES

Whether the District provided an appropriate IEP to Student for the 2008-2009 school year?

Whether the District's IEP proposed for the 2009-2010 school year is appropriate?

FINDINGS OF FACT

² Lindamood Bell is a program of sensory-cognitive processes that underlie reading, spelling, math visual-motor skills, language comprehension and critical thinking designed by Pat Lindamood and Nancy Bell.

1. Student, whose date of birth is [redacted], is an [age/grade redacted] student in the Council Rock School District (District). Student is eligible for special education services under the Individuals with Disabilities Education Improvement Act (hereinafter “IDEIA”)

2. Student’s primary qualifying category is Specific Learning Disability (hereinafter “SLD”) with a secondary disability category of Speech and Language Impairment (hereinafter SLI”) [SD-1]³

3. Student was first evaluated for special education services on 12/12/06 when he was in Kindergarten at Newtown Elementary School

³ References to “SD” and “P” are to the School District, and Parent exhibits, respectively. References to “N.T.” are to the transcript of the July 31, 2009 hearing conducted in this matter.

(hereinafter “School”) [SD-1] The Initial Evaluation Report (hereinafter “ER”) yielded the following conclusions:

- 1) A significant discrepancy between Student’s math skills and his expected level of achievement for a student with his cognitive functioning;
- 2) Difficulty with word reading and writing skills;
- 3) Significant delays in the areas of processing speed, attention and task completion.
- 4) Difficulty understanding new information.
- 5) Significant auditory perceptual deficits, severe articulation delays and low average to average receptive and expressive language skills; and
- 6) Difficulty with sensory processing, fine motor skills and below average postural control. [SD-1]

4. An IEP was developed and written on 1/24/08 which was based on the testing and baselines in the ER and included goals in the following areas: positive postural support; word spacing when writing; use of upper and lower case letters in written assignments; reading decoding; reading comprehension; fluency; written expression; spelling; phonemic awareness; articulation and speech intelligibility. [SD-2]

5. Parent disapproved the IEP and requested a re-evaluation (hereinafter “RR”). Parent signed another Permission to Re-Evaluate (hereinafter “PTRE”) so that the District could review additional

outside information provide by Parent. [SD-2 at pp. 18, 19 and 20 of 20] ⁴

6. The Re-Evaluation Report was completed 5/13/08 and revised on 6/24/08⁵ [SD-4;] and found that Student continued to meet the criteria for SLD as a result of a significant discrepancy between Student's overall cognitive ability and his reading achievement, particularly in the areas of fluency and reading comprehension. In addition to SLD, Student also continued to meet the criteria for a Speech/Language Impairment due to speech

⁴ Under parent input section, parent wrote "[Student] has a speech and language disorder. The reading program in place is not working and [Student] was not making progress. The last evaluation that CRSD administered was not an accurate reflection of what [Student] knows. Some of the words were twisted to imply some things that were untrue in the report. [Redacted name] is not permitted to evaluate."

⁵ One of the Revisions included in the 6/24/08 ER was the results of a private psychological evaluation conducted by [Ph.D]. who recommended the Lindamood Bell approach to maximize his learning.[SD-4; P-4; N.T. pp. 104-110]

intelligibility and auditory perceptual skill deficits.

[SD-4]

7. An IEP was developed on 6/13/08 (revised on 12/9/08 and 2/24/09) [SD-5; SD-5A;] which included updated present levels of academic achievement and functioning, goals in the areas of reading, including fluency and reading comprehension, written language skills, speech and language functioning, handwriting and postural control, [SD- 5; SD 5A]. Also included in the IEP were related services in speech/language for 90 minutes a week; and occupational therapy 30 minutes once a week. Finally, the IEP identified modifications and specially designed instruction (hereinafter “SDI”)

in order to support and assist Student in deriving benefit from his instructional goals and program.⁶

8. The IEP was revised in December 2008⁷, February 2009⁸ and March 25, 2009. [S-6;N.T. p.191] The Present Levels of Academic Achievement indicated that Student made progress in Reading: [SD-6 pp. 4, 18-20; N.T. 151, 163-164, 166]

Goal Area	November	February	April
-----------	----------	----------	-------

⁶ Student's SDIs were as follows: adaptive pencil grip to facilitate a correct pencil hold; small group, multi-sensory, systematic instruction in reading; computer-based program to increase and practice phonemic awareness and auditory processing skills; prompting and visual cues for attention and focus; visual and verbal reminders to look at the speaker and give eye contact to hear directions clearly; rereading of familiar texts for fluency and phrasing; one on one direct instruction in reading strategies; reference guides for consonant/vowel patterns; math word problems read aloud; multi-sensory approach for speech production and phonological awareness/phonemic processing; oral motor stimulation for proper articulator placement and range of motion; positive reinforcement and motivation strategies; book previews to build vocabulary; small group direct instruction for reading strategies; and computer based audio books. [SD-5; SD-5A]

⁷ The IEP was revised in December 2008 in order to change Student from the Wilson Reading Program to Foundations, another multi-sensory, research based peer reviewed reading program. [SD-5A; N.T. p 182,186-187]

⁸ The IEP was revised in February 2009 at Parent's request to address her concern that Student was not connecting with peers in the classroom. The speech and language program was changed to 2 thirty minute therapy sessions in the Therapy Room and 1 therapy session in the classroom during a conversation time. [SD-5A;N.T. p. 188]

	2008	2009	2009
Reading: Decoding	Level 18 (beginning 2 nd grade) DRA	Level 24 (middle of 2 nd grade) DRA	Level 24 (middle of 2 nd grade) DRA
Reading: Comprehension	Level 18 (beginning 2 nd grade)	Level 24 (middle of 2 nd grade)	Level 24 (middle of 2 nd grade)
Reading: Fluency	41 words per minute	55 words per minute	66 words per minute

9. Student was given the Stanford, a diagnostic assessment which measures reading comprehension and the understanding of vocabulary

presented outside the context of specific reading selections. The 2nd grade teacher testified that all of the students in the class received low scores in reading on the Stanford⁹, but Student performed much better on the Woodcock Diagnostic Reading Battery. [SD-5, pp. 5-6; N.T. pp. 191-193]

Test :	Standard Score	Percentile	
Woodcock Diagnostic Reading Battery	1/2008 4/2009	1/2008 4/2009	
Total Reading	86 115	17	84
Reading Skills	93	31	78

⁹ Student's scores (17, 19, 14, 15) were below the average range (25 to 75).) [SD-6]

	111		
Reading	81	10	90
Comprehension	119		

10. Parent testified that she was extremely concerned about the Student’s scores on the Stanford. These low scores confirmed parent’s opinion that Student lacked reading strategies and that the accommodations being provided, were forcing Student to become dependent. [N.T. pp. 98, 100-111]

11. Student has been receiving speech and language therapy from an independent licensed speech-language pathologist, [MG] (hereinafter “MG”) since October 2006. The primary focus of

Student's speech therapy has been articulation. [P-5; N.T. 43-46]

12. MG testified that Student has an auditory processing disorder which causes him to have trouble focusing, following directions, filtering out unnecessary details and understanding what's taught in class. [N.T. pp. 50-53, 58, 62]

13. MG believes that a reading program which emphasizes phonemic awareness and oral motor principles would be beneficial for Student. [P-5; N.T. pp. 43, 46]

14. MG acknowledged that she is not a reading specialist, has never observed Student in school, and

has never administered a reading test to measure progress.[N.T. 43, 63-66,]

15. MG also acknowledged that the speech goals as well as the frequency of the services (3x week: 1 individual; 2 small group) on the 3/25/09 IEP are appropriate. [SD-5; SD-5A; SD-6; N.T. pp. 63-66]

16. For the last three years, Student has also been privately tutored 2 x a week by [KM] (hereinafter “KM”). The focus of the tutoring has been on reading, word attack, spelling, comprehension and sound symbol relationship. [N.T. pp. 72, 74-75, 77]

17. KM stated that she is familiar with the LiPs program¹⁰ and the multi-sensory approach used to teach reading. She felt that the program would be helpful to Student. [N.T. pp. 78-79, 166] KM also stated that she was familiar with the Wilson Reading Program¹¹ as well. [N.T. pp. 78] However, KM did not know what the “Foundations” Program was or that Student was receiving reading instruction using Foundations in addition to Guided Reading and Making Meaning. [N.T. pp. 82, 88]

18. KM acknowledged that she is not a certified special education teacher or a reading specialist, and

¹⁰ The Lindamood Phoneme Sequencing Program (LiPs) develops phonemic awareness, the ability to perceive sounds within words, by stimulating awareness of the mouth actions that produce speech sounds.

¹¹ The Wilson Reading System (hereinafter “WRS”) is a research based reading and writing program. It is a complete curriculum for teaching decoding and encoding (spelling) beginning with phoneme segmentation. The WRS directly teaches the structure of words in the English language so that students master the coding system for reading and spelling. It provides an organized sequential system with extensive controlled text to help teachers implement a multi-sensory structured language program. The basic purpose of the WRS is to teach students fluent decoding and encoding skills to the level of mastery.

she had not reviewed either the IEP implemented during the 2008-2009 school year or the IEP proposed for the 2009-2010 school year. [N.T. pp. 79]

19. KM stated that she incorporated components of the Guided Reading Program when she tutored Student and although she wasn't aware that the program had been approved by the National Reading Panel, she did know that it was a research-based program. KM also agreed that the Guided Reading Program paralleled some of the same strategies in the Lindamood Bell Program. [N.T. pp. 80-82]

20. KM admitted that she did not know that there is no peer reviewed research to support the

efficacy of the Lindamood Bell Program and that the only studies assessing whether the Lindamood Bell Program works are funded by the Lindamood Bell Program itself. KM also did not know the difference between the Wilson Reading Program and the Lindamood Bell Program. [N.T. p. 89-91]

21. KM was familiar with the Developmental Reading Assessment (hereinafter “DRA”) and agreed that the Benchmark for 1st grade is Level 16, for 2nd grade, Level 28 and she was not surprised to learn that Student was scoring at Level 34 by the end of second grade because Student is highly intelligent and Student memorizes. However, when questioned further, she admitted that it wouldn’t have been

possible for Student to memorize the content of the DRA probe.[N.T. pp. 85-86]

22. KM agreed that Student was reading at or above grade level per the DRA at the end of the second grade and that Student achieved those scores without the benefit of the LiPs program which Student mother had requested. [N.T. pp. 88-90]

23. Parent testified that she believes that the Wilson Foundations program¹² is a good reading program for some students, it's language based, but the District is not delivering it the way it's supposed to be delivered and the teachers only received a two-day training.[N.T. pp. 119, 121-127]

¹² Foundations is the primary element of the Wilson Reading Program. [N.T. pp. 155]

24. Parent also testified that Student doesn't feel good about Student in school, doesn't want to go to school, has missed 29 days of school this last year for medical reasons and because Student didn't want to go to school. [N.T. pp. 86, 127]

25. Student's second grade regular education teacher, [MK] (hereinafter "MK") testified that the fact that Student missed 29.5 days of school last year and was also tardy 42 days had an impact on Student academic progress and social skills development with peers. [SD-15; SD-16; N.T. pp. 199-203]

26. Nevertheless, MK reported that based on progress monitoring and standardized testing, Student made significant progress both academically,

particularly in reading, and in building better peer relationship. [SD-10; SD-16; N.T. 155]

27. Student participates in the Making Meaning Program as well as Earobics as part of Student reading program. The Making Meaning Program is designed to build reading comprehension and Earobics is a computer based program and is designed to build phonemic awareness and improve auditory processing skills; both are research-based. [N.Y. pp. 158-163, 178, 186]

28. In addition, MK stated that Student also participated in the Daily Five Program¹³ twice a week as well as the Word Study Program to augment

¹³ Daily Five is a new way of referring to literacy centers, but is based on the idea that in order to progress in reading and writing five things had to take place: Work on words; work on writing; listen to reading; listen to other fluent readers; and practice reading independently. [N.T. p. 172]

Student reading programs. Student received 155 minutes of reading instruction a day.[N.T. pp. 172-173]

29. MK stated that the District's literacy specialist worked in the classroom twice a week and was also available for consultation with Student's teachers. [N.T. pp. 182]

30. Student's special education teacher, [SS] (hereinafter "SS") had contact with MK, the district's speech and language teacher and the District's literacy specialist on a regular basis. [N.T. pp. 225-226]

31. SS worked specifically with Student on a daily basis: team teaching with MK, in Student

Making Meaning Reading group and 1:1 when Student was receiving instruction in Wilson and then in a small group when Student switched to the Foundations Program¹⁴. SS also worked specifically with Student, supervising in Earobics. [N.T. pp. 229-230]

32. SS stated that she was providing Foundations in conjunction with Word Study Reading Program. SS explained that she was using Foundations lessons but coordinating them with the word study patterns or word structures the students were working on in the second grade classroom. [N.T. pp. 231-233]

Consequently, SS was not able to assess Student in

¹⁴ Student moved very quickly through the Wilson lessons from 1.4 to 2.6 in three months so SS felt he needed to hear other peers articulating the decoding and encoding as they read. [N.T. pp. 231-232]

Fundations. Instead she conducted running reading probes (weekly) and administered the Dynamic Indicators of Basic Early Literacy Skills (hereinafter the “DIBELS”) (bi-weekly) to measure the number of words per minute Student could read accurately. In addition, SS also administered the DRA Assessments which indicate that Student made over a year’s progress between September 2008 and June 2009.

[SD-11; SD-12; N.T. pp. 233-235] On the DIBELS, Student went from reading 21 words at the beginning of the school year to 66 words read per minute by the end of the year. [SD-12; N.T. 239-240]

CREDIBILITY OF WITNESSES

Hearing officers are empowered to judge the credibility of witnesses, weigh evidence and, accordingly, render a decision incorporating findings of fact, discussion and conclusions of law. The decision should be based solely upon the substantial evidence presented at the hearing.¹⁵ Quite often, testimony or documentary evidence conflicts; which is to be expected as, had the parties been in full accord, there would have been no need for a hearing. Thus, part of the responsibility of the hearing officer is to assign weight to the testimony and documentary evidence concerning a child's special education experience. Hearing officers have the plenary

¹⁵ Spec. Educ. Op. No. 1528 (11/1/04), quoting 22 PA Code, Sec. 14.162(f). See also, *Carlisle Area School District v. Scott P.*, 62 F.3d 520, 524 (3rd Cir. 1995), cert. denied, 517 U.S. 1135 (1996).

responsibility to make “express, qualitative determinations regarding the relative credibility and persuasiveness of the witnesses”. Blount v.

Lancaster-Lebanon Intermediate Unit, 2003 LEXIS

21639 at *28 (2003). This is a particularly important function, as in many cases the hearing officer level is the only forum in which the witnesses will be appearing in person.

This hearing officer found both the private speech therapist and the tutor to be credible and it was clear that both have formed a caring relationship with the Student and mother. Similarly, Student’s second grade regular teacher was highly credible especially about the coordination of the multi-sensory

research based reading programs into the regular second grade curriculum. It was also clear that she worked seamlessly with Student's special education teacher to deliver individualized programs for her students. On the other hand, although the special education teacher was highly knowledgeable and to her credit, appears to be a major force in providing research-based, peer reviewed reading programs in regular and special education settings in the District, she knew or should have known that it takes more than a two-day training and a variety of workshops to implement the Wilson Reading Program the way it was intended to be implemented¹⁶. That being said, it

¹⁶ In order to be fully certified in the Wilson Reading methods, it takes a full year which is comprised of classes and supervision of students.

was also clear to this hearing officer that the integrated program the special education teacher was implementing with Student's regular education teacher was effective to the benefit of Student.

The Parent is clearly committed to her Student and extremely concerned that Student receives the most effective reading program in order to meet Student's academic potential. However, her unbending conviction that the only reading program for her Student is the Lindamood-Bell Program clearly clouded her perception of the progress that Student was making in the reading programs Student was receiving. Furthermore, Parent lost some credibility when she defended her Student's poor

attendance record instead of acknowledging that it's sometimes difficult for a student to make consistent academic and social progress when they are excessively absent or tardy.

DISCUSSION AND CONCLUSIONS OF LAW

Students with disabilities are entitled to a Free Appropriate Public Education (hereinafter "FAPE") under both federal and state law. 34 C.F.R. §§300.1-300.818; 22 Pa. Code §§14.101-14 A school district offers FAPE by providing personalized instruction and support services pursuant to an IEP. FAPE does not require IEPs that provide the maximum possible benefit or that maximize a student's potential, but rather FAPE requires IEPs that are reasonably

calculated to enable the child to achieve meaningful educational benefit. Meaningful educational benefit is more than a trivial or de minimis educational benefit. Whether an IEP is reasonably calculated to afford a child educational benefit is to be determined as of the time it is offered to the student and not at some later date. 20 U.S.C. §1412; Board of Education v. Rowley, 458 U.S. 176, 73 L.Ed.2d 690, 102 S.Ct. 3034 (1982); Ridgewood Board of Education v. M.E. ex. rel. M.E., 172 F.3d 238 (3d Cir. 1999); Stroudsburg Area School District v. Jared N., 712 A.2d 807 (Pa. Cmwlth. 1998); Polk v. Central Susquehanna Intermediate Unit 16, 853 F.2d 171 (3rd Cir. 1988) Fuhrmann v. East Hanover Board

of Education, 993 F.2d 1031 (3d Cir. 1993); Daniel G. v. Delaware Valley School District, 813 A.2d 36 (Pa. Cmwlth. 2002) Additionally, the placement of a student with a disability must be in the least restrictive environment appropriate. 34 C.F.R. §300.114(a)(2); 22 Pa. Code §14.145(1); Oberti v. Board of Education, 995 F.2d 1204 (3rd Cir. 1993); L.E. v. Ramsey Board of Education, 435 F.3d. (3rd Cir. 2006)

Furthermore, the Court in Polk, supra., citing Board of Education v. Diamond, 808 F.2d 987 (3rd Cir. 1986) held that “Rowley makes it perfectly clear that the Act requires a plan of instruction under which educational *progress* is likely.” (Emphasis in

the original). The IEP must afford the child with special needs an education that would confer meaningful benefit. The court in Polk held that educational benefit “must be gauged in relation to the child’s potential.” This was reiterated in later decisions that held that meaningful educational benefit must relate to the child’s potential. See T.R. v. Kingwood Township Board of Education, 205 F.3d 572 (3rd Cir. 2000); Ridgewood Bd. of Education v. N.E., 172 F.3d 238 (3rd Cir. 1999).

The burden of persuasion, which is one element of the burden proof, is upon the party seeking relief. Schaffer v. Weast, 546 U.S. 49, 126 S.Ct. 528, 163 L.Ed.2d 387 (2005); L.E. v. Ramsey Bd. Of

Education, 435 F.3d 384 (3d Cir. 2006); In Re a Student in the Ambridge Area School District, Special Education Opinion No. 1763 (2006) In this case, Parent bears the burden of persuasion because Parent alleges that the District has denied FAPE by not providing the appropriate reading program during the 2008-2009 school year and that the proposed reading program for the 2009-2010 school year is similarly flawed.

As described in greater detail below, I find for the District in this case because the preponderance of evidence demonstrates that Student's IEPs, while not specifying which reading program was going to be implemented, were nevertheless, reasonably

calculated to enable Student to achieve meaningful educational benefit. In addition, the preponderance of evidence demonstrates that the District was implementing several research-based, peer-reviewed reading programs which appropriately addressed Student's educational needs and the Student was making measurable educational progress.

Although historically, courts generally took the position that the choice of educational methodology was within the sole discretion of the school district, provided that the method chosen offered FAPE. In fact, the legislative history of IDEA affirmed that a statement of educational methodology did not have to be included in an IEP. Significantly, however, it also

acknowledged the role of the IEP team in the selection of educational methodology if educational methodology was part of the special education for the child. The 2006 final regulations define special education to mean, in part, specially designed instruction adapting, as appropriate to the needs of eligible child under this part, the content, methodology, or delivery of instruction to address the unique needs of the child that result from the child's disability. 34 CFR 300.39(b)(3)(i) This is not to say that educational methodology will be an item of special education in each instance when a teacher makes day-to-day adjustments in instructional methods and approaches, but only when the choice of

methodology determines what goal should be adopted and services provided, then IEP team's consideration and approval is required.

Here, Parent complains that FAPE was denied because Student's reading program was inappropriate since Student has a language based reading disorder which requires a specific reading program to address Student's unique educational needs and for Student to make educational progress. The weight of the evidence, however, shows that Student's IEPs were appropriately designed to provide meaningful educational benefit, and in fact, confirms that Student was making significant educational progress.

Furthermore, a closer look at the evidence reveals that Parent was guided in her choice of reading program primarily by Student's private speech therapist and tutor who convinced her that the only reading program which would effectively address Student's needs was the Lindamood Bell Program. However, a closer review of the evidence revealed that neither the speech therapist nor the private tutor are reading specialists or certified special education teachers. In addition, neither individual had been trained in the Lindamood-Bell program or had ever observed Student's current reading program at school.

With regard, to the independent psychological evaluation conducted by [Dr S]., less weight must be given as she had no relationship with Student other than the testing she did and no other information about Student other than the information that was provided by the Parent.

Next, with regard to the IEPs developed and implemented for the Student, the evidence persuaded this hearing officer that they were reasonably calculated to enable Student to achieve meaningful educational benefit. More specifically, a careful review of both the 2008-2009 and the 2009-2010 IEPs revealed that they included the following elements as prescribed by law at 20 USC

1414(d)(1)(A)(i)(I)-(VIII) and in the 2006 regulations at 34 CFR 300.320(a)-(c).

The IEP for each child with a disability must include a statement of the child's present levels of educational performance; a statement of measurable annual goals, including benchmarks or short-term objectives, related to meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum and meeting the child's other educational needs that result from the child's disability; a statement of the special education and related services and supplementary aids and services to be provided to the child...and a statement of the program modifications

or supports for school personnel that will be provided for the child to advance appropriately toward attaining the annual goals (and) to be involved and progress in the general curriculum...and to be educated and participate with other children with disabilities and non-disabled children; an explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class... CFR §300.347(a)(1) through (4).

Therefore, since the record indicates that the IEPs were based on accurate and up-to-date assessments, included updated present levels of achievement, measurable annual goals which were based on baselines obtained from the evaluations and

teacher input, related services to assist Student in deriving benefit from his educational instruction, specially designed instruction, accommodations and modification to assist Student in meeting his goals and progress monitoring to describe how and when progress toward meeting the goals will be measured, this hearing officer finds the 2008-2009 and the 2009-2010 IEPs to be appropriate.

With regard to the Student's progress in reading, the record supports the District's contention that Student made significant progress, (i.e. more than a year's progress) in basic reading, fluency and reading comprehension during the 2008-2009 school year.

Accordingly, I find that the IEPs' reading goals were, and are, appropriate.

Finally, in finding as I have in favor of the School District with respect to Student's IEPs, I note that the School District was, at all times, monitoring the effectiveness of its various curricula in meeting Student's needs. The School District stopped using the Wilson Program when it was evident that Student was "flying" through the lessons and needed to be in a small group where he could hear peers read fluently. In fact, the District's choice of programs particularly in reading appear well thought out and reasonably calculated to provide Student with meaningful educational benefit.

Accordingly, I find for the District, but in light of the issue of incomplete training in the Wilson Reading program, I strongly recommend that the District provide their teachers with the recommended and comprehensive training in the Wilson or any of the research based peer reviewed reading programs.

CONCLUSION

The evidence in this case is insufficient to meet Student's burden of persuasion. Student's IEPs were reasonably calculated to enable Student to achieve meaningful educational benefit. Present education levels, progress monitoring, and goal requirements were met, and Student's IEP was based on accurate and up-to-date educational evaluations. Accordingly,

the IEP for the 2008-2009 school year and the proposed IEP for the 2009-2010 school year are appropriate

ORDER

- The School District's IEP for 2008-2009 is appropriate.
- The School District's proposed IEP for the 2009-2010 school year is appropriate.

*Deborah G.
DeLauro*
Hearing Officer

August 21, 2009

