

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: C.H.

Date of Birth: [redacted]

Dates of Hearing:

August 23, 2013
September 26, 2013
September 27, 2013
October 10, 2013
October 11, 2013
October 17, 2013

CLOSED HEARING

ODR Case #14056-1213KE

Parties to the Hearing:

Parent

Philadelphia School District
440 North Broad Street
Philadelphia, PA 19130

Date Record Closed:

Date of Decision:

Hearing Officer:

Representative:

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November 1, 2013

November 11, 2013

Jake McElligott, Esquire

INTRODUCTION AND PROCEDURAL HISTORY

Student (“student”) is a [teenaged] student residing in the Philadelphia School District (“District”). The parties agree that the student qualifies under the terms of the Individuals with Disabilities in Education Improvement Act of 2004 (“IDEA”)¹ for specially designed instruction/related services for autism and speech and language impairment.

The parent claims that the District failed to provide a free appropriate public education (“FAPE”) to the student for the 2012-2013 school year, including extended school year programming (“ESY”) for summer 2013. Parent also claims that the District has violated its obligations to the student under Section 504 of the Rehabilitation Act of 1973 (“Section 504”).² As a result, the parent claims compensatory education for these alleged deprivations. Additionally, parent seeks directives for the student’s individualized education plan (“IEP”) team.³

¹ It is this hearing officer’s preference to cite to the pertinent federal implementing regulations of the IDEA at 34 C.F.R. §§300.1-300.818. *See also* 22 PA Code §§14.101-14.163 wherein Pennsylvania education regulations explicitly adopt most provisions of 34 C.F.R. §§300.1-300.818.

² 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 wherein Pennsylvania education regulations explicitly adopt the provisions of 34 C.F.R. §§104.1-104.61.

³ In her complaint, parent also requested placement of the student for the 2013-2014 school year at a specific District high school. As set forth more fully below in the *Procedural Background* section, prior to the commencement of the hearing, the student was placed at this high school through a hearing officer-ordered exchange between the parties of a notice of recommended educational placement (“NOREP”). Therefore, this claim for remedy was rendered moot.

The District counters that, at all times, it met its obligations to the student under IDEA and Section 504. As such, the District argues that no remedy is owed to the student.

For the reasons set forth below, I find in favor of the parent.

ISSUES

Was the student provided with a free appropriate public education for the 2012-2013 school year?

If not, is parent entitled to compensatory education and/or other remedy?

PROCEDURAL BACKGROUND

- a. Parent filed her complaint on June 21, 2013. Parent sought a placement for the 2013-2014 school year in a particular District school, compensatory education for the 2012-2013 school year, and directives for the student's IEP team. An element of the parent's allegations centered on alleged failures of the District to comply with the terms of a 1995 consent decree issued by the federal District Court for the Eastern District of Pennsylvania related to the District's handling of the placement of students with disabilities when transitioning from middle school to high school ("Legare consent decree"). (Parent's Exhibit ["P"]-1; Hearing Officer Exhibit ["HO"]-21 at pages 14-27).
- b. Pursuant to 34 C.F.R. §§300.510 and 300.515, based on the filing date of the complaint, the decision due date was statutorily set for September 4, 2013, 75 days from the filing date of the complaint. These 75 days account for a 30-day period for a resolution meeting process and a 45-day period thereafter for the conclusion of the hearing. A hearing date was set for August 19, 2013. (HO-2, HO-7, HO-10).
- c. The District filed an answer to the complaint on July 3, 2013. In its answer, the District asserted that the hearing officer did not

have subject matter jurisdiction over the enforcement of the Legare consent decree. (P-5).

- d. The hearing officer and the parties exchanged views on the District's assertion regarding the Legare consent decree, and the parties briefed the issue through a District motion to dismiss for lack of subject matter jurisdiction. (HO-5, HO-8, HO-9, HO-13, HO-15, HO-18, HO-20, HO-21, HO-22).
- e. The hearing officer issued a ruling that, based on the plain language of the Legare consent decree, a separate process for compliance with, and/or admissions decisions under, the Legare consent decree exists outside of special education due process. Non-compliance with the Legare consent decree was deemed to be under the jurisdiction of another tribunal. Therefore, claims of non-compliance with the Legare consent decree were excluded from consideration in the hearing. (HO-20, HO-21, HO-22, HO-23, HO-79).
- f. In mid-July 2013, the parties exchanged emails at the hearing officer's request to schedule a conference call to discuss hearing matters. Due to the availability of counsel and vacation schedules, a conference call was scheduled for August 6, 2013. (HO-6, HO-11, HO-12, HO-14, HO-16, HO-17, HO-19, HO-24, HO-25).
- g. As a result of the August 6th conference call, parent's counsel rejected an option to hold a one-day evidentiary hearing related to the student's upcoming 2013-2014 placement and defer to later sessions evidentiary hearing sessions related to other claims; parent's counsel wanted all claims heard in one hearing process. (HO-26).
- h. As a result of the August 6th conference call, and as a consequence of the desire of parent to conclude the hearing in one process, a second hearing session was scheduled for August 22nd. (HO-26).
- i. As a result of the August 6th conference call, the issues for the hearing were clarified, namely that the hearing would address the student's upcoming 2013-2014 placement, the compensatory education claim for 2012-2013 school year, and directives to the student's IEP team. Based on the hearing officer's ruling on the motion, evidence would not include any considerations arising out of compliance, or non-compliance, with the Legare consent decree. (HO-23, HO-26).

- j. As a result of the August 6th conference call, nine individuals were named as potential witnesses. The hearing officer advised counsel of the probable need to time-limit witnesses and make other hearing adjustments to conclude the hearing over two sessions. (HO-26).
- k. The decision due date was confirmed as September 4, 2013. (HO-26).
- l. On August 8, 2013, given changes in the hearing officer's schedule, a third hearing session for August 23rd was added, and the parties anticipated a three-day hearing. (HO-26a).
- m. Between August 8th and August 13th, counsel for the parties and the hearing officer corresponded regarding various hearing matters, including the start-times, structuring the hearing day, subpoenas, witness order, and time-limiting witnesses to accommodate a three-day hearing in light of the September 4th decision due date. (HO-26a, HO-27, HO-28, HO-29, HO-30, HO-31, HO-32, HO-33, HO-34, HO-35).
- n. On August 13, 2013, given the intricacies and necessities of planning for the three-day hearing with a decision due date of September 4th, the District requested extension of the decision due date. As authorized under 34 C.F.R. §300.515(c) and 22 PA Code §§14.102(a)(2)(xxx) and 14.162(q)(1-3), at the request of a party, the hearing officer extended the decision due date to allow for evidentiary sessions in August on the student's upcoming 2013-2014 placement and other sessions, to be scheduled subsequently, on the other issues in parent's complaint. The decision due date was extended to October 31, 2013. (HO-36).
- o. On August 13th, the parties were instructed to prepare evidence at the three August hearing sessions on the student's upcoming 2013-2014 placement. (HO-36).
- p. Parent's counsel objected to the extension of the decision due date. The hearing officer explained the hearing officer's statutory authority to extend the decision due date at the request of either party and the autonomy of a hearing officer to select the new decision due date. (HO-38, HO-39, HO-42, HO-44, HO-45).
- q. Intending to utilize the August hearing sessions on the student's upcoming 2013-2014 placement, the hearing officer requested clarification by 5 PM on August 14, 2013 on the District's position

- regarding the student's 2013-2014 placement.⁴ (HO-36, HO-38, HO-39, HO-40).
- r. On August 14th, the District confirmed that the student would be placed at the high school requested by parent. (HO-46).
 - s. The hearing officer began planning for a hearing where the upcoming 2013-2014 placement was no longer at issue between the parties. (HO-47).
 - t. Despite seeming agreement between the parties on the student's 2013-2014 placement, subsequent communications revealed that an understanding between the parties regarding the student's placement was uncertain. (HO-48, HO-49).
 - u. On August 16, 2013, to gain explicit clarity on the parties' agreement, or non-agreement, on the student's upcoming 2013-2014 placement, the hearing officer ordered a NOREP exchange between the parties. (HO-50).
 - v. On Friday, August 16th, the District was ordered to issue a NOREP by 5 PM on August 19th for the student's 2013-2014 school year. Parent was ordered to return the NOREP by 5 PM on August 21st. To facilitate the NOREP exchange, the hearing sessions on August 19th and 22nd were cancelled. The August 23rd hearing session was maintained, with the issue(s) for the session to be the 2012-2013 compensatory education claim and directives to the student's IEP team; whether the student's upcoming 2013-2014 placement would be an issue was to be determined as a result of the NOREP exchange. (HO-50).
 - w. The District issued a NOREP for the student's 2013-2014 placement at the high school requested by parent in her complaint. Parent returned the NOREP, indicating qualified agreement with the placement along with a narrative statement explaining aspects of disagreement and qualifications. (HO-52, HO-54, HO-55).
 - x. When the hearing officer requested a copy of the NOREP to confirm the parties' positions, parent objected to introduction of the hearing officer-ordered NOREP prior to the initial hearing session. (HO-56, HO-57).

⁴ Parent's position was clear from the complaint—placement in a named District high school. The District's position on the student's 2013-2014 placement, however, was never made explicit.

- y. Over August 21 and 22, 2013, the parties and the hearing officer communicated about planning details for the August 23rd hearing session. Collaboration between the parties stalled regarding witnesses, exhibits, and other hearing matters. Therefore, the hearing officer directed the parties as to the structure of the August 23rd hearing session. (HO-58, HO-59, HO-60, HO-61, HO-62, HO-63).
- z. On August 22nd, the parties were advised by the hearing officer that the August 23rd hearing session would be dedicated to procedural matters and objections, scheduling additional sessions, and the parties' opening statements. (HO-64).
- aa. Parent's counsel requested that the transcript reflect only the student's and mother's initials.⁵ (HO-65).
- bb. On August 23, 2013, the parties gathered for the initial hearing session. Initially, counsel for parent, on behalf of the public interest law group representing the family, was an attorney who was not involved in the planning and communication to that point. (HO-66, HO-67, HO-68).
- cc. The parties and hearing officer discussed procedural matters and objections and scheduling additional sessions, and the parties presented opening statements. (Notes of Testimony ["NT"] at 4-53).
- dd. Five mutually available hearing sessions were identified—September 26th, September 27th, October 10th, October 11th, and October 17th. (HO-66, HO-67, HO-68, HO-71; NT at 65-69).
- ee. Towards the end of the session, the attorney who had been representing the family, and had been involved in the planning and communicating over the prior months, arrived at the hearing. Additional matters were discussed and, ultimately, parent's counsel made a request that the hearing officer volunteer to reassign the case to another hearing officer. The request was denied. (HO-69, HO-70; see generally NT at 53-69 and, specifically, at 66-68).

⁵ The request of parent's counsel was honored, although throughout the hearing almost all references by counsel, the hearing officer, and witnesses to the student by name used the student's first name. Almost all references by those same participants to the student's mother were to "Ms." or "Mrs." with the use of her last name; some witnesses with a degree of familiarity with the student's mother, though, would occasionally refer to her by her first name.

- ff. With the scheduling of additional sessions, parent's counsel reiterated an objection to the extension of the decision due date. The hearing officer maintained the five agreed-to hearing dates and the October 31st decision due date. (HO-70, HO-71, HO-72, HO-73).
- gg. At the October 11th hearing session, the District requested an extension of the decision due date to accommodate the submission of written closing statements. The hearing officer granted the request. With the final transcript available by October 24, 2013, the deadline for the parties' closing statements was set for six working days thereafter, November 1, 2013. The decision due date was extended for an additional six working days, to November 11, 2013. (NT at 1125-1140, 1371-1380).

FINDINGS OF FACT

1. The student has been identified as a student with autism and speech/language impairment. (P-10, P-11, P-12; School District Exhibit ["S"]-22, S-4).
2. In March 2012, the spring of the student's 7th grade year, the student's IEP team met for its annual review of the student's educational programming. (S-5, S-6, S-7, S-8).
3. The March 2012 IEP was planned to guide the student's educational programming for a chronological year, so it would be in effect through the end of 7th grade and most of the student's 8th grade year (the 2012-2013 school year). (S-6, S-9, S-10).
4. The student's March 2012 IEP contained a speech and language goal, a problem-solving/mathematics operations goal, a reading rate goal, two reading comprehension goals, a backward-counting/subtraction goal, a social skills goal, and two post-secondary transition goals (involving career development and vocational training, one involving the relation of personal contact information). (S-6 at pages 15-30).
5. Baseline measurements for these goals were ascertained in March 2012. (P-14, P-15, S-13).

6. In June 2012, the student's progress monitoring reports at the conclusion of 7th grade contained data on all goals except for the two transition goals, where the student received no instruction or services. (P-15).
7. In November 2012, the first progress monitoring reports for 8th grade were consistent with the levels from the end of 7th grade. (P-13, P-15, S-13).
8. In February 2013, the second progress monitoring reports for 8th grade showed no progress in 8th grade on the two reading comprehension goals, the speech and language goal, and the social skills goal. The student showed slight progress in 8th grade on the reading rate goal. The student showed marked progress in 8th grade on the problem-solving/mathematics operations and backward-counting/subtraction. (S-13).
9. The February 2013 progress monitoring reports were the fourth and final reports of progress for the March 2012 IEP. (Progress monitoring on the March 2011 IEP goals took place in May 2012, June 2012, November 2012, and February 2013). (P-14, P-15, S-13).
10. The student made progress on all the March 2012 IEP goals except for the social skills goal, where the student slightly regressed. The student was also never instructed or received services related to the two transition goals. (S-13).
11. The student's IEP team met in March 2013, in the spring of 8th grade, for its annual review of the student's educational programming. (P-2; S-14, S-15, S-16, S-17, S-18, S-19).
12. The student's March 2013 IEP contained a speech and language goal, a problem-solving/mathematics operations goal including addition, subtraction, and multiplication, a reading rate goal, two reading comprehension goals, a social skills goal, an art class goal, a goal for engagement in school-based extra-curricular programs, a music keyboarding goal, and a post-secondary transition goal (involving career development and vocational training). (P-2; S-15).
13. The speech and language, reading rate, reading comprehension, social skills, and post-secondary transition goals were the same from the March 2012 IEP. The post-secondary transition goal involving the relation of personal contact information was removed. (P-2; S-6, S-15).

14. In March and April 2013, the parent met multiple times with the student's teacher and, at times, other District personnel, along with other individuals the student's mother brought for input and support. (NT at 1174-1186).
15. Over three meetings in April 2013, none of them a formally convened IEP team meeting, the student's IEP was further revised. (NT at 1181-1186).
16. By late April 2013, a revised IEP was agreed to. (P-16; S-20, S-21, S-22, S-23, S-24, S-25).
17. Between the March and April 2013 IEPs, two additional speech and language goals were added (one for use of textured, interactive expressive language with others, and one for conversation). An additional reading goal was added (for sight word identification and meaning). Finally, three goals were added for functional life skills—one for clock-reading, one for money calculation with coins, and one for shopping and meal preparation. (P-16; S-21).
18. In April and June 2013, progress monitoring reports were issued based on the April 2013 IEP goals. (S-26, S-27).
19. The baseline data for the March 2013 IEP (for the goals that were carried over from the March 2012 IEP) was not updated. The April and June 2013 progress monitoring reports contained identical baseline data from March 2012. (P-13, P-14, P-15; S-13, S-26, S-27).
20. The student received no instruction or services related to the new goals in sight word identification and meaning, for shopping and meal preparation, and musical keyboarding goal. (S-27).
21. The student's March/April 2013 IEPs indicate that the student is not eligible for ESY programming. Yet the paragraph supporting the conclusion supports the exact opposite conclusion, and the IEPs contain no goals or programming for ESY programming for summer 2013. ESY programming was not discussed at any of the March or April 2013 meetings. (P-2 at page 33, P-16 at page 45; S-15 at page 33, S-21 at page 45; NT at 768-774).
22. The student's special education teacher testified that the IEPs were in error and that the student qualified for ESY

- programming for summer 2013. The teacher shared information with the student's mother to that effect although the teacher testified that, to her knowledge, any District-based ESY programming would not be individualized for the student. (NT at 768-774).
23. Parent paid privately for the student's summer 2013 community-based programming, including undertaking transportation of the student to the program. (P-6; NT at 1289-1300, 1348-1355).
24. The student's IEPs contain a total of 600 minutes of speech and language services over the entire duration of the IEP, an average of 17 minutes per week over 36 school weeks. (P-2 at page 32, P-16 at page 44; S-6 at page 32, S-15 at page 32, S-21 at page 44).
25. The student's speech and language therapist provided services to the student in both 7th and 8th grades. The therapist did not maintain progress data and testified that progress monitoring data in the record was not hers. The therapist did not share progress reports with the parent because parent did not directly request it. The therapist did not supply any of the speech and language information in the IEP (present levels of performance, goals, specially designed instruction, amount and nature of the services). The record is silent as to how the speech and language information for the student in IEPs and progress monitoring reports came into existence. (P-2, P-13, P-14, P-15, P-16; S-6, S-13, S-15, S-21; NT at 990-1124).
26. The District had no local education agency ("LEA") representative present at any IEP meeting, or other decision-making meeting. The student's special education teacher attended the meeting and made commitments on behalf of the District but did not serve as the LEA representative. The signature of the LEA representative (either the building principal or assistant principal) was obtained separately after the meeting had concluded. (S-7, S-16, S-19, S-25; NT at 1175, 1186-1187).

DISCUSSION AND CONCLUSIONS OF LAW

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” (Ridgewood Board of Education v. N.E., 172 F.3d 238 (3rd Cir. 1999)), not simply *de minimis* or minimal education progress. (M.C. v. Central Regional School District, 81 F.3d 389 (3rd Cir. 1996)).

Denial of FAPE

The record supports a finding that the District denied the student FAPE. The denial comes in the form of a mosaic of procedural and substantive acts and omissions. First and most importantly, the student’s speech and language services in the 2012-2013 school year is problematic on every level. From the design of the speech and language programming, to its implementation, to its progress monitoring, this record leaves very little confidence that the District provided for the student’s speech and language needs.

Second, the District did not make ESY programming for the summer of 2013 part of any discussion at an IEP meeting. The

March/April 2013 IEPs contain identical language for ESY programming from the March 2012 IEP, and no IEP on this record provides any indication that the District considered individualized ESY programming for the student, even though the record is clear that the student qualifies for such programming, and the District recognized it. In sum, on this record, the District placed the student's parent in a position where the only recourse was to spend private resources for necessary summer programming.

Third, there were IEP goals where no instruction or services were delivered. Most pointedly, this occurred throughout the 2012-2013 school year with the post-secondary transition goal where the student would provide name, address, and phone number with 100% accuracy. There was never any instruction or services related to this goal, and it was removed in the March/April 2013 IEPs. To a lesser degree, the musical keyboarding goal was also never implemented after its creation in the March 2013 IEP—approximately three months of instruction under the IEP that was ignored.

Fourth, there are three prejudicial procedural flaws that rise to a level of denial of FAPE. On this record, the evidence is preponderant that the District was content to delegate the running of the IEP meetings to the special education teacher with explicit knowledge that she could not

act as the LEA representative.⁶ What is critical about the participation of the LEA representative is that this individual has knowledge of a school district's general education curriculum (which special education teachers and specialists normally do not) and can inform the IEP team about the full range of District resources and, often, act as someone who is in a position to know where and how such resources can be marshaled for the student. Here, a LEA representative did not participate in the student's IEP meetings and was a mere signatory to programming after the fact.

Another prejudicial procedural flaw surfaces in the progress monitoring prepared for the student after the March/April 2013 IEP meetings. The progress monitoring reports of April and June 2013 do not contain updated baseline information. Thus, measuring progress on the goals carried over from the March 2012 IEP (the majority of the student's IEP goals) becomes impossible.

Another prejudicial procedural flaw appears in the District's structuring of related services for speech and language in the student's IEPs. The delivery of services for "X minutes per IEP term" is prejudicial. It is prejudicially unclear and malleable, especially where a student

⁶ "The public agency must ensure that the IEP Team for each child with a disability includes...a representative of the public agency who (i) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities, (ii) is knowledgeable about the general education curriculum, and (iii) is knowledgeable about the availability of resources of the public agency." 34 C.F.R. §300.321(a)(4).

requires some degree of persistence in the delivery of services (as here, with a student with significant language difficulties).⁷

All of these substantive and procedural flaws amount to a finding that the student was denied a FAPE by the District. This finding is made as to claims of a denial of FAPE under the obligations of both IDEA and Section 504.

Accordingly, an award of compensatory education, or reimbursement as the claim may be, will follow.

Compensatory Education

Where a school district has denied a student a FAPE under the terms of the IDEIA, compensatory education is an equitable remedy that is available to a claimant when a school district has been found to have denied a student FAPE under the terms of the IDEIA. (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 right to compensatory education accrues from a point where a school district knows or should have known that a student was being denied FAPE. (Ridgewood; M.C.). The U.S Court of Appeals for the Third Circuit has

⁷ Here, the hearing officer takes a different view than he took in the decision in J.Z. v. Philadelphia SD, 13127-1213AS (HO McElligott 2013). There, a similar indication for related services was found to be problematic, and the student's IEP team was ordered to revise the IEP. But the related services language was not found to be prejudicial. Here, the hearing officer again sees similar language. And in her closing, parent cites to J.V. Philadelphia SD, 2663-1112AS (HO Carroll 2012), where similar language was found to be prejudicial. Given what now appears to be a pattern of using "X minutes per IEP term" to structure the delivery of related services, this hearing officer takes a different view, now and going forward, of the practice.

held that a student who is denied FAPE “is entitled to compensatory education for a period equal to the period of deprivation, but excluding the time reasonably required for the school district to rectify the problem.” (M.C. at 397).

Here, the nature of the denial of FAPE is a mosaic of prejudicial substantive and procedural acts and omissions by the District throughout the 2012-2013 school year. Having said that, the student made progress on IEP goals, so the student’s education program was not a total loss. Yet the denial of FAPE, and again most importantly a failure on almost every level to program appropriately for the student’s significant speech and language needs, requires that an award of compensatory education follow. As a matter of equity, then, the parent will be awarded 2.75 hours per day for every school day in the 2012-2013 school year.⁸

Reimbursement

The District failed to make ESY programming for summer 2013 a part of the student’s IEP planning and educational programming in the 2012-2013 even though the District recognized the need for such programming. As a result, the student’s parent was forced to utilize private resources to provide necessary programming in the summer of 2013.

⁸ A full day of compensatory education amounts to 5.5 hours for a secondary level student. See 22 PA Code §11.3.

Accordingly, the District will be ordered to reimburse the parent for these expenditures.

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CONCLUSION

As set forth above, the District denied the student a FAPE in the 2012-2013 school year. Consequently, parent is entitled to an award of compensatory education and reimbursement for private expenditures.

ORDER

In accord with the findings of fact and conclusions of law as set forth above, the School District denied the student a free appropriate public education in the 2012-2013 school year.

The student is entitled to compensatory education in an amount equivalent to 2.75 hours for every school day in the 2012-2013 school year.

Additionally, parent is entitled to reimbursement for out-of-pocket private expenditures for any summer 2013 athletic, social, artistic and academic programming arranged for the student. Upon presentation by the parent of proof of payment of out-of-pocket private expenditure(s) for summer 2013 programming for the student, the District is ordered to reimburse parent. Provision of evidence of proof of payment shall be exchanged between counsel for the parties, and the District shall issue reimbursement within 60 calendar days of the date District counsel receives such evidence.

Furthermore, parent is entitled to reimbursement for transportation costs for transporting the student to and from summer 2013 programming. Parent is entitled to mileage reimbursement as allowable under Internal Revenue Service mileage reimbursement rates for the period in question for one round-trip from the parent's home address to the address(es) of the program location(s)—to be calculated

using an internet-based mapping website—for each day the student attended a summer 2013 program. Upon presentation by the parent of a compilation of the mileage calculations, the District is ordered to reimburse parent. Provision of the mileage calculation shall be exchanged between counsel for the parties, and the District shall issue reimbursement within 60 calendar days of the date District counsel receives such calculation.

The hearing officer declines to give directives to the student's IEP team.

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

Jake McElligott, Esquire

Jake McElligott, Esquire
Special Education Hearing Officer

November 11, 2013