

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

Pennsylvania

Special Education Hearing Officer

FINAL DECISION AND ORDER

Student's Name: A.D.

Date of Birth: [redacted]

ODR No. 14221-1314AS

CLOSED HEARING

Parties to the Hearing:

Parents

Hampton Township School District
4591 School Drive
Allison Park, PA 15101

Representative:

Jeni Hergenreder, Esquire
Jeffery Skakalski, Esquire
Disability Rights Network of PA
429 Fourth Avenue, Suite 701
Pittsburgh, PA 15219-1505

Patricia R. Andrews, Esquire
Andrews and Price, LLC
1500 Ardmore Boulevard, Suite 506
Pittsburgh, PA 15221

Dates of Hearing: 10/09/2013, 10/21/2013

Record Closed: 11/11/2013

Date of Decision: 11/18/2013

Hearing Officer: Brian Jason Ford

Introduction

This matter arises under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 *et seq.* and was brought by the Parents against the District in regard to the Parents' child, the Student.¹

The Student is [a late-teenaged] student with Autism. Both parties agree that the Student is IDEA-eligible (i.e. that the Student has a qualifying disability and, by reason thereof, requires special education). The current focus of the Student's education is a transition to adult life.

The dispute between the parties is remarkably narrow and specific. The Parents want the Student to be able to independently use the public transportation available in their community, and are demanding a particular type of travel training to enable this. The Parents also demand revisions to the Student's Individualized Educational Program (IEP) to put travel training in place, and measure the Student's progress. The District generally agrees that the Student should be able to take public transportation, but is opposed to the particular type of travel training that the Parents demand.

Issue

The single issue in this case is whether the Student requires the particular type of travel training that the Parents demand. (NT at 23-25). Although there is only one issue in this case, the Parents make three demands, which I address below. Those demands are:

1. Amend the Student's IEP to include measurable goals related to traveling in the community, using public transportation.
2. Provide appropriate travel training, including one-to-one instruction and guided practice in the community while using public transportation.
3. Provide travel training by an appropriately trained travel instructor.

Findings of Fact

1. The Student completed the District's academic requirements for graduation in May of 2013, but the Student has not graduated and continues to receive services from the District. (J-10).²

¹ Except for the cover page, information that could identify the Student is omitted to the greatest extent possible.

2. Although not pertinent in the strictest sense, evidence and testimony, including testimony from the Student, clearly establishes that the Student is a well-rounded, instantly likable young [person] with considerable talents and diverse interests. The same evidence and testimony also demonstrates the significance of the Student's needs in the areas of communications, social skills and speech/language. (See, J-10; NT at 25-41).
3. Starting in March of 2012 (2011-12 school year), the Student received programming pursuant to an IEP dated March 3, 2012. (J-8). That IEP was revised on several occasions, through November 20, 2012 (2012-13 school year). *Id.* This revised IEP notes that the Student was taking a class titled "Intro to Transportation."
4. The Intro to Transportation teacher provided feedback that appears in the present education levels section of the Student's IEP. The teacher noted that the Student was functioning "*slightly below grade level*" and was "*slightly below the progress of same aged peers.*" (J-8 at 17, italics original). The same progress note opines that the Student would benefit from a greater amount of instructional time in Intro to Transportation, and benefits from one-to-one (1:1) instruction in that class. *Id.*
5. The revised 2012 IEP states that the Student's "Postsecondary Education and Training Goal" was to "attend a vocational program or a two year college after graduation from high school." *Id.* at 19.
6. Starting in January of 2013 (2012-13 school year) the Student received programming pursuant to an IEP dated January 16, 2013. That IEP was revised on March 19, 2013 (2012-13 school year). On its face, the March 2013 revisions were specifically related to extended school year (ESY) service and the elimination of a mastered goal. (J-9).
7. Regarding transition, the revised 2013 IEP states: "[Student] has three transition goals within [the] IEP. [Student's] post-secondary education goal is to explore post-secondary education and training opportunities. [Student's] employment goal is to seek competitive employment in a hospital setting or a related field upon graduation from high school. Finally, [Student's] independent living goal is to access community resources and programs with family support and to live independently." (J-9 at 4).

² The parties refer to the Student as having a deferred diploma. Semantics aside, there is no dispute between the parties that the Student is currently eligible to receive services from the District.

8. The 2012-13 school year was the year in which the Student would have graduated, had the Student followed the typical course of study for non-disabled students in the District. However, when the revised 2013 IEP was drafted, the Student was in the process of applying to the UPMC Project SEARCH program for the 2013-14 school year. The IEP notes that the Student would “bank” a diploma to participate in Project SEARCH, if accepted. (J-9 at 4).
9. The 2013 revised IEP includes feedback from the Student’s Transportation teacher.³ The Transportation teacher noted that the Student works independently, is prepared for class, and asks questions. At that time, the Student “demonstrates a basic awareness of the community where [the Student] lives. [The Student] is able to verbally give the names of streets and landmarks near [the Student’s] home and locate [the Student’s] street on a map.” However, “[the Student] is not yet familiar with public transportation options, and how to access information regarding these options. [The Student is] currently learning about different forms of transportation (para-transit, public bus, etc.) [The Student] continues to need instruction in use of the Internet, phone, and other resources to obtain information about public transit and plan trips.” (J-9 at 8).
10. The revised 2013 IEP indicates that the Student participates in in-school travel related skills development one time per week. (J-9 at 11).
11. In the Transition Services section of the revised 2012 IEP, three Postsecondary Education and Training Goals are listed: 1) “[Student’s goal is to explore post-secondary education and training opportunities.” 2) “[Student’s goal is to seek competitive employment in a hospital setting or a related field upon graduation from high school.” 3) “[Student’s] goal is to access community resources and programs with family support to live independently.” (J-9 at 15-17).
12. “Transition in in-school based travel related skills development course” is listed as a Service/Activity to enable the “competitive employment” goal. (J-9 at 16). This is the only reference to travel instruction in this section of the IEP.

³ It is not clear if “Intro to Transportation” and “Transportation” are the same class, or if the Student advanced from one class to the other. This distinction makes no material difference in this case. Also, it was established at the hearing that the District contracts with its local Intermediate Unit to provide travel instruction. This fact also makes no material difference in this case. For convenience, I refer to the District’s transportation training program although, more technically, it is the Intermediate Unit’s program. The District placed the Student into the program, and so the District is responsible for that program - regardless of who operates it.

13. On its face, each Postsecondary Education and Training goal indicates a connection to a measurable annual goal in the revised 2013 IEP. The IEP includes a number of annual goals, none of which are explicitly related to transition. (See J-9).
14. The Student's IEP team met in June of 2013 and drafted an IEP to start on September 3, 2013 (2013-14 school year). On its face, it does not appear that this IEP was revised at any subsequent point. As indicated on the June 2013 IEP, the Student was accepted to and enrolled in the Project SEARCH program, and participated in that program during the 2013-14 school year. The IEP notes that the Student had completed graduation requirements, but "deferred taking [a] high school diploma in order to participate in the program." (J-10 at 4).
15. The June 2013 IEP indicates that the Student would take District transportation to and from Project SEARCH. (J-10 at 4). That may have been true at the time that the IEP was drafted, but, as discussed below, the Student does not regularly take District transportation during the 2013-14 school year.
16. Like the prior IEP, the present education levels in the June 2013 IEP states:
"[Student] has three transition goals within [the] IEP. [Student's] post-secondary education goal is to explore post-secondary education and training opportunities. [Student's] employment goal is to seek competitive employment in a hospital setting or a related field upon graduation from high school. Finally, [Student's] independent living goal is to access community resources and programs with family support and to live independently." (J-10 at 5).
17. The transition goals stated in the present education levels are aligned with, but do not exactly match the goals listed in the Transition Services section of the June 2013 IEP. The goals listed in the Transition Services section are: 1) "Upon completion of the UPMC Project SEARCH and [District] High School programs, [Student's] goal is to continue education by enrolling in a 2-4 year college." 2) "[Student] intends to seek competitive employment with short-term support." 3) "Student's goal is to live independently without support." (J-10 at 16-17).
18. The Student's goals in the June 2013 IEP were significantly revised to bring the IEP into alignment with the Project SEARCH program. None of the goals reference transportation. (J-10 at 20-21).
19. Project SEARCH is a one-year, high school transition program for students with disabilities who have completed their high school academic requirements, but have deferred taking a diploma. Each school day, the Student reports to a local hospital. There, the Student learns soft skills and employment readiness while participating in

a work internship. The Student has worked in a number of locations within the hospital, but the Student's work in the hospital's pharmacy stands out as one area in which the Student has clearly built job-specific skills. (See NT at 30-32; P-16).⁴

20. In addition to Project SEARCH, the Student also obtained part-time employment at a local grocery store during the 2013-14 school year. (NT at 34-35).
21. Considerable testimony was presented concerning the public transportation options that are available in the Student's community. The Student lives in a suburb near a city. The Student's neighborhood is served by the same public transportation authority that serves the city.
22. Fixed route public buses are available within the city.⁵ Routes for these buses extend only sporadically into the suburbs. Taken as a whole, the record of this case supports a finding that there is no fixed-route bus stop within a safe, walkable distance from the Student's current home.
23. In addition to fixed route buses, the public transportation authority offers a program called "Access Connections" for individuals with disabilities that will take a rider from a location that is not serviced by fixed-route buses to the nearest fixed-route bus stop. However, if the rider's end destination is also not served by a fixed-route bus stop, the program will take the rider door-to-door (or nearly so).⁶ The program may also operate as a door-to-door program if use of fixed-route buses dramatically increases the length of the trip.⁷
24. To use the program, the Student must create and use an "E-Purse" from which the bus fare is billed, and must call into the program to schedule either individual trips or a series of trips. (P-19).
25. The Student received direct instruction to use Access Connections as part of the District's Transportation class, and uses Access Connections to go to and from the

⁴ As discussed below, the particulars of Project SEARCH are, strictly speaking, not relevant to these proceedings. Both parties agree that independent living and competitive employment are appropriate goals for the Student.

⁵ Fixed route buses travel along a fixed route. Passengers can take these buses to any spot along that fixed route, but fixed route buses will not deviate from their path.

⁶ There is some ambiguity in the record as to whether the door-to-door program and the door-to-bus stop program are the same programs. Reference was made in the record to "Access Connections" and "Access ADA." The Student uses Access Connections.

⁷ The fixed-route buses operate on a hub and spoke system. The example given in testimony was that when door-to-door results in a 15 minute drive, and the same trip going door-to-bus stop results in a 2 hour drive, the service will go door to door.

Project SEARCH program. The Transportation teacher frequently communicated with the Parents regarding the Student's use of Access Connections. (See J-18).

26. Regardless of the Student's abilities, neither fixed-route buses nor Access Connections (going door-to-bus stop) are options for the Student to travel from home to Project SEARCH.
27. At first, the Student had difficulty learning how Access Connections works, but did learn the system over time. The Student also had some difficulty planning trips around the Project SEARCH schedule, but the Student's ability in this regard also improved over time. (See J-18; NT at 35-37, 224-251).
28. The Student received some amount of classroom instruction regarding the use of fixed-route public transportation. More specifically, the Student received some instruction regarding how to read a bus schedule, and how to use a fare box (an actual fare box was brought to school). (J-253).
29. The record does not establish how much instruction the Student received in using fixed-route buses, but the record does establish that the Student does not know how to use fixed-route buses. (NT at 34; J-19).
30. The Student received a Functional Assessment of Travel Related Skills from the local Intermediate Unit (Travel Assessment). The resulting report is dated March 4, 2013. (J-19). The report concluded that "certain options, such as fixed route public transit, necessitate a particular skill set in order to safely access the service. Currently, [Student] is not able to safely plan or navigate a trip on public transportation independent of support." (J-19 at 5).
31. After receiving the Travel Assessment, the Parents demanded 1:1 direct instruction in the use of fixed-route public transportation, provided in accordance with the methodology established in Chapter 21 of "*Foundations of Orientation and Mobility, Vol 2, 3rd Edition: Instructional Strategies and Practical Applications.*" (P-22). The Parents also demanded a measurable annual goal to assess progress towards independent travel. (NT at 90-91).
32. The Parents' preferred methodology involves four phases of instruction. During the first phase, the instructor commutes with the student. During the second phase, the instructor follows the Student's commute from a distance, with the Student's knowledge, intervening only if the Student is at risk. During the third phase, the instructor and Student practice problem solving should a problem arise during the commute. During the fourth phase, the instructor observes the Student during the commute without the Student's knowledge. (P-21, P-22).

33. One of the authors of the Parent's preferred methodology was called as a witness by the Parents. This witness testified that the methodology was appropriate for students who regularly travel to a prescribed location a minimum of "two or three" days per week. (NT at 250-253).⁸ Typically, 20 to 25 trips are required to complete instruction under the Parents' preferred methodology. (NT at 157).
34. The travel instructor from the local Intermediate Unit was also called as a witness by the District. This witness generally concurred with the Parents' witness that the methodology was appropriate for students who traveled to the same location at least three times per week. (NT at 276, 287).

⁸ In response to one question, the Parents' witness testified that the method had been used with students who traveled to a prescribed location one or two times per week. The two or three days per week minimum was consistent with all other questions, and was consistent with the total minimum number of sessions needed to complete the program.

Legal Standards

The Burden of Proof

The burden of proof, generally, consists of two elements: the burden of production and the burden of persuasion. In special education due process hearings, the burden of persuasion lies with the party seeking relief. *Schaffer v. Weast*, 546 U.S. 49, 62 (2005); *L.E. v. Ramsey Board of Education*, 435 F.3d 384, 392 (3d Cir. 2006). The party seeking relief must prove entitlement to their demand by preponderant evidence and cannot prevail if the evidence rests in equipoise. See *N.M., ex rel. M.M. v. The School Dist. of Philadelphia*, 394 Fed.Appx. 920, 922 (3rd Cir. 2010), citing *Shore Reg'l High Sch. Bd. of Educ. v. P.S.*, 381 F.3d 194, 199 (3d Cir. 2004). In this particular case, the Parents are the party seeking relief and must bear the burden of persuasion.

Free Appropriate Public Education (FAPE)

Students with disabilities are entitled to FAPE under both federal and state law. 34 C.F.R. §§300.1-300.818; 22 Pa. Code §§14.101-14 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. 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)

The essence of the standard is that IDEA-eligible students must receive specially designed instruction and related services, by and through an IEP that is reasonably calculated at the time it is issued to offer a meaningful educational benefit to the Student in the least restrictive environment.

Transition Services, Travel Training, Not Transportation

Federal regulations describe transition services in the same section that establishes the mandatory content of IEPs, 34 C.F.R. § 300.320(b), as follows:

Transition services. Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include—

- (1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
- (2) The transition services (including courses of study) needed to assist the child in reaching those goals.

Travel training is included in the IDEA's definition of special education. 34 C.F.R. § 300.39(a)(2)(ii). Travel training is defined by IDEA regulations at 34 C.F.R. § 300.39(b)(4) as follows:

Travel training means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to—

- (i) Develop an awareness of the environment in which they live; and
- (ii) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

The mandate to provide transition services and, when appropriate, travel training, should not be confused with the mandate to provide *transportation* to students with disabilities. Transportation is a related service as defined by 34 CFR §300.34(c)(16).

This provision of the IDEA's federal regulations broadly requires schools to provide transportation to students and, as such, is not pertinent to this case.

In this case, the Parents are seeking a particular form of transportation instruction, and argue that such instruction is necessary for the provision of appropriate transition services (which is part of the overall FAPE mandate). The Parents are not demanding transportation as a service.

Methodology

“Under the IDEA parents do not have a right to compel a school district to provide a specific program or employ a specific methodology in educating a student.” *H.L. v. Haverford Township Sch. Dist.*, ODR No. 7374-0607AS (Valentini, 2007) *citing M.M. v. School Board of Miami - Dade County, Florida*, 437 F.3d 1085 (11th Cir. 2006); *Lachman v. Illinois Bd. of Educ.*, 852 F.2d 290, 297 (7th Cir. 1988). *See also Bd. of Educ. v. Rowley*, 458 U.S. 176, 208 (U.S. 1982).

This is not to say that schools have unfettered discretion to choose whatever methodology they wish to use. Parents can challenge the appropriateness of IEPs based on methodology. *See Michael J. v. Derry Twp. Sch. Dist.*, 2006 U.S. Dist. LEXIS 5093 (M.D. Pa. Jan. 19, 2006). The District must have a reasonable expectation that the

methodology will foster the provision of FAPE, and the District must implement the methodology with fidelity. See *L.G. v. Wissahickon Sch. Dist.*, 2011 U.S. Dist. LEXIS 476 (E.D. Pa. Jan. 4, 2011); *M.I. v. N. Allegheny Sch. Dist.*, ODR No. 7931-0708LS (Drayden, 2008). Similarly, to the extent that a methodology can be considered a fixed set of special education, related services and supplementary aids and services, such services must be “based on peer-reviewed research to the extent practicable” 34 C.F.R. § 300.320(a)(4).

Discussion

Methodology

Neither party explicitly characterizes the dispute in this case as a conflict over what methodology should be used to teach the Student how to use public transportation. Rather, the Parents characterize the dispute in terms of essential programming that is absent from the Student’s IEP, and the District characterizes the dispute in terms of the appropriateness of the service that the Student has received and is receiving. Even so, upon reviewing the record of this matter, the clearest dispute between the parties comes down to methodology. This is evident upon consideration of what is *not* in dispute.

Both parties agree that independent living and competitive employment are appropriate postsecondary transition goals for the Student. The Student’s IEP team (including the Parents and District) created those goals, the District offered them, and the Parents accepted them. No dispute was presented regarding the appropriateness of any of the postsecondary goals.

The District’s legal arguments concerning its statutory obligations notwithstanding, both parties also agree that the Student should learn how to take public transportation in order to achieve the postsecondary transition goals. Transportation instruction is explicitly linked to postsecondary goals in the revised 2013 IEP. See FF 13. Although the link in the IEP is less explicit in the June 2013 IEP, it is clear that the District provided travel instruction that was connected to the Student’s participation at Project SEARCH. The travel instruction targeted the Student’s ability to independently use public transportation to go to and from Project SEARCH. Judging the District by its actions, I conclude that the District believes in the appropriateness of the programs and services that it has offered. Consequently, there is no real dispute concerning the Student’s need to build independent public transportation goals.

The District argues, in essence, that it is not obligated to teach the Student how to use any type of public transportation that the Student may encounter into the foreseeable future (or beyond). Be that as it may, the evidence and testimony in this case clearly

establish that the District and Parents both considered it appropriate for the Student to learn how to use public transportation, and put services in place accordingly.

The success of the Student's transportation instruction varies depending upon how success is measured. Looking only at the Student's ability to independently go to and from Project SEARCH, the Student has made great strides. The Student can independently (or nearly so) use Access Connections to get to and from the Project SEARCH location. Some evidence suggests that the Student can generalize that skill and use Access Connections to go to other locations, provided that the trip is door-to-door. The evidence establishes, however, that the Student does not know how to use fixed-route public transportation. This same evidence establishes that the Student cannot use Access Connections if the trip goes door-to-bus stop.

With both parties in agreement (through their actions if not through their arguments) that the Student should learn how to take public transportation, the question of how the District will teach the Student is the essence of a methodology dispute. As noted above, schools have broad discretion to select a methodology to implement a student's program. Yet schools must have a reasonable expectation that the methodology will be effective. For example, a school cannot select (or continue) a methodology that has been demonstrably ineffective for a student over time.

All of the foregoing notwithstanding, it is not the District's burden to prove the appropriateness of its methodology. Rather, the Parents must demonstrate that their preferred methodology is necessary for the provision of FAPE. In this case, the Parents demand not only a specific methodology, but a particular implementation of that methodology. The methodology outlined by the Parents' expert is not specific to fixed-route buses, but the Parents demand the methodology be applied to fixed-route buses. I find that the Parents have not met their burden for two reasons:

First, the Parents have not established that it is currently possible to implement their preferred methodology on fixed route buses. The Parents' expert (one of the authors of their preferred methodology) testified that the Student must travel to and from a prescribed destination on a regular basis. Testimony from the IU's Transportation instructor was consistent with the Parents' expert in this regard. The Student does travel to a prescribed destination – Project SEARCH – on a regular basis. However, the Student has no opportunity to take fixed-route buses to Project SEARCH. Said simply, the Student does not travel to a prescribed destination that is served by fixed-route buses on a regular basis. This is an unmet threshold condition to implement the Parents' preferred methodology on a fixed-route bus.

Second, the Parents have not established that the District's methodology is incompatible with the provision of FAPE. The District clearly focused on the public transportation option that is available to the Student for going to and from a prescribed destination. The District then provided direct instruction to build the Student's independence in using that form of public transportation. This instruction was not provided in the method that the Parents prefer, but the Student made considerable progress, nearly achieving independence. Overall, the Student derived a meaningful benefit from the transportation training that has been provided using the District's methodology.

IEP Goal

Although the Parents are not entitled to their preferred methodology, this is not their only demand. The Parents also demand an objective IEP goal to measure the Student's progress towards independent use of public transportation. The District argues, generally, that the services it has provided are sufficient and, consequently, no goal is needed. I respectfully disagree.

One of the difficulties in objectively assessing the Student's progress towards independently using public transportation is that no measurable IEP goal has been drafted for this purpose. Again, it is clear that both parties agree that the Student should learn how to take public transportation in order to achieve the board postsecondary transition goals listed in the Student's IEPs. The District provided services to build the Student's skills, but no measurable, objective goal was ever set.

I give considerable credence to the District's argument that it need not (and, literally, cannot) teach the Student how to use any type of public transportation that the Student may encounter. At the same time, the record establishes that the instruction provided to date has not enabled the Student to ride fixed-route public transportation. Perhaps more importantly, the record also establishes that the Student is not able to generalize the skills that were built while learning how to take Access Connections to and from Project SEARCH. Although the Student *may* be able to use Access Connections for other door-to-door trips, no significant evidence was presented on this point. The Student cannot take Access Connections in the way it is intended and promoted: door-to-bus stop.⁹

Given the independent living and competitive employment goals that both parties hold out as appropriate, and the preponderant evidence establishing that independent use of public transportation is necessary to advance those goals, some objective measure of

⁹ Access Connections is advertised as "your ride to the bus." (J-24).

the Student's abilities must be in place. A measurable IEP goal (which must be progress-monitored) will resolve this.

The Parents demand "measurable goals related to traveling in the community, using public transportation." *See, e.g. Parents' Closing Brief* at 10. This simple statement cannot be converted into a goal. It is neither measurable nor objective. The parties, however, already have considerable information about the Student's ability to independently use public transportation. Some of that information is objective (i.e. the transition assessment). This information can be used to form a baseline for a goal or goals. Therefore, the parties will be charged with crafting a measurable, annual goal to improve the Student's ability to independently use public transportation.¹⁰

Finally, the Parents demand travel training by an appropriately trained travel instructor. Nothing in the record suggests that the individuals who have provided travel training are not appropriately trained. Whatever instruction the Student will receive must be provided by an appropriately trained instructor, but the District has already satisfied this demand.

Conclusion

For the reasons discussed above, the Parents have not proven that their preferred methodology for travel training is necessary for the provision of FAPE, or that the District's methodology is inappropriate for the Student. I will not order the District to adopt the Parents' preferred methodology.

For the reasons discussed above, the Parents have proven that the Student requires a measurable travel training goal in order to achieve agreed-to postsecondary transition goals. The Parents have not established what that goal should be. Consequently, I will order the parties to participate in IEP development to craft such a goal and revise the Student's IEP accordingly.

ORDER

Now, November 18, 2013, it is hereby **ORDERED** as follows:

¹⁰ I am somewhat hesitant to compel the parties to come to their own agreement for a measurable goal. This, arguably, begs for more litigation should the parties fail to reach an accord. Despite this, the Parents have established the need for a transportation goal, but have not established what that goal should be. As a result, there is no better legal option than to place the parties back at the IEP table.

1. Within twenty (20) school days of this Order, the District shall convene an IEP team meeting for the purpose of revising the Student's IEP to include a measurable goal regarding the Student's ability to independently use public transportation.
2. The measurable goal shall
 - a. include baselines established by existing data,
 - b. explicitly state what modifications and specially designed instruction will be implemented to enable the Student to achieve the goal or, alternatively, reference modifications and specially designed instruction in other sections of the Student's IEP that explicitly relate to the transportation goal, and
 - c. specify how progress will be measured, and when progress will be reported.
3. All of the Parents' other demands are denied.

It is **FURTHER ORDERED** that any claim not specifically addressed in this order is **DENIED** and **DISMISSED**.

/s/ Brian Jason Ford
HEARING OFFICER