

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: A. H.

Date of Birth: [redacted]

Dates of Hearing: 6/2/2015, 7/9/2015, 7/22/2015, 7/24/2015

CLOSED HEARING

ODR File No. 16094-14-15 KE

Parties to the Hearing:

Representative:

Parents
Parent[s]

Parent Attorney
None

Local Education Agency
Pennsbury School District
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Date Record Closed:

August 5, 2015

Date of Decision:

August 14, 2015

Hearing Officer:

Cathy A. Skidmore, M.Ed., J.D.

INTRODUCTION AND PROCEDURAL HISTORY

The student (hereafter Student)¹ is a high school-aged student in the Pennsbury School District (District) who is eligible for special education pursuant to the Individuals with Disabilities Education Act (IDEA).² Student's Parents filed a due process complaint against the District asserting that it denied Student a free, appropriate public education (FAPE) under the IDEA in its proposed program for the 2015-16 school year.

The case proceeded to a due process hearing convening over four sessions,³ at which the parties presented evidence in support of their respective positions. The Parents sought to establish that the District failed to offer Student FAPE for the 2015-16 program through insufficient support in all of Student's content area classes, and further violated the procedural protections of the IDEA in predetermining the level of support Student could and would be provided. The District maintained that the special education program it offered was appropriate for Student.

Before the hearing concluded, the parties narrowed the issues by agreement.⁴ However, this case was complicated by [redacted], and one facet of the parties' dispute arose due to [redacted]. Nevertheless, the evidence was limited to what Student's educational needs are and whether the District appropriately responded to them.

¹ In the interest of confidentiality and privacy, Student's name and gender, and other potentially identifiable information, are not used in the body of this decision. [redacted]

² 20 U.S.C. §§ 1400-1482.

³ There was also a conference call conducted on the record. (N.T. 199-259) The exhibits submitted by the parties and admitted into evidence will be referenced in this decision as "S-" for School District exhibits and "P-" for Parent exhibits. (N.T. 894-98) Hearing Officer Exhibits will be referenced in this decision as "HO-". After review of the record and the District's objection, Exhibits P-17 and P-18 are hereby excluded and not admitted, on the basis that those documents were referenced only minimally during the hearing, were not related to Student, and are not materially relevant to the specific issues presented; moreover, there was testimony presented that served the same purpose. P-17 and P-18 will be retained as part of the official record in this case for purposes of appeal, although they were not reviewed or considered in issuing this decision.

⁴ N.T. 33-34, 38-39, 266-68.

For the reasons set forth below, I find in favor of the District and will deny Parents' claims, although specific directives will be made to Student's IEP team.

ISSUES

1. Whether for the 2015-16 school year Student needs classes in science and social studies to be co-taught by a regular and special education teacher; and
2. Whether the District committed a procedural violation by predetermining the level of support it would offer Student in science and social studies for the 2015-16 school year.

FINDINGS OF FACT

1. Student is a high school-aged student who is a resident of the District. Student is eligible for special education under the IDEA on the basis of an emotional disturbance. (N.T. 50-52)
2. Student exhibits difficulty with focus/attention and anxiety, and has been diagnosed with Attention Deficit Disorder and an Anxiety Disorder. When Student becomes anxious, Student lacks focus. Student has been seeing a private therapist since approximately second grade. (N.T. 339, 353, 357; S-1 pp. 4, 6)
3. When Student was in the last year of middle school (the 2013-14 school year), Student experienced significant anxiety and attempted to harm Student's self. Student was placed in psychiatric hospitalization and then began attending an alternative school. (N.T. 342-43, 356-67)
4. Student attended the alternative school for the fall of the 2014-15 school year before returning to the District high school for the spring semester. As part of Student's transition back to the District, Student had one class and lunch at the high school in the fall. (N.T. 55, 120, 295, 304-05, 343-44; S-4 p. 1)
5. Student has a need for coping skills. (N.T. 83, 169, 181, 712-13)
6. Student has anxiety over peer relationships and developing and maintaining close friendships. Student can be concerned about the way peers perceive Student. (N.T. 441-42, 443-45, 484, 486, 497)
7. Student does not always recognize when Student needs support or assistance academically or emotionally during class. Student also does not like to have attention drawn to Student's self or to be singled out. (N.T. 568-69)

8. Student is more comfortable seeking support and assistance from someone with whom Student is familiar. (N.T. 63, 97-98, 133, 578)

The Fall Semester of the 2014-15 School Year

9. The District conducted a reevaluation of Student in the fall of 2014 at the request of the Parents as part of the transition to the high school. The Reevaluation Report (RR) was issued on January 6, 2015. (N.T. 305-06, 308, 345, 710-14; P-6; S-1)
10. The RR included a developmental history and a summary of the Parents' concerns that included Student's reading, mathematics, and writing skills as well as emotional needs. Previous cognitive and academic achievement assessments were also provided, and the school psychologist conducted an observation of Student at the alternative school as well as an interview of Student. The RR also included a summary of educational records, information from the alternative school, and new assessment of academic achievement revealing average scores in all areas. (P-6; S-1)
11. The school psychologist obtained behavior rating scales (Behavior Assessment System for Children – Second Edition) from one of the Parents and three teachers. The parent scales indicated clinically significant concerns with anxiety, depression, somatization, withdrawal, attention problems, adaptability, and activities of daily living; and at-risk concerns with hyperactivity, social skills, leadership, and functional communication; scores were in the clinically significant or at-risk range on all Indices. The teacher scales reflected clinically significant scores with respect to depression, withdrawal, and attention problems, with at-risk concerns by at least one teacher with somatization, atypicality, attention problems, and learning problems; most Index scores were in the clinically significant or at-risk range. On Student's self-report, scores were in the clinically significant range relating to locus of control, social stress, anxiety, depression, sense of inadequacy, attention problems, and self-esteem, with at-risk scores for attitude to school, somatization, hyperactivity, relations with parents, and interpersonal relations. Several Index scores from the self-report were in the clinically significant range. (P-6; S-1)
12. The Scales for Assessing Emotional Disturbance – Second Edition was also completed by one of the Parents and a teacher for the RR. Those ratings indicated social, emotional, and behavioral concerns. (P-6; S-1)
13. Needs identified in the RR were coping skills for anxiety, increased attention and focus, increased study and organizational skills, and social skills. The school psychologist also recommended counseling. Recommendations for Student's Individualized Education Program (IEP) team included specially designed instruction in social, study, coping, and organizational skills; preferential seating; opportunities to leave class early to avoid crowded hallways; opportunities for breaks from class due to anxiety or inattention/lack of focus; clear, concise, and calm provision of directions; verbal praise; assignment book reminders; test accommodations; advance notice of changes to routine; chunking of assignments; provision of a "safe space" or "safe person" for anxiety; and completion of a Functional Behavior Assessment upon return to the District high school. (P-6; S-1)

The Spring Semester of the 2014-15 School Year

14. Student had difficulty with focusing at school at times. Student could be off-task or withdrawn, and sometimes exhibited anxiety. Teachers recognized as signs that Student was off-task when Student picked at Student's fingernails or hair or gazed off. (N.T. 57, 59, 62, 67, 84, 114, 129, 130-32, 135, 167)
15. Teachers redirected Student when Student was off-task by approaching Student, and sometimes tapping on Student's desk or shoulder. Student was more focused when a teacher was in close proximity to Student. (N.T. 58-59, 62, 106, 126-27, 130)
16. When Student became anxious, Student was able to go to the nurse at Student's initiative or at the suggestion of a teacher. (N.T. 68, 71-72, 157)
17. Student had a co-taught mathematics class during the 2014-15 school year. The special education teacher supported all students in the classroom and had the primary responsibility of providing support for the students receiving special education services in the class. Accommodations provided to Student in the mathematics class included extra time for tests and assignments. (N.T. 55-56, 64-65, 120-21, 158, 565)
18. Student had a co-taught English class during the 2014-15 school year. Student did require prompting and assistance in that class at times. (N.T. 565, 759, 799, 804-06)
19. Student found the support of two teachers in co-taught classes to be beneficial. (N.T. 578)
20. Some District special education teachers draft charts of accommodations for the students in a class so that he or she does not need to constantly refer to those IEPs. Such charts could be and often were shared with the regular education teachers. (N.T. 446-48, 458-59, 492-93)
21. Student also had an art class and a study and organizational skills class during the 2014-15 school year. Those were not co-taught but there was a student teacher in the art class. Student at times needed prompting and redirection in the study and organizational skills class. (N.T. 564-65, 758-59, 790-97)
22. Student exhibited anxiety with tests, and Student needed reassurance that Student knew the material that would be tested. Student also required reassurance at other times such as when Student missed some instruction. (N.T. 69-70, 127-30, 141-42, 552-53)
23. Student saw the high school social worker weekly for thirty minute sessions. Student did not often initiate visits to the social worker. (N.T. 167, 180, 194-95)
24. Student frequently visited a trusted teacher at school in the morning and/or afternoon, and between classes at times. If Student was upset or anxious, this teacher and Student often discussed Student's concerns. (N.T. 434-36, 437-39, 452, 484, 486, 498)

25. [A] Parent [redacted] sometimes met with Student at school when Student was anxious. These meetings, approximately three during that semester, all occurred after school and not during classes. (N.T. 438-39, 559, 646)
26. In mid-January 2015, prior to Student's return to the District high school, the Parents met with Student's case manager to discuss the RR, Student's IEP and special education needs, and Student's class schedule. The participants also discussed which classes would be co-taught. The Parents and District members of Student's IEP team agreed that it was appropriate for Student to return to the high school and that Student no longer needed the level of support provided in the alternative school. (N.T. 274-77, 279, 287-88, 306-10, 328-30, 334, 344-45, 363, 365, 586, 635-36, 644-45, 716, 737-53, 767, 769)
27. Ten days after the mid-January meeting, and the day before the second semester began, the District provided the Parents with a copy of the finalized IEP, and the Parents signed the Notice of Recommended Educational Placement (NOREP) that same day for itinerant emotional support. There was no formal IEP meeting on that date. (N.T. 311-13, 323-24, 333, 345-46, 365-68, 397-98, 587-88, 642-43; S-5, S-6)
28. The January 2015 IEP provided information on Student's present levels of academic achievement and functional performance including information from the RR. Parent concerns, including co-taught academic classes, were included, as were educational strengths and needs. Assessment of the function of behaviors indicated concerns with classwork/homework completion, off-task behavior, anxiety, and coping skills, and a behavior support plan was included. In addition to transition services, IEP goals addressed engagement in instructional activities and improving social skills, study skills, and coping skills. Program modifications and items of specially designed instruction (SDI) were for extended time for and chunking of assignments; opportunity to visit the nurse or restroom as needed; counseling for stress, anxiety, and frustration; testing accommodations; use of a calculator; an opportunity for snacks and water; and preferential seating, as well as the Positive Behavior Support Plan that followed the related recommendations in the RR. Counseling was specified as a related service. The IEP proposed supplemental emotional support. (S-4)
29. The District attempted to schedule another IEP meeting after Student's return to the high school, but none was ultimately held for various reasons. The Parents did not believe it was necessary to convene a meeting so soon after Student's return to the high school. (N.T. 314, 370-71, 374-76, 381, 383, 392, 405, 590, 594, 608-10, 616-18, 623; S-7 through S-18 and S-22 through S-27)
30. Student's IEP was revised in March 2015 to accurately note the level of emotional support was itinerant; to correct the frequency of counseling; and to add baselines to the IEP goals. The Parents did not approve the NOREP accompanying this IEP. (P-5; S-19, S-21)

2015-16 Proposed Program Changes

31. The District did not and is not offering co-taught high school science and social studies classes, with the exception of ninth grade biology, for the 2015-16 school year. (N.T. 35-36, 289-90, 291, 508, 669-70)
32. Student is scheduled to have the following classes in the 2015-16 school year: algebra I, language arts, science, social studies, art, and fashion and design. (N.T. 858)
33. The District plans to provide the support of a resource room for high school science and social studies classes for the 2015-16 school year. The support may be scheduled or unscheduled. For unscheduled support, teachers would refer individual students to the resource room for additional assistance with class content, as needed but with some advance notice to the resource room teacher. Other students would be assigned to the resource room at specific times on a regular basis for support such as preteaching and reteaching. (N.T. 508-09, 512-13, 520-22, 524, 676-77, 843-44, 862-65)
34. A regular education teacher would be able to implement the SDI in Student's IEP. (N.T. 91-96, 153-54, 316-20, 569, 808-10, 845, 849-51, 883)

DISCUSSION AND CONCLUSIONS OF LAW

General Legal Principles

Generally speaking, the burden of proof consists of two elements: the burden of production and the burden of persuasion. At the outset, it is important to recognize that 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). Accordingly, the burden of persuasion in this case rests with the Parents who requested this hearing. Nevertheless, application of this principle determines which party prevails only in cases where the evidence is evenly balanced or in "equipoise." The outcome is much more frequently determined by which party has presented preponderant evidence in support of its position.

Hearing officers, as fact-finders, are also charged with the responsibility of making credibility determinations of the witnesses who testify. *See J. P. v. County School Board*, 516 F.3d 254, 261 (4th Cir. Va. 2008); *see also T.E. v. Cumberland Valley School District*, 2014 U.S.

Dist. LEXIS 1471 *11-12 (M.D. Pa. 2014); *A.S. v. Office for Dispute Resolution (Quakertown Community School District)*, 88 A.3d 256, 266 (Pa. Commw. 2014). This hearing officer found each of the witnesses to be credible, all testifying to the best of their recollection. The Parents presented as strong, supportive, devoted, and caring advocates for Student, who very capably represented themselves and Student throughout the hearing notwithstanding their concerns to the contrary. Additionally, all of the District personnel who testified presented as qualified and dedicated professionals. Despite the parties' conflicting positions, Student clearly has the benefit of a concerned team of individuals who truly want Student to succeed in the upcoming school year.

In reviewing the record, the testimony of every witness, and the content of each exhibit, were thoroughly considered in issuing this decision, as were the parties' Closing Arguments.

IDEA Principles

The IDEA requires the states to provide a "free appropriate public education" (FAPE) to all students who qualify for special education services. 20 U.S.C. §1412. In *Board of Education of Hendrick Hudson Central School District v. Rowley*, 458 U.S. 176 (1982), the U.S. Supreme Court held that this requirement is met by providing personalized instruction and support services to permit the child to benefit educationally from the instruction, providing the procedures set forth in the Act are followed. The Third Circuit has interpreted the phrase "free appropriate public education" to require "significant learning" and "meaningful benefit" under the IDEA. *Ridgewood Board of Education v. N.E.*, 172 F.3d 238, 247 (3d Cir. 1999).

Local education agencies including school districts meet the obligation of providing FAPE to eligible students through development and implementation of an Individualized Education Program (IEP), which is "'reasonably calculated' to enable the child to receive

‘meaningful educational benefits’ in light of the student’s ‘intellectual potential.’ ” *Mary Courtney T. v. School District of Philadelphia*, 575 F.3d 235, 240 (3d Cir. 2009) (citations omitted). Most critically, the IEP must be appropriately responsive to the child’s identified educational needs. 20 U.S.C. § 1414(d); 34 C.F.R. §300.324. Nevertheless, “the measure and adequacy of an IEP can only be determined as of the time it is offered to the student, and not at some later date.” *Fuhrmann v. East Hanover Board of Education*, 993 F.2d 1031, 1040 (3d Cir. 1993).

Substantively, the IEP must be responsive to the child’s identified educational needs. 20 U.S.C. § 1414(d); 34 C.F.R. § 300.324. However, the IEP “need not provide the optimal level of services, or even a level that would confer additional benefits, since the IEP required by IDEA represents only a ‘basic floor of opportunity.’” *Carlisle Area School District v. Scott P.*, 62 F.3d 520, 533-534 (3d Cir. 1995) (quoting *Rowley*, *supra*, at 201); *see also Ridley School District v. M.R.*, 680 F.3d 260, 269 (3d Cir. 2012). The IEP is developed by a team: pursuant to the IDEA and its implementing regulations, unless the parents and agency otherwise agree, the team of people who develop a child’s IEP must include, at a minimum, the child’s parents, teacher(s), someone who can interpret evaluation results, and an LEA representative. 20 U.S.C. § 1414(d)(1)(B) – (C); 34 C.F.R. § 300.321. Further, a child’s educational placement must be determined by the IEP team based upon the child’s IEP, as well as other relevant factors. 34 C.F.R. § 300.116.

Parents play “a significant role in the IEP process.” *Schaffer*, *supra*, at 53. Thus, there can be no question that a major premise of the IDEA is that parents must be permitted to participate meaningfully in making educational decisions about their children. Indeed, a denial of FAPE may be found to exist if there has been a significant impediment to meaningful

decision-making by parents. 20 U.S.C. § 1415(f)(3)(E); 34 C.F.R. § 300.513(a)(2).

The IEP proceedings entitle parents to participate not only in the implementation of IDEA's procedures but also in the substantive formulation of their child's educational program. Among other things, IDEA requires the IEP Team, which includes the parents as members, to take into account any "concerns" parents have "for enhancing the education of their child" when it formulates the IEP.

Winkelman v. Parma City School District, 550 U.S. 516, 530 (2007). See also *Letter to Veazey*, 37 IDELR 10 (OSEP 2001) (confirming the position of the Office of Special Education Programs that local education agencies cannot unilaterally make placement decisions about eligible children to the exclusion of their parents).

Another consideration in this matter is the IDEA obligation for eligible students to be educated in the "least restrictive environment" which permits them to derive meaningful educational benefit. 20 U.S.C. § 1412(a)(5); 22 Pa. Code § 14.145; *T.R. v. Kingwood Township Board of Education*, 205 F.3d 572, 578 (3d Cir. 2000). All local education agencies are required to make available a "continuum of alternative placements" to meet the educational and related service needs of children with disabilities. 34 C.F.R. § 300.115(a); 22 Pa. Code § 14.145.

The Parents' Claims

The first issue that will be addressed is whether the District predetermined any decisions regarding Student's educational program, thereby denying the Parents and Student the procedural protections under the IDEA. I conclude that the District did not engage in predetermination.

It was undisputed that the District did and will not offer co-taught science and social studies classes at the high school level, other than ninth grade biology, for the 2015-16 school year. (Finding of Fact (FF) 31) That does not mean, however, that the District refused to permit the Parents to participate meaningfully in the development of Student's IEP program and placement for that year; nor that the team failed to consider their concerns and resulting express

desire for co-taught classes in those subjects. That particular concern is specifically reflected in the IEP provided with the January 2015 NOREP (FF 28); and there is nothing in the record to suggest that any member of Student's IEP team was unaware of this position of the Parents, or that the Parents were prevented from voicing their views. What the Parents perceive as predetermination, or a procedural failure to allow their meaningful participation, is the conclusion of the other members of Student's IEP team that Student did not require co-taught social studies and science classes in order to receive an appropriate program.

It is of some concern that a meeting of Student's entire IEP team did not convene in January 2015 when the decisions were made regarding Student's schedule for 2015-16; and the Parents clearly perceived some resistance to the inclusion of their input into the IEP at that time. (FF 26, 27; N.T. 612-13) Nevertheless, the IEP team including the Parents had already agreed that Student should return to the high school full time in January 2015. (FF 4, 26) The record as a whole establishes unequivocally that the District was aware of the Parents' request for co-taught classes, and that they were very involved in making the decisions about how the IEP would be implemented for 2015-16. That the other IEP team members did not share their viewpoint with respect to the two classes at issue, or arrive at the same conclusion as the Parents, does not mean that their perspective was not considered. I find that the District did not engage in predetermination with respect to Student's program, or otherwise significantly impede the Parents' ability to meaningfully participate in the decisions regarding Student's IEP to be implemented for the 2015-16 school year.

The Parents also point to the sudden unavailability of co-taught science and social studies classes at the high school for the 2015-16 school year as further evidence of predetermination. School districts are required to provide a full continuum of placement options as part of their

LRE obligation; however, there is nothing in the law to require them to always make available any and all possible options for special education programming. It is a reality of public education that school district administrators must continually evaluate their programming for all students and make decisions on how that responsibility may be carried out; those issues are beyond this hearing officer's authority. The key question in this proceeding is whether the school district offered a program for Student which was appropriate.

That important issue must be reviewed in the context of the Parents' strongly held concerns. They are plainly and firmly convinced that Student requires that all content areas classes be fully co-taught; that is, that there be a regular and special education teacher scheduled to be in Student's classroom for the entire class period each day.⁵ They are, perhaps understandably, certain that having the special education teacher in the classroom would ensure sufficient observation of Student to provide preventative strategies to avoid anxiety. And, the Parents understand the difficulty a single regular education teacher would likely experience in providing necessary support to Student in a classroom full of other students. (N.T. 556-57, 567-74, 599-603, 606, 633-34)

Nonetheless, the testimony in support of the Parents' position was clearly framed in terms of co-taught classes providing the "best" or "better" support for Student than non-co-taught classes. (N.T. 84, 88, 140, 152-53) Moreover, even if there had been additional testimony from other teachers that Student needed co-taught science and social studies classes in order to receive FAPE,⁶ the record convincingly demonstrates that, as of the time the January 2015 IEP was offered, it was reasonably calculated to provide *appropriate* support in the regular education

⁵ The Parents recognize that there may be times that a teacher may be unavailable; their request is for this level of support to be scheduled even if there may be times that it is impossible for both teachers to be in the classroom.

⁶ This hearing officer limited the witnesses who would provide similar testimony. (HO-2)

classroom, pursuant to Student's IEP, without a special education teacher. There was nothing in Student's recent RR, or the January 2015 IEP, that suggested that Student had a need for all content area classes to be co-taught by a regular and special education teacher. And, careful review of the specific concerns of the Parents does not contradict this conclusion; the specific accommodations they seek for Student are unquestionably matters that the regular education teacher can provide in the classroom in consultation with a special education teacher: notice of tests and assignments (N.T. 570); availability to work with Student outside of class (N.T. 570, 605); ability to discern patterns of Student avoiding tasks and opportunity to talk to Student about those (N.T. 570-71); compilation of charts of IEP accommodations and modifications (N.T. 571); a separate room for testing (N.T. 571-73); individualized tests and assignments (N.T. 572); and arrangement for Student to visit a counselor or the nurse as needed (N.T. 570, 572). There is simply no basis from which to conclude that any of these accommodations require that they be provided by a special education teacher who is in the classroom full time. And, Student will need to get to know any new teachers and support staff irrespective of who those individuals might be. In addition, and contrary to the Parents' LRE argument, the schedule proposed does not change the amount of time that Student would be in the regular education classroom.

Related to the Parents' contentions is their disagreement with a viewpoint of some District personnel that there are no disabilities in science and social studies. (NT. 294-95, 456, 566, 667, 859-60) This perspective has some facial basis, if one is simply considering the specific categories of special education eligibility in the IDEA. But what is important in this case is that the District is not failing to recognize that students who have a disability do not leave that disability at the door when entering a science or social studies classroom. The critical

question is whether the District offers a program that was reasonably calculated to appropriately meet Student's needs; and I find that it has.

This hearing officer will, however, order the IEP team to convene prior to the beginning of the 2015-16 school year to develop a plan to monitor Student's academic and functional performance in all classes, including science and social studies, in order to address any concerns on an ongoing basis and promptly make revisions to Student's IEP as may be necessary.⁷ Although Student demonstrated success in the spring of 2015, Student's social, emotional, and behavioral functioning has been described as inconsistent (P-6 p. 6, S-1 p. 6), and it is this uncertainty that is at the heart of the Parents' claims. Careful and consistent monitoring of Student, with collaboration of all team members and regular communication between the school and home, must be the focus of the plan that is developed. It may be that Student will require more or different support for the 2015-16 school year, and it is Student's IEP team, including the Parents, who will be in a position to evaluate Student's success and determine whether changes to that program may be necessary after classes begin in the fall.

CONCLUSION

Based on the foregoing findings of fact and for all of the above reasons, this hearing officer concludes that Student does not require co-taught science and social studies classes in order to be provided with an appropriate program for the 2015-16 school year. The District's proposed program is appropriate under the applicable legal standards. However, Student's IEP

⁷ This discussion is not meant to imply that the District would not provide appropriate review of Student's academic and behavioral performance throughout the school year and respond accordingly.

team will be directed to convene with the Parents to develop a plan for monitoring Student's program.

ORDER

In accordance with the foregoing findings of fact and conclusions of law, it is hereby **ORDERED** as follows.

1. The District's proposed IEP and program for the 2015-16 school year is appropriate for Student.
2. Student does not require co-taught science and social studies classes for the 2015-16 school year, and the District is not required to provide such for Student as part of its FAPE obligation to Student.
3. Student's IEP team shall convene within ten days of the date of this Order to develop a plan for monitoring of all aspects of Student's academic and functional performance consistent with the above discussion, so that Student's IEP may be revised as necessary.
4. Nothing in this decision precludes the parties from mutually agreeing to alter the IEP meeting requirement in Paragraph 3 of this Order, or the content of Student's IEP.

It is **FURTHER ORDERED** that any claims not specifically addressed by this decision and order are denied and dismissed.

Cathy A. Skidmore

Cathy A. Skidmore
HEARING OFFICER

Dated: August 14, 2015