

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

CLOSED HEARING
ODR File Number: 19354-16-17

Child's Name: R. B. **Date of Birth:** [redacted]

Dates of Hearing:
12/15/2017, 1/26/2018 and 1/29/2018

Parents:
[redacted]

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Hearing Officer: Cathy A. Skidmore, M.Ed, J.D. **Date of Decision:** 4/21/2018

INTRODUCTION AND PROCEDURAL HISTORY

The student (hereafter Student),¹ is a former student of the District (District) who is beyond teenaged. Student was identified as eligible for special education pursuant to the Individuals with Disabilities Education Act (IDEA)² while in the District on the bases of an Intellectual Disability and a Speech/Language Impairment. Disagreement arose during the 2015-16 and 2016-17 school years with respect to post-secondary transition planning for Student, and the Parents enrolled Student in a residential program in another state where Student continues to attend.

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 and Section 504 of the Rehabilitation Act of 1973,³ as well as the federal and state regulations implementing those statutes. The case proceeded to a due process hearing which convened over three sessions,⁴ and the decision due date was extended on several occasions, before and after the hearing was concluded, in part to allow the parties adequate opportunity to present written summations.

The Parents sought to establish that the District failed to offer Student with FAPE particularly with respect to post-secondary transition during the two school years in question;

¹ In order to provide confidentiality and privacy, Student's name, gender, and other personal information are not used in the body of this decision to the extent possible. All potentially identifiable information, including details appearing on the cover page of this decision, will be redacted prior to its posting on the website of the Office for Dispute Resolution in compliance with its obligation to make special education hearing officer decisions available to the public pursuant to 20 U.S.C. § 1415(h)(4)(A) and 34 C.F.R. § 300.513(d)(2).

² 20 U.S.C. §§ 1400-1482. The federal regulations implementing the IDEA are codified in 34 C.F.R. §§ 300.1 – 300.818. The applicable Pennsylvania regulations are set forth in 22 Pa. Code §§ 14.101 – 14.163 (Chapter 14).

³ 29 U.S.C. § 794. The federal regulations implementing Section 504 are set forth in 34 C.F.R. §§ 104.1 – 104.61. The applicable Pennsylvania regulations are set forth in 22 Pa. Code §§ 15.1 – 15.11 (Chapter 15).

⁴ References to the record throughout this decision will be to the Notes of Testimony (N.T.), Parent Exhibits (P-) followed by the exhibit number, and School District Exhibits (S-) followed by the exhibit number. Citation to duplicative exhibits may be to one or the other or both. References to Parents in the plural will be made where it appears that one was acting on behalf of both.

they sought reimbursement for tuition and related costs for their unilaterally chosen placement. The District maintained that its proposed special education programs were appropriate for Student and that no remedy was due.

For the reasons set forth below, a majority of the Parents' claims will be granted.

ISSUES

1. Whether the program and placement offered by the District for the 2015-16 school year was appropriate for Student;
2. Whether the program and placement offered by the District for the 2016-17 school year was appropriate for Student;
3. If the program and placement offered by the District for either or both of those two school years was inappropriate, are the Parents entitled to reimbursement for tuition and related expenses?

FINDINGS OF FACT

1. Student is beyond teenaged. During the relevant time period, Student was a resident of the District and eligible for special education under the IDEA and a protected handicapped student under Section 504 and Pennsylvania Chapter 15. Student's IDEA classifications were Intellectual Disability and Speech/Language Impairment. (N.T. 54-55; S-1)
2. The District is a recipient of federal funding assistance. (N.T. 55)
3. Student has [redacted]. Student has weaknesses with visual-motor integration and [some gross motor control difficulties]. Student also has some noticeable atypical physical features, and brain abnormalities that affect Student's ability to process language and other information, as well as cognitive deficits. Student has undergone several [redacted] surgical procedures that have impacted Student's physical ability to speak. (N.T. 58-64, 72, 420-21)
4. Student has had difficulty with social skills and peer relationships as well as emotional and behavioral functioning. (N.T. 62-64)
5. Student currently demonstrates a number of strengths in the educational setting, including self-advocacy skills, oral language skills, timely completion of individual and group

assignments, and social skills including forming and maintaining friendships. (N.T. 64-65; P-40; S-21 p. 28)

6. Student began receiving early intervention before one year of age. Student qualified for and received special education services in different school districts through the summer of 2008 when the family moved into the District, and remained eligible after enrollment in the District. (N.T. 66-69; S-1 p. 4)
7. Student participated in community-based work experience in tenth grade (2011-12 school year) focused on prevocational or employability skills. That program was provided by the local Intermediate Unit (IU) with a job coach providing support, but each student's IEP team made the determination on the location and frequency of those experiences.⁵ The job coach's ratings reflected that Student demonstrated a majority of the skills assessed in clerical and hospital settings. (N.T. 75, 79-81, 84-85, 513-15; P-1 p. 12; S-7 p. 83; S-9 pp. 1-13)
8. Student participated in another IU-provided community work experience in eleventh grade (2012-13 school year), with the IEP determining the location and frequency of those experiences. The job coach's ratings reflected that Student demonstrated a majority of the skills assessed as a dining services attendant, but required prompting to perform many tasks in assisted living-type settings. (N.T. 86-87, 91, 93, 515-17; P-1 pp. 12, 16; P-3; S-7 pp. 81-82; S-8 pp. 14-25)
9. The District evaluated Student in the fall of 2012 and issued a Reevaluation Report (RR) in November. At that time, Student identified work as a cashier as an interest for employment. Student reportedly needed to improve skills in the following areas: vocabulary, grammar and writing, reading comprehension and fluency, word recognition, mathematics, and employability; speech/language, occupational, and physical therapy needs were also noted. Student was determined to be eligible for special education on the bases of Intellectual Disability and Speech/Language Impairment. (P-3)
10. Student participated in an internship program during the 2013-14 school year (twelfth grade) in elementary and middle school settings. (N.T. 96-99, 218, 553-54, 629; P-7 pp. 9, 13)
11. During the 2012-13 through 2014-15 school years, Student was exposed to and practiced prevocational and other independent living skills in the classroom, such as writing resumes and cover letters, budgeting and managing finances, and functional mathematics skills. Communication skills, including interviewing for employment and maintaining friendships, were also addressed. Student, with other students, also performed tasks in

⁵ Although the Parents did not recall that these decisions were made by the IEP team (N.T. 81, 82-84), and it is apparent that the District did overlook parental concerns about the hospital setting (N.T. 82-84), one of the IU witnesses at the hearing provided a detailed and credible explanation of the process for placing students into its community settings that involves the student, teachers, and other members of the IEP team (N.T. 513-15). In any event, the 2011-12 through 2013-14 school years are not at issue.

the school building, with Student working as an office aide. (N.T. 547, 549-50, 558, 561, 566-67; P-1; P-3; S-7 pp. 81-82, 84-85)

12. Prior to the 2015-16 school year, Student participated in another IU-run program that was focused on independent living skills. The students in the program practiced various skills in a simulated apartment setting including meal planning, shopping, cooking, laundry, cleaning, and recreational activities; budgeting, transportation, apartment leasing, and insurance needs were also addressed. Student successfully performed the skills assessed in that independent living skills program, some with support. (N.T. 100-01, 519-25, 528-29, 627; P-13; S-7 pp. 83-84; S-9 pp. 26-39)
13. Before Student participated in the IU-run program focused on independent living skills, the IEP team discussed the Parents' concerns that Student already had some of the skills targeted by that program. (N.T. 556-57; P-7 p. 9; P-8, P-9; S-9 pp. 40-41)

2014-15 SCHOOL YEAR

14. In the fall of 2014, the Parents began considering and exploring alternative programs for Student for the 2015-16 school year. The Parents focused on college-run programs so that Student could learn to live independently. Their search led them to, among others, an out of state residential transition program for Students with intellectual disabilities (the Program). (N.T. 103-05, 239-42)
15. The District evaluated Student in the fall of 2014 and issued a Reevaluation Report (RR) in November. (S-1)
16. The November 2014 RR included input from the Parents and teachers and a summary of Student's then-current special education program. Parent concerns included transportation training/instruction/experience, and needs in the areas of managing finances, self-advocacy, and independent living skills. (S-1)
17. The November 2014 RR summarized previous evaluations as well as results of curriculum-based and benchmark assessments. Recent related service information including speech/language assessment was also reported. (S-1)
18. The November 2014 RR concluded that Student remained eligible for special education under the IDEA classifications Intellectual Disability and Speech/Language Impairment. (S-1)
19. The District also developed an Individualized Education Program (IEP) for Student in November 2014. (S-2)
20. Student input on post-secondary transition in the November 2014 IEP reflected an interest in part-time employment as a cashier and working with computers. Student was able to independently perform a number of activities of daily living, but was weak in some areas such as eating out in a restaurant, locating and using transportation, managing finances including making change, folding laundry, driving a car, and acquiring information about post-secondary programs. (S-2 pp. 12-14)

21. Parent concerns in the November 2014 IEP focused on post-secondary transition including navigating public transportation in addition to physical therapy needs. (S-2 pp. 14-15)
22. Needs identified in the November 2014 IEP were for improved written expression, reading fluency and comprehension, and mathematics skills. Speech/language, occupational, and physical therapy needs were also noted. (S-2 p. 15)
23. The transition section of the November 2014 IEP identified Student's post-secondary education and training goal as a vocational independence-type program; the employment goal as part-time employment after graduation; and the independent living goal as living with others. Services and activities under those goals were to improve reading comprehension, mathematics, and banking skills, be provided with information on post-secondary college programs and attend the annual career fair, and participate in the IU-run independent living skills program. (S-2 pp. 16-18)
24. Annual goals in the November 2014 IEP addressed reading comprehension and fluency, written expression, mathematics computation and problem solving/applications, and speech/language (accuracy in speech production in structured and unstructured settings). (S-2 pp. 23-29)
25. Program modifications and items of specially designed instruction in the November 2014 IEP included test, assignment, and grading accommodations; visual and verbal prompting; small group instruction; assistive technology; encouragement to ask for help when needed; functional vocational skill instruction; and assistance with peer interactions. There are provisions for counseling as well as occupational, physical, and speech/language therapy and consultation as related services. (S-2 pp. 31-34)
26. The November 2014 IEP proposed a supplemental level of learning support. The Parents approved the Notice of Recommended Educational Placement (NOREP) accompanying the November 2014 IEP expressly limited to the period through the end of the 2014-15 school year. (S-2 pp. 34-37; S-3)
27. During the November 2014 IEP meeting, the Parents asked if the District would consider funding Student's placement at the Program, but the District ultimately declined. (N.T. 105-06, 108; P-12; S-2 p. 13)
28. By May 2015, the Parents concluded that Student was not ready to graduate at the end of the 2014-15 school year, and notified the District. They believed that Student needed to acquire more independent living and vocational skills; they also wanted Student to be given the opportunity to determine areas of vocational interest. (N.T. 110-11; P-14)
29. Also in the spring of 2015, the Parents retained a professor of special education at a university within the Commonwealth to conduct a transition evaluation of Student. The professor holds a doctoral degree in special education and has significant experience with post-secondary transition programs for students with significant disabilities. (N.T. 170-85; P-47; S-5 p. 1)

30. The professor authored a report in May 2015 in the form of an independent transition evaluation (ITE), having conducted observations and interviews and reviewed some of Student's education records. The ITE report made several recommendations for Student's transition programming in that report: clarification of the transition section of the IEP to include, among other things, a focus on Student's interests and preferences; incorporation of specific self-advocacy skill development for all aspects of post-secondary living; instruction in functional skills that Student did not already have, identified through assessment across environments; vocational exploration based on Student's interests; and instruction in independent living in real-life settings including the community. He also made several recommendations for the family to pursue. (N.T. 190; P-51; S-5)
31. The Parents provided the ITE report to the District in May 2015 and noted the professor's opinion that the Program was appropriate for Student. They requested that the District place Student in the Program and explained that they had already made an application and that Student was accepted. (S-5 p. 1)
32. The District responded with a letter and accompanying NOREP within several days of the Parents' request, denying the request for public funding of and placement in the Program. (S-6)
33. The District issued an invitation to attend another IEP meeting in June 2015, and the Parents agreed to attend without Student. (S-7 pp. 1-17)
34. The finalized June 2015 IEP provided updated information on Student's then-current levels of academic achievement and functional performance. The team determined that Student's reading, writing, and mathematics goals would focus on functional skills related to post-secondary transition and independent living rather than on academics. Additional transition needs were noted for self-advocacy and social skills/interactions with peers and adults. (S-7 pp. 75, 79)
35. A report of Student's completion of a transition survey was provided in the June 2015 IEP. Student indicated areas of interest in child care and technology. (S-7 p. 81)
36. Needs identified in the June 2015 IEP were for improved functional reading, writing, and mathematics skills. Speech/language (articulation), occupational, and physical therapy needs were also noted. (S-7 pp. 86-87)
37. The transition section of the June 2015 IEP identified Student's post-secondary education and training goal as a vocational training program for work in child care or technology. The employment goal was employment in the field of child care after completing a vocational training program. The independent living goal was to live with family or a roommate upon securing employment. Services and activities under those goals were to be provided with opportunities for transition surveys (one time); assistance in visiting and applying to "non-post secondary" child care training programs (emphasis in original, S-7 p. 88); practice of self-advocacy skills; assistance in securing necessary clearances; and practice with mock interviews, completing cover letters and applications, managing

finances, and using transportation (monthly) in addition to attending IEP meetings. (S-7 pp. 87-89)

38. The early childhood education program recommended would provide opportunities to work directly with young children, but as a vocational-technical regular education program, it was not specifically a program for community-based instruction. (N.T. 461-62, 486-88, 502-03)
39. The early childhood education program recommended did include certification in early childhood education; however, the Parents understood that Student would not be expected to complete the requirements for certification. (N.T. 467-68, 492-94, 573; P-17; S-7 pp. 79-80, 87-88)
40. Annual goals in the June 2015 IEP addressed completing job applications, writing cover letters, and practicing functional tasks in managing finances, as well as speech/language therapy (articulation). (S-7 pp. 94-97)
41. Program modifications and items of specially designed instruction in the June 2015 IEP included test, assignment, and grading accommodations; visual and verbal prompting; small group instruction; encouragement to ask for help when needed; assistive technology; functional vocational skill instruction; and assistance with peer interactions and social skills. There are provisions for counseling as well as occupational, physical, and speech/language therapy or consultation as related services. (S-7 pp. 99-102)
42. The IEP team did discuss the possibility of Student attending the Program at the June 2015 IEP meeting. (N.T. 590-91)
43. The June 2015 IEP proposed a supplemental level of learning support at the high school, and the District issued a NOREP consistent with that placement. (S-7 pp. 66, 107-08, 112-14)
44. Student was determined to be eligible for ESY services in the June 2015 IEP, and the District proposed a program for those services. Goals for ESY addressed the functional vocational skills in a learning support placement. Student was not able to attend ESY that summer. (N.T. 111-12; P-20; S-7 pp. 79, 102-05)
45. In July 2015, the Parents reiterated their request that the District place Student in the Program. The District responded with another NOREP refusing to fund Student's placement in the Program. (S-10, S-11)
46. The Parents did not decide where Student would attend school for the 2015-16 school year until after the July 2015 IEP meeting. (N.T. 120, 165-66)
47. The Parents decided to enroll Student in the Program for the 2015-16 school year, and notified the District on August 10, 2015. They made a deposit for the Program at that time and Student began attending there in September 2015. (N.T. 121-22; S-12)

2015-16 SCHOOL YEAR

48. Student regularly saw and spoke with a private psychologist between June 2015 and August 2016 which focused on coping techniques and strategies for regulating emotions and behaviors, particularly as manifested at home. (N.T. 418, 421-23, 444, 446)
49. Sometime in the spring of 2016, the Parents and representatives of the Program made plans for Student to return in the fall for the 2016-17 school year. The Parents believed that continuity of educational programming was an important consideration. (N.T. 128, 133, 285-86; P-25 p. 4)
50. The ITE evaluator produced a follow-up report in June 2016. His report included a summary of a tour of the Program as well as of the District's early childhood education program. He again opined that the Program was appropriate for Student but that the District's proposed program was deficient in two respects: insignificant opportunities for hands-on experience in the vocational training component, and a lack of independent living skill instruction. He made several recommendations that were consistent with the original ITE. (N.T. 191; P-27; S-16)
51. In June 2016, the Parents provided a report of Student's progress at the Program during the 2015-16 school year and expressed that the District was obligated to provide FAPE to Student for the 2016-17 school year. (S-17)
52. A meeting of Student's IEP team convened in July 2016. That IEP provided information on reports of Student's performance in the Program. The stated team recommendation for transition was for Student to continue to improve functional reading, writing, and mathematics skills in order to succeed in post-secondary transition goals, as well as to practice completing cover letters and applications. Additional transition needs were noted for self-advocacy and social skills/interactions with peers and adults. (S-18 pp. 13-14)
53. A report of Student's completion of a transition survey was also provided in the July 2016 IEP. Student indicated areas of interest in working with children, older adults, or animals. Independent living skill needs were reported to be managing finances, travel instruction/transportation, and food preparation. (S-18 p. 14)
54. The July 2016 IEP identified needs for improved functional reading, writing, and mathematics skills in addition to travel and vocational skills. Speech/language (articulation), occupational, and physical therapy needs were again noted. (S-18 p. 15)
55. The transition section of the July 2016 IEP identified Student's post-secondary education and training goal as a vocational training program for work in care of the elderly, animals, or children. The employment goal was competitive full-time employment after completing a vocational training program. The independent living goal was to live with family or a roommate after securing employment and having financial means. Services and activities under those goals were to be provided with opportunities for transition survey; practice of self-advocacy skills; participation in vocational activities and community-based instruction; assistance in securing necessary clearances; improvement of functional mathematics skills and practice with managing finances; and research of

and practice using transportation. The service of providing assistance in visiting and applying to child care training programs that had been present in the June 2015 IEP was not included in the July 2016 IEP. (S-18 pp. 16-17)

56. The July 2016 IEP contained annual goals addressed identifying and researching career interests; use of public transportation in the community; written expression (paragraph writing); and budgeting. (S-18 pp. 22-25)
57. Program modifications and items of specially designed instruction in the July 2016 IEP included test, assignment, and grading accommodations; visual and verbal prompting; small group instruction; encouragement to ask for help when needed; assistive technology; direct instruction in functional reading, writing, mathematics, travel/transportation, and daily living skills; and assistance with peer interactions and social skills. There are provisions for counseling as well as occupational, physical, and speech/language therapy or consultation as related services. (S-18 pp. 27-28)
58. Student was determined to be not eligible for ESY in 2017 because of Student's age. (S-18 p. 29)
59. At the July 2016 IEP meeting, the team discussed the early childhood education program and an IU community-based vocational program. By that time, however, child care was no longer an area of primary interest for Student. (N.T. 126-27, 581-82)
60. The IU community-based vocational program provided opportunities for such experiences, which may be interest-based but often are focused on development of general employment skills, or prevocational, soft skills. The level of support provided to an individual student depended on his or her needs. (N.T. 457-60, 503-04; S-18 p. 48)
61. The July 2016 IEP and NOREP proposed a supplemental level of learning support to be provided at the early childhood education training program supplemented by community-based vocational experiences also available through the IU. (S-18 pp. 13, 30-31, 51-54)
62. In mid-August 2016, the Parents notified the District of their intention to return Student to the Program for the 2016-17 school year. (P-31; S-20)

2016-17 SCHOOL YEAR

63. The Parents elected to continue Student's enrollment in the Program for the 2016-17 school year and Student remained there for that school year. (N.T. 128, 133)
64. The District conducted a reevaluation of Student pursuant to permission granted by the Parents in July 2016. No assessments were conducted before Student returned to the program in September 2016, and the evaluator was not able to interview Student directly even by telephone prior to issuance of the October 2016 RR. (N.T. 129-30; P-30; P-32; S-19; S-21)
65. The District issued the RR in October 2016. That report summarized in detail school records and previous evaluations, including the May 2015 ITE. The content of and

discussions about recent IEPs, and reports of Student's performance in the District and at the Program, were also included. (S-21)

66. Parent input into the October 2016 RR reflected their concerns that Student was not provided with sufficient opportunities for real experience living and working in the community. They reported on Student's success at the Program that addressed those concerns as well as travel and transportation, social, and independent living needs. (S-21 pp. 6-8)
67. The District obtained rating scales from the Parents and a Program teacher⁶ for the Behavior Assessment System for Children – Third Edition (BASC-3) for the October 2016 RR. The Parents' scales reflected at-risk concerns with Student's Anxiety and they described Student as worrying about following rules and having difficulty accepting criticism. The teacher's scales revealed clinically significant concerns with Depression, Somatization, and Withdrawal; and at-risk concerns with Hyperactivity, Aggression, Anxiety, Atypicality, Adaptability, and Leadership. This teacher identified Student's emotional/behavioral strengths as resilience and self-advocacy, and weaknesses with communication, accepting criticism, and with problem-solving and social thinking skills. (S-21 pp. 21-24)
68. The October 2016 RR also reported on Student's adaptive behavior using the Vineland Adaptive Behavior Scale – Third Edition completed by the Parents and same teacher at the Program. Both raters reflected poor overall adaptive behavior skills. A relative strength in the Daily Living Skills domain and weaknesses with the Social, Communication, and Maladaptive Behavior domains were revealed by the Vineland-3. (S-21 pp. 24-27)
69. The October 2016 RR maintained Student's IDEA eligibility classifications as Intellectually Disabled and a Speech/Language Impairment, and added Other Health Impairment. (S-21)
70. Recommendations in the October RR reiterated the program and placement set forth in the July 2016 IEP. (S-21 pp. 30-33)
71. Another meeting of Student's IEP convened in December 2016. The IEP that was developed added information from the October 2016 RR. No additional input from the Parents was received. (S-22)
72. The December 2016 IEP retained the transition services from the June 2016 IEP as well as the annual goals. One new goal for speech/language (articulation) was added into the December 2016 IEP. (S-22)

⁶ The teacher asked Student's social counselor/coach to assist her in completing the BASC-3 teacher rating scale. Notably, the two collaborated to complete a single rating scale based on a "bad day" for Student, choosing to answer in the affirmative for behaviors that were "possible" even if never observed (N.T. 385, 393-94 396; P-36 p. 2).

73. The December 2016 IEP continued the same program modifications and items of specially designed instruction, as well as the related services, in the June 2016 IEP. (S-22)
74. A December 2016 NOREP proposed the same program and placement as did the June 2016 NOREP. (S-22 pp. 36-39)
75. The local IU offers a number of programs for students with disabilities for post-secondary transition that are available for consideration by IEP teams. One of those offers assistance for students to prepare to enter college through activities such as dining in the college cafeteria, staying on campus for a period of time, and earning college credits, in addition to career exploration. (S-18 pp. 36-50)

THE PROGRAM

76. The Program is located in another state contiguous to Pennsylvania and is situated on a university campus. (N.T. 236, 240, 241)
77. The Senior Director of the Program has advanced degrees in social work and social welfare policy, but no degree in special education. He has experience with mental health wraparound services and has written about available opportunities for transitioning to independent living for adults with developmental disabilities. (N.T. 238-39, 301-02)
78. The Program is a transition program for students with intellectual disabilities, many of whom also have Autism. The focus of the Program is to provide instruction and practice with independent and vocational living skills, as well as communication and travel/transportation skills. (N.T. 240-41, 243, 254-55, 261-62)
79. The Program uses a three-year, non-credit curriculum, and most students complete all three years. The curriculum is the same for all students, and the classes address development of skills in executive functioning, communication, social skills, independent living, and employment. (N.T. 240-41, 245, 260-61, 303-04, 307-08)
80. The students in the Program visit various community-based work sites, and placement decisions are based on each student's abilities. Students are not necessarily placed at sites that are of interest to each student, but placements can change semester by semester depending on how successful a student is. (N.T. 262-64)
81. The community-based placements ideally lead to paid employment upon completion of the Program. (N.T. 263-64)
82. The Program has a classroom-based component in addition to individual coaching/counseling and community-based employment. (N.T. 240-41, 254-55, 261)
83. Students attend classes at the Program for one hour periods one time each week over the course of a semester. Students are required to purchase textbooks and other necessary materials. (N.T. 288-89)

84. Class sizes in the Program are small, with approximately six to ten students. Although the curriculum is not individualized, teachers provide differentiated instruction based on a student's needs. (N.T. 307-08)
85. All students in the Program are residential, living in residence halls on the college campus. The Program averages approximately sixty students at one time. (N.T. 241-42, 243, 245)
86. The Program provides a number of counselors or coaches for each student, one for each of the following areas: academic, social, career/employment, financial, and independent living. Each counselor/coach meets individually with the students at least on a weekly basis. (N.T. 123-24, 272-73, 307-08, 310-11, 326, 332-33)
87. The Program has a staff of approximately eighteen who meet daily on an informal basis to discuss the students. (N.T. 258-59)
88. The school year for the Program runs from late August to December and January to May. Students in the Program are required to leave the campus during these lengthy breaks that are based on the university's calendar. (N.T. 287)
89. Some students apply for and take credit courses as undergraduate students through the local university where the Program is located. (N.T. 242, 253-54)
90. Student has not applied to take credit course through the local university. (N.T. 135-36, 259-60)
91. Application to the Program is through the Program and not the university where the Program is located. Students are not required to have high school diplomas or take college admissions examinations such as the SAT or ACT to be accepted into the Program. (N.T. 242-43, 244)
92. Students at the Program can apply for education loans. (N.T. 163-64)
93. The Program utilizes a code of student conduct that applies across all settings and includes a positive behavior component. (N.T. 329-31, 355-57)
94. The Program is accredited by U. S. Department of Education as a transition and post-secondary program. (N.T. 251-52, 300)
95. The Program does not implement IEPs for students, and is not obligated to comply with the IDEA. (N.T. 293, 302)
96. Students who complete the three years in the Program are issued a certificate of completion and may participate in a graduation ceremony. (N.T. 287)
97. During the 2015-16 school year, Student had courses in Advanced Communication, Banking and Budgeting, Civics, Computer, Executive Functioning Tools and Strategies,

Health, Introduction to Employment, Nutrition, Pre-College English, Social Psychology, and Travel Training. (P-26; S-17)

98. In the spring of the 2016 school year, Student participated in an internship experience at an assisted living facility recreational department. (P-26 p. 14; S-17 p. 15)
99. At the end of the 2015-16 school year, Student attained final grades of B- or better in all classes with a passing grade in Advanced Communication. Course outcome assessments reflected progress in all courses. (P-26; S-17)
100. During the 2016-17 school year, Student had courses in Advanced Communication, Advanced Travel Training, Banking and Budgeting, Executive Functioning Tools and Strategies II, Employment Strategies, Food and Nutrition, Literature, Media Applications, and Social Psychology II. (P-38, P-40)
101. In the fall of 2016, Student participated in an internship experience at a retail store; and in the spring of 2017, Student participated in an internship experience at a hospital. (P-38 p. 12; P-40 pp. 13-14)
102. At the end of the 2016-17 school year, Student attained final grades of B+ or better in all courses with a passing grade in Advanced Communication. Course outcome assessments reflected progress in all courses. (P-38)
103. Student has experienced success at the Program in living independently away from home while at the Program, and has developed coping skills to better self-regulate emotions. (N.T. 220-21, 276-77, 335-37, 340-43, 345-46, 361-62, 428-29)
104. The Parents have incurred \$895.00 in expenses for training, books, and other supplies for Student at the Program for the 2015-16 and 2016-17 school years. (N.T. 138-40; P-48 p. 1)
105. The Parents have incurred travel expenses to and from the Program over the course of the 2015-16 and 2016-17 school years. (N.T. 140-41; P-48)
106. Student's private psychologist has worked with Student to address transitions between, and adjustments to, home and the Program. (N.T. 424-29)

DISCUSSION AND CONCLUSIONS OF LAW

GENERAL LEGAL PRINCIPLES

Broadly speaking, the burden of proof may be viewed as consisting of two elements: the burden of production and the burden of persuasion. At the outset of the discussion, it should be recognized 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 must rest with the Parents who filed the Complaint and requested this administrative hearing. Nevertheless, application of this principle determines which party prevails only in those rare cases where the evidence is evenly balanced or in “equipoise.” *Schaffer, supra*, 546 U.S. at 58. The outcome is much more frequently determined by the preponderance of the evidence, as is the case here.

Special education hearing officers, in the role of 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 the witnesses who testified to be generally credible, each of whom appeared to provide an account of relevant events to the best of his or her recollection. The testimony of the Parents’ private evaluator was persuasive with respect to post-secondary transition planning opportunities for students with significant disabilities, including Student; however, his proffered opinion on the District’s proposed program for Student was accorded limited weight because it did not appear to be based on a thorough understanding of what was previously provided or offered (N.T. 197-200, 203-04); this hearing officer must arrive at a determination on that issue following consideration of the entire hearing record. In addition, this witness candidly conceded that he considered whether the Program was and is “more” or “most appropriate” for Student (N.T. 186-87) in comparison to the District’s proposals, which as noted below is not the standard.

In reviewing the record, the testimony of all witnesses and the content of each admitted exhibit were thoroughly considered in issuing this decision, as were the parties' comprehensive written summations.

GENERAL IDEA PRINCIPLES: FREE APPROPRIATE PUBLIC EDUCATION

The IDEA and the implementing state and federal regulations obligate local education agencies (LEAs) to provide a "free appropriate public education" (FAPE) to children who are eligible for special education. 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 that are reasonably calculated to permit the child to benefit educationally from the instruction, provided that 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). LEAs meet the obligation of providing FAPE to eligible students through development and implementation of an IEP that 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).

Recently, the U.S. Supreme Court was called upon to consider once again the application of the *Rowley* standard, and it observed that an IEP "is constructed only after careful consideration of the child's present levels of achievement, disability, and potential for growth." *Andrew F. v. Douglas County School District RE-1*, ___ U.S. ___, ___, 137 S. Ct. 988, 999, 197 L.Ed.2d 335, 350 (2017).

The “reasonably calculated” qualification reflects a recognition that crafting an appropriate program of education requires a prospective judgment by school officials. The Act contemplates that this fact-intensive exercise will be informed not only by the expertise of school officials, but also by the input of the child’s parents or guardians. Any review of an IEP must appreciate that the question is whether the IEP is reasonable, not whether the court regards it as ideal.

The IEP must aim to enable the child to make progress. After all, the essential function of an IEP is to set out a plan for pursuing academic and functional advancement. This reflects the broad purpose of the IDEA[.] * * * A substantive standard not focused on student progress would do little to remedy the pervasive and tragic academic stagnation that prompted Congress to act.

That the progress contemplated by the IEP must be appropriate in light of the child’s circumstances should come as no surprise. A focus on the particular child is at the core of the IDEA.

Andrew F., ___ U.S. ___, 137 S. Ct. 988, 999, 197 L.Ed.2d 335, 349-50 (2017)(citing *Rowley* at 206-09)(other citations omitted). The Court explained that, “an educational program must be appropriately ambitious in light of [the child’s] circumstances... [and] every child should have the chance to meet challenging objectives.” 137 S. Ct. at 1000, 197 L.Ed.2d at 351. This is especially critical where the child is not “fully integrated into the regular classroom.” *Id.* The Court thus concluded that “the IDEA demands ... an educational program reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” 137 S. Ct. at 1001, 197 L.Ed.2d 352. This standard is not inconsistent with the above interpretations of *Rowley* by the Third Circuit.

As *Andrew*, *Rowley*, and the IDEA make clear, the IEP must be responsive to the child’s identified educational needs. See 20 U.S.C. § 1414(d); 34 C.F.R. § 300.324. However, an LEA is not required to provide the “best” program, but rather one that is appropriate in light of a child’s unique circumstances. *Andrew F.*, *supra*; *Ridley*, *supra*; *Tucker v. Bay Shore Union Free School District*, 873 F.2d 563, 567 (2d Cir. 1989) (observing that the law demands “provision of

an education that is ‘appropriate,’ not one that provides everything that might be thought desirable by ‘loving parents.’”)(citations omitted).

POST-SECONDARY TRANSITION PRINCIPLES

The FAPE claims in this matter are focused on Student’s post-secondary transition. With respect to that component of special education, the following is instructive.

The IDEA requires that every IEP created for a child that is age sixteen or older must include appropriate measurable post-secondary goals based on age appropriate transition assessments related to training, education, employment, and independent living skills, as well as corresponding transition services. 20 U.S.C. § 1414(d)(1)(A)(VIII). A transition plan is a “set of activities” based on the student’s needs and is created to help the disabled student move from school to post-school activities. 20 U.S.C. § 1401(34)(B); 34 C.F.R. § 300.43.

K.C. ex rel. Her Parents v. Nazareth Area School District, 806 F.Supp.2d 806, 822 (E.D. Pa. 2011). As one District Court has opined:

The Third Circuit has not defined what amount of transition planning is required in an IEP to ensure a FAPE. *** The floor set by the IDEA for adequate transition services . . . focus[es] on whether opportunities are created for a disabled student to pursue independent living and a career, not just a promise of a particular result.

Coleman v. Pottstown School District, 983 F.Supp.2d 543, 566 (E.D. Pa. 2013), *aff’d*, 581 Fed. App’x 141 (2014). Nevertheless, as the *Coleman* Court further observed, “the IDEA was created, in part, to allow students with disabilities to ultimately live independent and productive lives.” *Id.*, 983 F.Supp.2d at 565 (citations omitted). Indeed, one of the purposes of the current version of the IDEA is to “prepare [children with disabilities] for further education, employment, and independent living.” 20 U.S.C. § 1400(d)(1)(A).

Thus, a satisfactory IEP, for a student that is sixteen years or older, must also identify transitional needs and services. Transition services are to be designed “within a results-oriented process . . . focused on improving the academic and functional achievement of the [student] to facilitate . . . movement . . . to post-school activities [including] independent living”

Coleman, 983 F.Supp.2d at 565-66 (citing 20 U.S.C. § 1414 (d)(1)(A)(i)(VIII) and 34 C.F.R. §§ 300.43, 300.321). Post-secondary transition services must be “based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests.” 20 U.S.C. § 1401(34)(B).

PRIVATE PLACEMENT AND TUITION REIMBURSEMENT

Parents who believe that an LEA has failed to comply with its obligations under the IDEA may file a Due Process Complaint wherein they may challenge “any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to [a] child.” 20 U.S.C. § 1415(b)(6)(A). An administrative hearing will be held on the issues presented. 20 U.S.C. § 1415(f); 34 C.F.R. §§ 300.511, 30.512, 300.515; 22 Pa. Code § 14.162. In this matter, the Parents filed such a Complaint over the District’s proposed programs for the 2015-16 and 2016-17 school years.

In addition, where parents contend that the LEA has not offered FAPE to their child, they may unilaterally place him or her in a private school and thereafter seek reimbursement for tuition. 20 U.S.C. § 1412(a)(10)(C); 34 C.F.R. § 300.148(c). Tuition reimbursement is an available remedy for parents to receive the costs associated with their child's placement in a private school where it is determined that the program offered by the public school did not provide FAPE and the private placement is proper. *Florence County School District v. Carter*, 510 U.S. 10 (1993); *School Committee of Burlington v. Department of Education*, 471 U.S. 359 (1985); *Mary Courtney T.*, *supra*, 575 F.3d at 242. Equitable principles are also relevant in deciding whether reimbursement for tuition is warranted. *Forest Grove School District v. T.A.*, 557 U.S. 230 (2009) (explaining that a tuition reimbursement award may be reduced on an equitable basis such as where parents fail to provide the requisite notice); *Carter, supra*; *C.H. v.*

Cape Henlopen School District, 606 F.3d 59 (3d Cir. 2010). A private placement also need not satisfy all of the procedural and substantive requirements of the IDEA. *Id.*

GENERAL SECTION 504 PRINCIPLES

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of a handicap or disability. 29 U.S.C. § 794. A person has a handicap if he or she “has a physical or mental impairment which substantially limits one or more major life activities,” or has a record of such impairment or is regarded as having such impairment. 34 C.F.R. § 104.3(j)(1). “Major life activities” include learning. 34 C.F.R. § 104.3(j)(2)(ii). In Pennsylvania, Parents may request an administrative hearing under Section 504 and Chapter 15 to challenge an LEA’s identification, evaluation, or programming for a protected handicapped student. 22 Pa. Code § 15.8.

An LEA’s obligation to provide FAPE is substantively the same under Section 504 and the IDEA. *Ridgewood, supra*, 172 F.3d at 253; *see also Lower Merion School District v. Doe*, 878 A.2d 925 (Pa. Commw. 2005). Accordingly, the FAPE claims under both the IDEA and Section 504 shall be addressed together.

DISTRICT’S PROPOSED PROGRAMS

The claims center on tuition reimbursement for the Program, so the three-element test requires, first, a determination of whether the District’s proposed program for the school years in question were appropriate for Student. Both school years at issue will be discussed separately and in chronological order.

At the time of the June 2015 IEP, the information available to the team from the November 2014 RR and input into that IEP included Student’s needs for improvement in

accomplishing a number of independent living skills (including transportation, managing finances, and acquiring information about post-secondary programs); a goal of attending a vocational training program with part-time employment in the future; a goal for living independently or with family or a roommate; and Student's interest in child care or technology based on a survey. The transition services in the June 2015 IEP specified taking a transition survey, receiving assistance in applying for a child care training program, and continued practice of skills necessary to obtaining employment. Annual goals addressed weaknesses in skills necessary for obtaining employment and managing finances, and deficits in self-advocacy and social skills were included as items of specially designed instruction. However, the location of the services was the high school, not the community.

While the annual goals and program modifications/items of specially designed instruction are generally appropriate based on Student's needs, the transition plan as a whole was not. By June 2015, Student had already participated in the IU program focused on independent living skills that was provided in a simulated environment; and had participated in a number of community- and school-based experiences to develop prevocational skills and to be exposed to and practice skills necessary to obtaining employment. Those experiences were not geared toward Student's personal preferences and interests, although they were not required to be in order for Student to develop and practice prevocational or soft skills. However, when the June 2015 IEP was developed, meaningful assessment of Student's post-secondary interests was a critical consideration for Student who had already spent several years developing prevocational and independent living skills and was approaching the ceiling of IDEA eligibility. This is especially so with Student not attending that IEP meeting to provide input into the transition plans, other than completing transition surveys year after year. While child care did appear to be

identified by Student as an area of interest in a survey, the majority of the transition services in the June 2015 IEP was dependent upon Student's acceptance into that specific program. And, although Student would gain experience working directly with young children, Student would not be attempting or expected to meet criteria for certification, and the program itself was not designed to provide community-based instruction. Thus, it is unclear what purpose the recommended training might serve in assisting Student to move into adult life, even if Student were to be accepted; and the lowered expectations for Student's participation are not specific and ambitious in light of Student's unique circumstances. Further, the limitation on career exploration to omit "post-secondary" training programs is perplexing and, moreover, not grounded in the IDEA or its regulations which do not limit transition goals to secondary school-based aspirations. In sum, the transition portion of the June 2015 IEP cannot be deemed to be individualized, or "results-oriented" and "focused on improving [Student's] achievement [and] movement to post-school activities," 34 C.F.R. § 300.43, and instead appears to be an effort to fit Student to an existing and available program that is not consistent with Student's individual needs, strengths, and abilities. Nor can it be considered a coordinated "set of activities" that would lead toward independent life. *Id.*

Nearly all of the same flaws existed in the June 2016 IEP. One exception is that Student's goal for attending a vocational training program for children, animals, or the elderly (with child care no longer an interest) was now unsupported by assistance in locating or applying to such programs, and instead Student would take additional career interest surveys. The proposal to add an IU community-based vocational program, an improvement to some degree over the June 2015 IEP, unfortunately would serve only to return Student to practicing general employment skills, or prevocational, soft skills, something that Student had already experienced

for a number of years prior to July 2016. While the addition of transportation instruction was appropriate and a positive step, that one new goal cannot overcome the deficiencies in the July 2016 IEP. Finally, to the extent it is necessary to address the December 2016 IEP developed halfway through Student's second year in the Program, that IEP was not markedly different from the July 2016 and, accordingly, suffers from the same deficiencies.

For all of these reasons, the Parents have established that the District's proposed programs for Student for the 2015-16 and 2016-17 school years were not appropriate for Student in terms of individualized, outcome-oriented post-secondary transition programming.⁷

THE PROGRAM

The next inquiry in the *Burlington-Carter* test is whether the Program is appropriate for Student. The District strenuously argues that it is a post-secondary educational program and, thus, cannot be deemed an appropriate program for purposes of a tuition reimbursement analysis. In support of this contention, the District relies heavily on language used on various pages of the Program's website (District Closing at 5-7).

The District correctly observes that the IDEA regulations provide for "an appropriate preschool, elementary school, or secondary school education." 34 C.F.R. § 300.17 (adopting language in 20 U.S.C. § 1401(9)). It also points out that "secondary school is defined as "not includ[ing] any education beyond grade 12." 34 C.F.R. § 300.36 (adopting language in 20 U.S.C. § 1401(27)). Lastly, the District cites to the language in the IDEA and its implementing regulations that permits tuition reimbursement for unilateral placement in an elementary or secondary school. 20 U.S.C. § 1412(a)(10)(C)(ii); 34 C.F.R. § 300.130.

⁷ The Parents also challenge, *inter alia*, certain aspects of the District's reevaluation in the fall of 2016 (Parents' Closing at unnumbered pp. 63-64). It is not necessary to examine that argument in light of the denial of FAPE determinations based on the proposed IEPs.

Neither party provides citation to any authority that provides definitive guidance on whether the Program should be considered a “post-secondary” institution or program or something else. This hearing officer concludes that the answer must be found in relation to the services that Student is being provided by the Program in the context of the language of the IDEA, in addition to the more general elements of the Program that apply to all students.

With limited exceptions not applicable here, students with disabilities are entitled to special education and related services through the age of twenty one. 20 U.S.C. § 1412(a)(1); *Ferren C. v. School District of Philadelphia*, 612 F.3d 712 (3d Cir. 2010). A strict and narrow reading of the regulations defining secondary school, as urged by the District, would exempt children from those services in what is commonly referred to as the thirteenth year. Such is not consistent with the fundamental scheme and purpose of the IDEA.

There are aspects of Student’s participation in the Program that are somewhat similar to college enrollment. For example, Student resides on campus and takes courses that meet once per week over the course of a semester. The Program schedule follows breaks according to the local university calendar. Student is required to purchase textbooks and may pursue student loans. The Program is situated on and operates alongside the local university.

On the other hand, students at the Program are not required to have high school diplomas or take college admissions examinations. Student has not applied to the local university, and is not taking any classes for college credit. The U.S. Department of Education has provided accreditation as a transition *and* post-secondary program (District Closing at Exhibit A), with the conjunctive strongly reinforcing the conclusion that it is both rather than one or the other. For Student, it is a transition program. Community-based work experiences are a key component of Student’s weekly schedule that also includes courses in executive functioning skills and travel

training, needs that Student exhibited. Student has a number of coaches/counselors who are assisting Student, on at least a weekly basis, with learning independent living skills that are vital to a transition to adulthood and ultimately to a level of independence. Finally, it should be noted that the Program, not surprisingly, appears to highlight similarities to a college experience on its website and promotional materials at least in part because students with disabilities have the same desire as their non-disabled peers to learn to live independently while pursuing vocational and career interests in a college-like environment. Portraying the Program as “college-like” does not transform it into a post-secondary college or university.

The Program also provided Student with courses and experiences that Student had needs for during the time period in question, including communication, managing finances, developing executive functioning skills, practicing skills necessary to obtaining employment, and travel training, as well as other independent living skills such as food and nutrition. Teachers differentiate instruction according to each student’s needs, and Student meets at least weekly with five different coaches/counselors on a one-on-one basis. Student has earned grades of B- or better in all courses, and the record fully supports a conclusion that Student has been successful in developing independent living skills including regulating Student’s emotions at the Program with the support of a private psychologist. For all of these reasons, the evidence is more than preponderant that the Program was appropriate for Student.

THE EQUITIES

The final step of the *Burlington-Carter* test is a consideration of the equities, which permits a reduction or denial of reimbursement where warranted. The evidence reflects that, while the Parents may have preferred to have Student attend the Program for the 2015-16 school year, they were not opposed to, and participated in meetings to discuss, the District’s proposal in

June 2015. They also provided timely notice of their intention to enroll Student in the Program for the 2015-16 school year. Thus, there are no equitable concerns for that school year.

However, it is also clear that the Parents had decided in the spring of 2016 to return Student to the Program for the 2016-17 school year in order to provide continuity to Student's educational programming, suggesting that, however understandably, they did not intend to accept the District's proposal in July 2016. The Parents had also procured, well before that July 2016 IEP meeting, the follow-up ITE concluding that the District's program was not appropriate but that the Program was, which certainly significantly impeded the IEP team's ability to meaningfully collaborate on a new IEP for Student. While this hearing officer does not conclude that the actions of these loving Parents were taken in anything less than good faith, the award for the 2016-17 school year shall be reduced by 50% to reflect this important consideration.

Furthermore, again recognizing that tuition reimbursement is an equitable remedy, the residential component of the Program as well as travel expenses for the Parents merit special consideration. *See Carter, supra*, 510 U.S. at 116 (recognizing that an "appropriate and reasonable level of reimbursement" is what is required). The question of whether a residential placement must be at public expense generally requires an examination of whether that full-time placement is "necessary for educational purposes, or whether the residential placement is a response to medical, social or emotional problems that are segregable from the learning process." *Mary Courtney T., supra*, 575 F.3d at 243-44 (quoting *Kruelle v. New Castle County School District*, 642 F.2d 687, 693 (3d Cir. 1981)). The evidence in this case establishes that there currently are few programs in the United States that offer the type of transitional program to students with significant disabilities that the Program does. It is fortunate on the one hand that the Parents and Student located one that is contiguous to the Commonwealth of Pennsylvania,

although it requires its students to reside on the local university campus. While it is regrettable that there are relatively few options for the type of transition program that the Program provides, and it does appear that living on campus has been beneficial for Student, the evidence does not demonstrate that the residential component was or is necessary for Student to receive FAPE based on Student's individual learning strengths and needs. Additionally, while the Parents have clearly expended funds to travel to and from the Program on multiple occasions, and those expenses are undoubtedly reasonable, it would be inequitable to require the District to reimburse those costs simply because of the distance between the Program and the Parents' residence.

This hearing officer therefore concludes that equitable considerations dictate a reduction in the award of tuition reimbursement to also omit charges for the residential portion of the tuition and costs as well as transportation expenses. Accordingly, the District shall be ordered to reimburse the Parents only for tuition and related academic costs (training, books, and supplies) for the 2015-16 (at 100%) and 2016-17 (at 50%) school years.

SUMMARY AND CONCLUSION

The District's proposed programs for Student for the 2015-16 and 2016-17 school years were not reasonably calculated to provide Student with FAPE, and were thus inappropriate for Student. The Program is an appropriate program for Student, but the equities demand that the District be financially responsible only for the cost of tuition and other academic costs, with and adjustment for the 2016-17 school year. No other costs need be reimbursed.

ORDER

AND NOW, this 21st day of April, 2018, in accordance with the foregoing findings of fact and conclusions of law, it is hereby **ORDERED** as follows.

1. The District's proposed program for Student for the 2015-16 school year was not appropriate.
2. The District's proposed program for Student for the 2016-17 school year was not appropriate.
3. The District is directed to reimburse the Parents for the full cost of tuition within fifteen calendar days of receipt of an invoice or similar documentation from the Program that provides a breakdown of the tuition and other expenses for Student for the 2015-16 school year.
4. The District is directed to reimburse the Parents for 50% of the cost of tuition within fifteen calendar days of receipt of an invoice or similar documentation from the Program that provides a breakdown of the tuition and other expenses for Student for the 2016-17 school year.
5. The District is directed to reimburse the Parents for the cost of books, supplies, and training as set forth on P-48 p. 1 for the 2015-16 and 2016-17 school years in the total amount of \$895.00 at the time that payment for tuition in accordance with ¶¶ 3 and 4 is provided.
6. The District is not required to reimburse the Parents for any other costs including those for room, meal plan, health insurance, tuition refund insurance, and travel expenses.

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
ODR File No. 19354-1617AS