

*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

DUE PROCESS HEARING

Name of Child: L.P.  
ODR #3045/11-12-KE

Date of Birth:  
[redacted]

Dates of Hearing:  
June 19, 2012  
July 31, 2012

CLOSED HEARING

Parties to the Hearing:  
Parents

Lower Merion School District  
301 E. Montgomery Avenue  
Ardmore, PA 19003

Date Record Closed:

Date of Decision:

Hearing Officer:

Representative:  
Donald Litman, Esquire  
200 Bucks Professional Center  
247 New Street  
Quakertown, PA 18951

Gail Weilheimer, Esquire  
Wisler, Perlstine, Talone, Craig,  
Garrity and Potash  
Blue Bell Executive Campus  
460 Norristown Road, Suite 110  
Blue Bell, PA 19422

August 21, 2012

August 30, 2012

Linda M. Valentini, Psy.D., CHO  
Certified Hearing Official

## Background

Student<sup>1</sup> is a middle school aged child who resides in the Lower Merion School District [District] and currently attends a District middle school. The District filed for this hearing to establish the appropriateness of its December 23, 2011 re-evaluation in light of the Parents' request for publicly funded Independent Educational Evaluations.

## Issue

Was the District's December 23, 2011 re-evaluation appropriate?

## Findings of Fact

### Background:

1. Student registered in the District in July 2010 and was evaluated by the District in November 2010. [S-11]
2. Following the evaluation the Parents disagreed with the report and requested an IEE at public expense. The District filed for a hearing, and in a Decision dated July 6, 2011 a hearing officer<sup>2</sup> found the District's evaluation appropriate, ruling that Student was not entitled to an evaluation at public expense. [S-11]
3. In his July 6, 2011 decision the previous hearing officer specifically noted with approval the District's assessment of speech/language, occupational therapy, social and behavioral needs, and the school psychologist's<sup>3</sup> consideration of autism. [S-11]
4. Student is classified for special education purposes as having a Specific Learning Disability, Speech/Language Impairment and Other Health Impairment related to Attention Deficit Hyperactivity Disorder [ADHD]. [S-4]
5. At the time of transition to middle school in August 2011 the Parents provided the District with a number of private evaluations and asked the District to consider them. The Parents also asked that the District conduct a Functional Behavior Analysis [FBA] and a trial with an FM system. Accordingly, on September 2, 2011 the District issued a Permission to Reevaluate [PTR] to include Review of

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<sup>1</sup> This decision is written without further reference to the Student's name or gender, and as far as is possible, other singular characteristics have been removed to provide privacy.

<sup>2</sup> The hearing officer was not the current hearing officer.

<sup>3</sup> The school psychologist was not the school psychologist who conducted the reevaluation at issue in the instant matter.

- Records, a Functional Behavior Assessment [FBA], and a Functional Hearing Assessment. [S-1, S-2]
6. When three weeks had passed and the Parents had not returned the PTR the District issued another PTR on September 19, 2011. [S-2]
  7. The Parents had their advocate look over the PTR and approved the PTR on November 4, 2011. The Parents wrote on the PTR itself a list of documents they wanted the evaluator to consider and repeated this list in their forwarding email when returning the PTR. [NT 507-508; S-3]
  8. The District school psychologist assigned to conduct the reevaluation has been a certified school psychologist for over thirty years, has conducted over one thousand evaluations and is appropriately credentialed to conduct an FBA. [NT 30-36; S-10]

Parents' Input:

9. For purposes of the reevaluation, the school psychologist reviewed and documented the Parents' concerns as they stated them in an email to the District dated September 12, 2011, as well as the Parents' concerns as stated by them and their advocate at IEP meetings. The school psychologist had been in IEP meetings with the Parents on three occasions for a total of six hours to finalize Student's IEP so obtained information about the Parents' concerns prior to conducting/completing the reevaluation. [NT 50-54]
10. As the Parents had previously expressed concern that the District had misrepresented their viewpoint in the original ER, the school psychologist asked the Parents if they wanted to produce a written statement to be incorporated verbatim into the reevaluation report [RR], as this would be "the cleanest way to get their unvarnished opinion about their concerns, by writing it themselves and incorporating it in its entirety into the report". [NT 52-53; S-4]

Review of Records:

11. In addition to the documents the family listed on the signed PTR,<sup>4</sup> the school psychologist considered other private evaluations that were previously provided to the District by the family, but that the family had not specifically requested be reviewed on their signed PTR. Those were the evaluations of Dr. S, Dr. S, Dr. H, and two evaluations from Dr. P. [S-4]

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<sup>4</sup> Except for information from a private school Student attended in 2008-2009 as those records were never provided by the family. Although the Parents believe this information was provided to the District, those documents were not in the file reviewed by the school psychologist, were not part of the Exhibits in the Parents' evidence binder for this hearing although the Tab P-8 was assigned to them in the Table of Contents, and the Parents' advocate could not state that she saw documents from the private school. Records from the private school were also not used as an exhibit in any of the three prior due process hearings concerning this Student. [NT 41, 524-525; P-8, P-31]

12. For each private evaluation considered, the school psychologist included a detailed summary in the RR. The summaries included the substance of the private report, the process which the private evaluator used to make his/her findings, and the evaluator's diagnosis(es). [S-4]
13. The school psychologist included in the RR a list of the twenty different diagnoses conferred by the private evaluators as well as the recommendation(s) from each private evaluator. [S-4]
14. The school psychologist examined Student's current educational program to determine which private evaluators' recommendations were already translated into goals or specially designed instruction in the IEP, which recommendations were "considered best practice for all students", and noted if there were reasons why recommendations not already in the IEP or best practice were not made part of the IEP. He also determined which recommendations were not relevant to the school setting. [NT 48-50; S-4]
15. The school psychologist reviewed the District's Evaluation Report [ER] completed in November 2010, a prior ER from August 2005, Student's most recent Individualized Education Program [IEP] and Notice(s) of Recommended Educational Placement [NOREPs] issued between March 2011 and September 2011. [S-4]

Functional Behavior Assessment:

16. An FBA looks at the function or purpose of a behavior by examining the antecedent factors that may trigger the behavior and the consequences of the behavior. An FBA conducted in a school setting is intended to minimize the impact of that behavior on a student's learning. [NT 129-130]
17. For purposes of conducting the FBA, the school psychologist considered the behaviors reported by the Parents to be of concern. [NT 61; S-4]
18. The school psychologist collected information to determine which of the behaviors reported by the Parents occurred in school, and, if so, whether those behaviors interfered with Student's learning or the learning of others. [NT 61-64; S-4]
19. The school psychologist reviewed Student's current classroom based assessments and IEP progress monitoring, personally observed Student in social studies, science and learning support class over three separate weeks, and considered the observations of Student's current teachers. [NT 54-59; S-4]

20. Seven of Student's current teachers provided information about Student: Reading, Computers, Writing, Chorus, Science, Social Studies, and Physical Education. [S-4]
21. In order to collect observations in the social and behavioral areas which were of special concern to the Parents, the school psychologist also asked the school nurse and an instructional aide assigned to the cafeteria to make specific observations of Student. [S-4]
22. The cafeteria aide was deliberately chosen to observe Student in a less structured environment with peers, as she is a constant presence in the cafeteria and would not stand out, nor cause the Student or Student's peers to act differently from their normal behavior, thus ensuring that valid data would be collected. The school psychologist considered the Parents' concerns and provided this aide with specific target behaviors to observe over a five day period. [NT 59-60]
23. The school psychologist also sought written input from Student's District speech/language therapist, and this input dated November 2011 was considered and included verbatim in the RR. [NT 54; S-4]
24. The data collected by the school psychologist indicated that the behaviors the Parents noted at home do not occur in the school setting. [NT 114-121]
25. The school psychologist also examined behaviors not reported by the Parents that Student did exhibit in school. These were impulsive responses, rushing through assignments and inattentiveness, all characteristics typically found in children with ADHD. [S-4]
26. The school psychologist looked at how and if these behaviors interfered with Student's ability to derive meaningful educational benefit and concluded that these behaviors were "very easily" addressed by redirection and specially designed instruction specified in the IEP. Additionally, progress monitoring showed Student was being successful in meeting IEP goals. The school psychologist concluded that further data collection in the school setting was not needed for purposes of the RR and that a positive behavior support plan was not needed. [NT 60-64, 117]
27. The school psychologist specifically considered and ruled out the classification of emotional disturbance for Student. [NT 72]

Functional Hearing Assessment:

28. Student passed a hearing screening. [S-4]

29. The IU conducted a six-month trial of an FM system for Student in the school setting and found no difference with and without this assistive technology. [NT 65-66, 138-143; S-4, S-6]

Parental Disagreement:

30. The District's school psychologist completed the RR within the statutory timeframe of sixty calendar days and sent the Parents a written copy on December 23, 2011, eleven days before the report was due. [NT 66-67; S-4]
31. The school psychologist met with the Parents and their advocate and other IEP team members on January 18, 2012, February 23, 2012 and March 8, 2012 to discuss the RR. At some point in the third meeting the District wanted to move from discussing the RR to discussing the IEP, and asked the Parents to provide their concerns about the RR in writing. [NT 67-71; S-4, S-5]
32. On March 22, 2012 the Parents submitted an 18-page Letter of Attachment expressing their disagreement with the District's RR. [S-7]
33. On March 29, 2012 the Parents asked for four separate IEEs at public expense. The District denied the Parents' request through a NOREP dated April 3, 2012, and on or about April 12, 2012, requested a due process hearing [S-7]

Relevant Legal Basis

Burden of Proof: In November 2005, the U.S. Supreme Court held the sister burden of proof element to the burden of production, the burden of persuasion, to be on the party seeking relief. However, this outcome-determining rule applies only when the evidence is evenly balanced in "equipoise," as otherwise one party's evidence would be preponderant. *Schaffer v. Weast*, 126 S. Ct. 528, 537 (2005). The Third Circuit addressed this matter as well. *L.E. v. Ramsey Board of Education*, 435 F.3d. 384; 2006 U.S. App. LEXIS 1582, at 14-18 (3d Cir. 2006). Thus, the party bearing the burden of persuasion must prove its case by a preponderance of the evidence, a burden remaining with it throughout the case. Here, the District requested this hearing and was therefore, assigned the burden of persuasion pursuant to *Schaffer* and in this matter the District also accepted the burden of production even though case law does not clearly assign same to either party. Upon very careful consideration and examination of the testimony and documents this hearing officer has determined that the District's evidence was more persuasive and thus weighted the scale in the District's favor such that a conclusion under *Schaffer* was ultimately not necessary.

Credibility: During a due process hearing the hearing officer is charged with the responsibility of judging the credibility of witnesses, weighing evidence and, accordingly, rendering a decision incorporating findings of fact, discussion and conclusions of law. Hearing officers have the plenary responsibility to make "express, qualitative determinations regarding the relative credibility and persuasiveness of the

witnesses”. *Blount v. Lancaster-Lebanon Intermediate Unit*, 2003 LEXIS 21639 at \*28 (2003); See also generally *David G. v. Council Rock School District*, 2009 WL 3064732 (E.D. Pa. 2009).

Major witnesses’ credibility is assessed as follows: Significant weight was given to the school psychologist’s testimony, as he provided a clear rationale for how he went about the reevaluation, and going through his extensive RR in detail he established that his fulfillment of his mandate under the conditions of the PTR was comprehensive and thorough. Since this hearing addressed only the narrow issue of the appropriateness of the District’s reevaluation the opinion testimony of Student’s psychiatrist added little to the weight of the evidence. I found it unusual that although he opined at the hearing about the RR’s appropriateness or lack thereof, he was not given parental consent to speak to the school psychologist or Student’s teachers for purposes of completing the reevaluation. The Parents’ advocate provided information about meetings that was helpful in discerning how events transpired. The mother proved to be a difficult witness such that I took the very unusual step of asking her attorney to speak privately with her about expected hearing decorum while she was still on the stand. Although she is unquestionably concerned about her child’s education, her testimony about the appropriateness or lack thereof of the reevaluation was not deemed to be reliable.

Legal Basis: Special education issues are governed by the Individuals with Disabilities Education Improvement Act of 2004 [IDEA] which took effect on July 1, 2005, and amended the Individuals with Disabilities Education Act. 20 U.S.C. §§ 1400 *et seq.* [see also 22 Pa. Code §§ 14.101 *et seq.*] School districts must evaluate a child to determine whether or not a child is a “child with a disability” as defined in the law, and to “determine the educational needs of such child . . . .” 20 U.S.C. §1414(a)(1)(C)(i). The parent must participate in the determination as to whether or not the child is a child with a disability. 34 C.F.R. §300.306(a)(1).

Once disabled children are identified as being eligible for special education services the IDEA requires the State to provide them with a “free appropriate public education” [FAPE]. 20 U.S.C. §1412(a)(1), 20 U.S.C. §1401(9). The child’s identified needs, not the child’s disability category, determine the services that must be provided to the child. *Maine Sch Administrative Dist No 56 v. Ms W ex rel KS* 47 IDELR 219 (D. Maine 2007).

Although the IDEA obligates a local educational agency to conduct a “full and individual initial evaluation . . .” [20 U.S.C. §1414(a)(1)(A)], there is less specificity regarding reevaluation. C.F.R. §§ 300.304 – 300.305. As part of any re-evaluation, the IEP team and appropriate professionals, with “input from the child’s parents,” must “identify what additional data, if any, are needed to determine . . . [t]he present levels of academic achievement and related developmental needs of the child . . . .” 20 U.S.C. §1414(c)(1)(B)(ii); 34 C.F.R. §300.305(a)(2). Evaluation procedures must be sufficient to “assist in determining . . . [t]he content of the child’s IEP. 34 C.F.R. §300.304(b)(1). *Brett S. v. West Chester Area School District*, No. 04-5598 (E.D. Pa., March 13, 2006). The IDEA requires utilization of assessment tools and strategies aimed at enabling the child to participate in the “general education curriculum” and “determining an appropriate educational program” for the child. 20 U.S.C. §1414(b)(3)(A)(ii).

Assessments and other evaluation materials must “include those tailored to assess specific areas of educational need ... .” 34 C.F.R. §300.304(c)(2). The agency may not use “any single measure or assessment” as a basis for determining eligibility and the appropriate educational program for the child. 20 U.S.C. §1414(b)(2)(B); 34 C.F.R. §300.304(b)(2).

If additional data from testing is utilized in a reevaluation, then that portion of the reevaluation must comport with the requirements set forth in 20 U.S.C. §1414(b)(2)(C); 34 C.F.R. §300.304(b)(3) [instruments must be technically sound] and 20 U.S.C. §1414(b)(3)(A); 34 C.F.R. §300.304(c)(1) [instruments must be valid and reliable for the purpose for which they are used, be administered by trained and knowledgeable personnel and be administered in accordance with the applicable instructions of the publisher].

The agency must utilize information provided by the parent that may assist in the evaluation including a review of relevant records, evaluations or other information provided by the parents. 20 U.S.C. §1414(b)(2)(A); 20 U.S.C. §1414(c)(1)(A)(i); 34 C.F.R. §300.305(a)(1)(i); 34 C.F.R. §300.305(a)(1)(i). If the parent obtains an independent educational evaluation at public expense or shares with the public agency an evaluation obtained at private expense, the results of the evaluation must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child. 34 C.F.R. 300.503(c). The persons who review assessment information and complete the report must be qualified professionals who, with the parent, determine the educational needs of the child. 34 C.F.R. § 300.306.

The agency must review classroom based assessments, state assessments and observations of the child. 20 U.S.C. §1414(c)(1)(A)(ii),(iii); 34 C.F.R. §300.305(a)(1). Observations must include those of teachers and related services providers. 20 U.S.C. §1414(c)(1)(A)(iii); 34 C.F.R. §300.305(a)(1)(iii).

If parents disagree with an evaluation by a school district, the parents may request an IEE at public expense. 34 C.F.R. §300.502. The school district must respond in one of two ways, either grant the parents’ request and proceed with an IEE at public expense or file a special education due process hearing request to defend the appropriateness of its evaluation. 34 C.F.R. §300.502(b)(1-2). The hearing officer must determine whether or not the District’s evaluation was appropriate. 34 C.F.R. §300.502(b)(2)(i); §300.502(b)(3). In making this determination, the hearing officer applies the legal requirements for appropriate evaluations set forth in the IDEA and its implementing regulations at 20 U.S.C. §1414; 34 C.F.R. §300.15; 34 C.F.R. §§300.301 through 311. Disagreement with the conclusion reached in an evaluation report or re-evaluation report does not justify an IEE. 20 U.S.C. §1414(b) &(c). If the hearing officer decides that the school district's evaluation is appropriate, the parents still have a right to an independent educational evaluation, but not at public expense. 34 C.F.R. § 300.300.502(b)(3).



## Discussion

This discussion will focus on the principal concerns the Parents raised during the due process hearing itself as well as several overall issues raised in their written closing statement.

Reason for the Hearing: After three meetings to discuss the RR the Parents indicated their continuing disagreement and on March 29, 2012, requested four Independent Educational Evaluations at public expense. By a NOREP dated April 3, 2012, the District denied the Parents' request, and chose on or about April 12, 2012, to request a due process hearing to determine the appropriateness of its re-evaluation. The Parents imply in their written closing statement that the District should not have requested a hearing but instead should have continued the discussion. While the District did terminate discussion of the RR after three meetings in favor of concentrating on developing an IEP, once the Parents asked for IEEs at public expense the District's choice to request a due process hearing to establish the appropriateness of its RR was not in any way arbitrary; it was one of two options given to a school district by the IDEA. A district must either utilize public funds for an IEE or ask for a hearing to defend the evaluation it produced.

Scope of the RR: In August 2011 the Parents presented the District with evaluations obtained after the last evaluation done in November 2010; that evaluation was the subject of a previous due process hearing in front of another hearing officer and found to be appropriate. As soon as the Parents presented additional information, the District promptly issued a PTR in September and resent the PTR when the Parents had not responded. The parameters for the RR were specified in the PTR and are: Review of Records, a Functional Behavior Assessment [FBA], and a Functional Hearing Assessment. The Parents took ample time to consider the PTR, even asking their advocate to take a look at it before they gave consent to the RR. At the hearing and in their written closing statement the Parents asked me to find the RR inappropriate and to order four separate IEEs as presented in their written closing statement:

“Neuro-psychological - due to inconsistent performance and prompt dependence in testing and performance, appropriate need identification and programming needs have to be addressed.”

“FBA by a BCBA [Board Certified Behavior Analyst] - behaviors had been identified at IEP meetings, yet not addressed adequately with data monitoring or interventions. School still cannot tell us when [Student] is doing [Student's] homework when it is not being done at home and is being done at school. A level 3 FBA was verbally requested and not done.”

“Speech/Language - socio/communicative evaluation - individualized social cognition and social skill needs not identified and programming offered was a pre-fab general group programming that did not address [Student's] individual needs. Functional communication has not been adequately assessed and interferes with [Student's] ability to communicate with peers.”

“OT - Sensory regulation interferes with [Student's] education, fine motor, ADLs and writing deficits were not adequately addressed.”

Although the Parents' written closing asserted that these IEEs were necessary "to get an accurate picture of [Student]'s individualized needs, appropriate SDI and programming", the PTR as offered by the District and as approved by the Parents did not request permission for a reevaluation that included neuropsychological testing, a speech/language evaluation or an occupational therapy evaluation. Accordingly those requests will not be given further consideration in this decision.

Record Review: The IDEA and its implementing regulations only require that a district review and consider evaluations and information presented by parents. As the Parents aptly note in their written closing statement, the IDEA does not mandate that a school district accept the findings or recommendations in the evaluations supplied by parents, only that a school district must review parentally-supplied evaluations and discuss them as appropriate. I agree with the Parents that, in this regard, the requirements placed on school districts are fairly minimal. However, in the instant matter the school psychologist not only reviewed the private evaluations and information provided by the parents, he meticulously considered the information by summarizing the data and comparing the conclusions and recommendations from the authors of the reports with Student's school based needs and current program. The Parents raised the criticism that the school psychologist did not speak with any of the authors of the twenty-one separate private reports he reviewed as part of his RR, thirteen of which were prepared in the twelve month period between the District's November 2010 ER and the December 2011 RR being conducted. There is no reason to believe that these reports could not be relied upon in the absence of a discussion with their authors, and such discussion is not required by the IDEA.<sup>5</sup>

The Parents argue throughout that the evaluations supplied by the Parents were "not implemented". Again there is no requirement that a school district implement evaluations or their recommendations, only that they be considered. In the instant matter the school psychologist went further than the IDEA required in that he looked at each recommendation made by a private evaluator and looked to see which of an educational nature were already incorporated into Student's IEP. Although the school psychologist consistently noted when information relied upon by a private evaluator was not based in school observations or school records, this recognition of the source of an evaluator's data does not translate into his "not seriously consider[ing]" the private reports or characterizing them as "inadequate".

Parental Participation: The Parents argue in their written closing statement that they were denied meaningful participation in developing their child's educational

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<sup>5</sup> The Parents said that they signed releases to speak with the private evaluators, but the school psychologist testified that he never had releases. Given that the current psychiatrist stated several times in testimony that he was not given consent to speak with District staff, it is more reasonable to conclude that the District never received such releases. [NT 376-377].

program. The facts belie their assertion. Student enrolled in the District in July 2010 and an evaluation was completed in November 2010. The Parents disagreed with the evaluation and asked for an IEE at public expense. A due process hearing was held regarding the ER, and two additional due process hearings were held, one regarding Extended School Year [ESY] and the other regarding Student's IEP. Following the completion of the due process hearings Student was entering middle school and the Parents participated in three separate IEP meetings to develop an IEP for the 2011-2012 school year. When in August 2011 the Parents presented a number of additional private evaluations they had obtained and asked that these be considered, the District promptly issued a PTR on September 2, 2011; the signed and approved PTR was not returned to the District until November 4, 2011, a full two months later. Once the re-evaluation commenced the Parents were invited to put their input into written form and their information was included verbatim in the RR. Following the RR the Parents participated in three meetings to discuss the RR and when discussions about the RR prevented development of an IEP the District invited the Parents to express their concerns about the RR in written form which became the Letter of Attachment. Finally the Parents participated in this two-session hearing on behalf of their child. I find that the Parents had ample opportunity to participate in Student's education. Parental participation does not mean that parents' opinions always prevail, and parents are expected to participate as part of a team working together to develop an appropriate educational program for a child.

Classification: The Parents believe that the school psychologist should have considered the classification of an autistic spectrum disorder and/or emotional disturbance as a function of a mood disorder in the RR. The previous school psychologist considered an autistic spectrum disorder, did not confer that classification in the ER and that ER has been found by another hearing officer to be appropriate and may not be relitigated. Although the Parents presented the testimony of Student's current psychiatrist who faulted the RR because Student was not classified as emotionally disturbed, in addition to this hearing's not being about how Student should be classified, there are other reasons to give less weight to this witnesses' opinion. The psychiatrist began treating Student in July 2011 while Student, unbeknownst to this psychiatrist, was also being treated by another psychiatrist suggesting that the Parents withheld at least one piece of pertinent information from him. [NT 341, 380] The testifying psychiatrist did not observe Student in the school setting and did not speak with any of the teachers, and in fact clearly articulated that he was not given consent to speak with the District. [NT 375-377] The psychiatrist never observed Student's peer interactions. [NT 393-395, 400] Finally this witness did not know the definition for emotional disturbance as it is used for the purposes of the IDEA, and although memorizing the IDEA is by no means expected of even board certified child psychiatrists, a psychiatrist who treats school-aged children who may be eligible for special education should be aware that a psychiatric diagnosis does not automatically translate into an IDEA classification. [NT 396-397]

FBA: The Parents complained that the District did not conduct a Level 3 FBA. However, the PTR that the parent signed after being reviewed by their advocate only provided for an FBA and did not specify a level. Moreover, the FBA the school psychologist conducted was appropriate for the purposes of the

RR as it targeted the behaviors about which the Parents had raised concerns and in the absence of such behaviors looked at behaviors that *were* present in school. The FBA was sufficiently comprehensive to ascertain that Student's in-school behaviors were a function of Student's disability and were addressed through the IEP's specially designed instruction without the need for a positive behavior support plan. The purpose of an FBA under the IDEA is to look at behaviors in school that might affect a student's learning or that of others. If a behavior is not displayed in the school setting the antecedents, the behavior, and the consequences cannot be validly assessed. Some children are eligible for home-based Behavior Specialist Consultants [BSCs] under the behavioral health funding stream, and difficulties a child presents at home but not at school are properly assessed by a home-based BSC.

Additional Parental Concerns: After three separate meetings to discuss the RR [S-4], the Parents' concerns were committed to writing at the District's request [Letter of Attachment at S-7]. In its written closing argument the District painstakingly went through the Letter of Attachment and created a table that listed by page number no less than seventy-five concerns the Parents had raised about the RR. The District then answered each one of the concerns through cites to the RR itself when the Parents asserted omissions or errors, and/or to the hearing transcript [NT] or other exhibits in the record. In this decision I will not duplicate the data from that chart, although I find it to be a comprehensive and solid refutation of each of the assertions in the Parents' Letter of Attachment to the RR.

## Order

It is hereby ordered that:

The District's reevaluation of Student was appropriate. The parents are not entitled to Independent Educational Evaluations at public expense.

Any claims not specifically addressed by this decision and order are denied and dismissed.

August 30, 2012

Date

*Linda M. Valentini, Psy.D., CHO*

Linda M. Valentini, Psy.D., CHO  
PA Special Education Hearing Officer  
NAHO Certified Hearing Official