

This is a redacted version of the original hearing officer decision. Select details have been removed from the decision to preserve anonymity of the student as required by IDEA 2004. Those portions of the decision which pertain to the student's gifted education have been removed in accordance with 22 Pa. Code §16.63 regarding closed hearing.

Pennsylvania Special Education Hearing Officer Final Decision and Order

Closed Hearing

ODR File Number:

25182-21-22

Child's Name:

E.C.

Date of Birth:

[redacted]

Parents:

[redacted]

Counsel for Parent(s):

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Hearing Officer:

Cathy A. Skidmore, Esquire

Date of Decision:

10/15/2021

INTRODUCTION AND PROCEDURAL HISTORY

The student, E.C. (Student),¹ is mid-elementary school-aged student who previously resided in the Lower Merion School District (District). Student has been identified as eligible for special education pursuant to the Individuals with Disabilities Education Act (IDEA).²

In January 2020, the District reevaluated Student and a special education program was developed after its completion. The Parents subsequently sought an Independent Educational Evaluation of Student's speech/language and occupational therapy functioning, and the District denied that request. The District filed a Due Process Complaint on July 13, 2021 seeking to defend its most recent evaluation. At approximately that same time, the family relocated to another Pennsylvania school district.

The case proceeded to an efficient due process hearing.³ The District sought to establish that its evaluation of Student met requisite criteria and that no independent evaluation was warranted. The Parents disagreed with that position and maintained their request for specific independent evaluations. Following review of the record and for all of the reasons set forth below, the claim presented by the District's Complaint must be granted.

¹ In the interest of confidentiality and privacy, Student's name, gender, and other potentially identifiable information are not used in the body of this decision. All personally 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 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. Citations to duplicative exhibits may not be to all. References to Parents in the plural is made where it appears that one was acting on behalf of both.

ISSUES

1. Whether the request for independent evaluations is moot due to the family's relocation outside of the District;
2. If not moot, whether the District's evaluations of Student during the 2019-20 school year were in compliance with the District's IDEA obligations; and
3. If the District's evaluations did not meet IDEA criteria, should the Parents be awarded independent evaluations at the expense of the District?

FINDINGS OF FACT

1. Student is a mid-elementary school-aged child who resided in the District beginning in the 2019-20 school year ([redacted] grade) through the end of the 2020-21 school year ([redacted] grade). Student was identified by the District as eligible for special education under the IDEA. (N.T. 24-25, 76.)
2. Student was provided with early intervention services beginning at age five based on identified developmental delay in the area of social and emotional development. Student also attended a private kindergarten prior to entering the District but was withdrawn by the Parents due to aggressive behaviors. (N.T. 117-18; S-7 at 3-4.)

2019-20 School Year

3. Student entered the District in the fall of 2019. The District discussed a new evaluation with the Parents, and issued a Permission to Reevaluate form to the in early September 2019. The Parents consented to all assessments with the exception of cognitive and achievement testing, stating that those were not concerns. The parties also agreed to implement the early intervention Individualized Education Program (IEP) while the evaluation was conducted. (N.T. 38, 40-41; S-1.)
4. In the fall of 2019, the Parents did have concerns with Student's behaviors in school that they believed resulted in Student needing to complete assignments at home. (N.T. 124-25.)
5. The Parents asked for additional testing in late October 2019, as the November Reevaluation Report (RR) was nearing completion, specifically to address the areas of occupational and physical therapy, speech/language needs, functional vision, and time on task behaviors. A second Permission to Evaluate form was issued for assessment of cognitive and academic functioning and gross motor skills. The Parents signed their consent and added assessment of functional vision on the form. (N.T. 42-43; S-2; S-4.)
6. The District's first RR was completed and issued in November 2019.⁴ (S-3.)
7. A meeting convened in December 2019 to review the recent RR. Another meeting subsequently convened to develop a new IEP. (N.T. 47-48.)

⁴ The content of the November 2019 RR was incorporated into the January 2020 RR, discussed *infra*. Thus, specific citation to that November 2019 RR is omitted in this decision.

8. The December 2019 IEP identified educational needs as attention and task engagement support; additional support for impulsivity and non-compliance behaviors; social skills; and emotional regulation including coping skills. (S-5 at 20-21.)
9. The December 2019 IEP contained annual goals addressing behavior support, emotional regulation, and social/emotional skills. A Positive Behavior Support Plan (PBSP) was part of the IEP, as were a number of program modifications and items of specially designed instruction in a program of itinerant learning and emotional support. A one-on-one aide was specified as a related service. (S-5.)
10. Following the December 2019 IEP meeting, the Parents submitted a number of concerns with the November 2019 RR and the December 2019 IEP, including Student's loss of privileges due to behaviors; the location of a calming area for emotional regulation; a need for social skill development; sensory integration weaknesses; fine motor skill deficits; Student's academic goals, inattention and impulsivity, and safety due to allergies; and parent training. (S-3 at 46-47.)
11. Another RR was completed in January 2020 to include the most recent assessments. (N.T. 48; S-7.)
12. The District's January 2020 RR summarized information from the early intervention provider, including results of its evaluation. (P-8; S-7 at 2-3.)
13. Parent input into the January 2020 RR included concerns with attention to task, sensory integration, social skills, and coping skills. (S-7 at 17, 25-26.)
14. The District school psychologist observed Student in the classroom for the January 2020 RR, and also included teacher observations. Behaviors observed included inattention, noncompliance, task initiation

and completion, and a need for redirection, addition to others identified by the Functional Behavior Assessment (FBA). (S-7.)

15. A Functional Behavior Assessment (FBA) was completed by a Board Certified Behavior Analyst for the January 2020 RR. Behaviors of concern were noncompliance, physical aggression, verbal aggression and disruption, elopement, invading personal space, and spitting. The FBA included parent and teacher interviews, direct observations, and data collection. Hypotheses of the functions of behaviors of concern were developed for inclusion in a PBSP. (S-7 at 16-24.)
16. Cognitive assessment for the January 2020 RR (Wechsler Intelligence Scale for Children – Fifth Edition) reflected variable scores, with average range scores on the Working Memory and Processing Speed Composites, an extremely high range score on the Verbal Comprehension Composite, and high average range scores on the remaining Indices. Student’s Full Scale IQ score was in the very high range with some variability among the ancillary Composite scores. (S-7 at 34-37.)
17. Academic functioning assessed for the January 2020 RR (Wechsler Individual Achievement Test – Third Edition) yielded solidly average range scores across all domains. (S-7 at 37-39.)
18. Social/emotional functioning assessed for the District’s RR included rating scales completed by the Parents and two teachers (Behavior Assessment System for Children – Third Edition); Student was also interviewed using this instrument. Ratings of one or both teachers reflected clinically significant concerns with hyperactivity, aggression, conduct problems, and adaptability; and in the at-risk range in the areas of attention problems, learning problems, leadership, functional communication, and study skills. The Parents’ ratings revealed no

concerns on this measure, but Student's interview endorsed behavioral and emotional difficulties. (S-7 at 5-8.)

19. On the Conners Rating Forms, Third Edition, a measure of Attention-Deficit/Hyperactivity Disorder (ADHD), the Parents ratings were in the average range with the exception of some high average range ratings in the area of hyperactivity/impulsivity. The teachers' ratings revealed more significant concerns at school, and specifically in the areas of inattention, hyperactivity/impulsivity, defiance/aggression, and peer relations. The rating forms of the Parents and both teachers supported ADHD. (S-7 at 8-10.)
20. Assessment of speech/language skills for the January 2020 RR included the Clinical Evaluation of Language Fundamentals Preschool Second Edition, with Student attaining average range scores across domains. On other measures, Student's oral language skills were in the above average range, and evaluation of articulation and oral mechanics similarly revealed no concerns with speech/language skills. (S-7 at 11-12.)
21. A physical therapy evaluation for the January 2020 RR reflected no deficits with gross motor skills, and services were not recommended. (S-7 at 40-41.)
22. Assessment of occupational therapy skills for the January 2020 RR included a sensory profile, and tests of motor proficiency and visual motor integration. All results with the exception of the sensory profile findings were age-appropriate; in the area of sensory processing, Student's responses to auditory, visual, and behavioral input tended to be more sensitive than those by peers. This evaluation reflected difficulty with sensory registration, sensory seeking tendencies, and sensitivity. However, direct occupational therapy services were not

recommended because team consultation with the therapist would provide strategies for providing Student with necessary sensory input during learning activities and increase Student's attention to them. (S-7 at 12-16.)

23. A functional vision evaluation conducted as part of the January 2020 RR included developmental and visual perception and acuity and discrimination skills, with no concerns raised by the results. (S-7 at 41-42.)
24. The January 2020 RR identified educational needs as attention and task engagement support; additional support for impulsivity and non-compliance behaviors; social skills; emotional regulation including coping skills; [redacted]; and continued one-on-one adult support. (S-7.)
25. Recommendations to the IEP team were included in the January 2020 RR: support for written expression; [redacted]; programming to address attention, need for movement breaks, preparation for transitions, and support for task completion and planning; behavioral support including self-regulation and a PBSP; sensory regulation to include occupational therapy consultation; safety; and testing accommodations. (S-7 at 46-48.)
26. The conclusion of the January 2020 RR was that Student was eligible for special education based on an Other Health Impairment; [redacted]. (S-7.)
27. The Parents did not agree with the recommendation for consultative occupational therapy rather than direct support, particularly since Student had had that level of support in preschool. They believed that Student's sensory integration weaknesses were the cause of many of Student's behaviors at school. They were also concerned with

Student's visual functioning, particularly after the later transition to online learning. (N.T. 127, 129-33.)

28. A meeting convened in February 2020 to discuss the January 2020 RR and to develop a new IEP for Student. (N.T. 55-57.)
29. The February 2020 IEP reflected the needs for [redacted] continuation of one-on-one adult support. [Redacted], and some revisions were made to the remainder of the IEP. Student's program was one of learning, emotional, and [redacted] support at a supplemental level. (S-9.)
30. The District school psychologist who conducted assessments for the 2019 evaluation is well qualified. The District's assessment results in the January 2020 RR were valid and reliable, and technically sound instruments were used and administered in accordance with publisher recommendations. (N.T. 35, 6. 51-53; S-15.)
31. All Pennsylvania schools were closed in March 2020 due to the pandemic. Student struggled with online learning at home, often exhibiting distraction when asked to attend to more than one visual stimulus such as multiple open windows on a computer screen. The Parents believed that Student's difficulty with learning at home was based on sensory integration deficits. (N.T. 130-32.⁵)

2020-21 School Year

32. The Parents elected to have Student remain on remote learning over the entire 2020-21 school year, including after in-person instruction was available for Student. (N.T. 170-71.)
33. Several IEP meetings convened in the fall of 2020. The Parents raised concerns including Student's academic progress, and believed that

⁵ This hearing officer also takes notice of the Orders of Governor Wolf in this regard.

sensory skill weaknesses were a contributing factor. They also had concerns with Student's behavior at home during online instruction. In late September 2020, the IEP team discussed further District assessments and a potential for independent evaluations, and the team agreed to and held additional meetings. (N.T. 61-63, 136-37; P-3.)

34. On October 9, 2020, the District issued a request for permission to conduct another reevaluation based on the Parents' concerns with speech/language skills (articulation) and sensory processing. It also sought consent for another FBA to address behaviors in the remote setting and the impact on participation and attendance. A second request later in October added assessment of executive functioning, written expression, fine motor, visual motor, and visual perception skills, also based on new parental input. Neither of those forms was returned to the District. (S-10; S-11; S-12 at 1.)
35. A new IEP was developed in February and March 2021 that maintained a program of learning, emotional, and [redacted] support at a supplemental level, reflecting Student's continuation with remote learning. The Parents provided lengthy written input into that IEP. (P-2.)
36. In early March 2021, the District sent another request for permission to conduct a reevaluation with the same proposed assessments from October, adding new assessments in mathematics, vision, and self-advocacy based on more recent parental concerns. (S-12.)⁶

⁶ Student spent some unspecified period(s) of time out of state during the 2020-21 school year. (N.T. 173.)

37. In mid-March 2021, the Parents made inquiry about the status of an FBA. The District advised that it had never received the permission requested earlier that month. (S-13 at 7-8.)
38. In mid-April 2021, the Parents made another inquiry about the status of an FBA. The District again responded that it had not yet received their consent but accepted their representation that they had returned those forms in late February 2021.⁷ The District also made arrangements with the IU for the FBA; the IU unsuccessfully attempted to communicate with the Parents. (N.T. 92-96; S-13 at 3-8.)
39. In late May 2021, the District again contacted with the Parents regarding testing administration, having left telephone messages. The Parents responded by asking what testing was referenced. (S-13 at 1-2.)
40. In late June 2021, the District followed up with the Parents, noting the various forms sent requesting their permission to conduct a reevaluation in October 2020 and March 2021, and other contacts it made. The District further noted that the Parents no longer agreed to any assessments other than a new FBA. The District also expressly denied, through a letter and a Notice of Recommended Educational Placement, their request for an IEE that was made at a June 2021 IEP meeting. (S-14 at 1-10.)
41. The Parents obtained a private occupational therapy evaluation in June 2021. (N.T. 148; P-14.)

⁷ It is unclear from the record what forms would have been returned in late February 2021 given that the most recent District request for permission was in early March 2021.

42. After the 2020-21 school year ended, the family moved to a different geographic area in the state that is not within the District. At the time of the hearing, Student was home-schooled. (N.T. 163, 166-68.)

DISCUSSION AND CONCLUSIONS OF LAW

General Legal Principles

In general, the burden of proof is comprised of two elements: the burden of production and the burden of persuasion. Importantly, 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 District because it filed for 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.

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). The evidence in this hearing was based in substantial part on the documents, which were of significant value in this case. The testimony of the District witnesses was persuasive and supported by the documentary evidence. By contrast, the testimony of the Parent who testified was accorded limited weight on the question of what occurred in the fall of 2020, for two important reasons: first, her recollection as a whole was inconsistent, with a better recall of a distant conversation at a single meeting than of more recent family circumstances; and second, her

explanation on what was discussed at that September 2020 meeting appeared to conflate additional District assessments with her concerns about Student's functioning in the home environment that were not evident at the time of the District's RRs and, furthermore, was contradicted by the explicit fall 2020 and spring 2021 communications between the parties. The District's testimony on what was discussed and how the District responded in the fall of 2020 was more credible and was supported by the record in its entirety.

The findings of fact were made as necessary to resolve the issues; thus, not all of the testimony and exhibits were explicitly cited. However, in reviewing the record, the testimony of all witnesses and the content of each admitted exhibit were thoroughly considered, as were the parties' closing statements.

General IDEA Principles

The IDEA requires the states to provide a "free appropriate public education" (FAPE) to children who are eligible for special education services. 20 U.S.C. § 1412. The obligation to identify students suspected as having a disability is commonly referred to as "child find." LEAs are required to fulfill the child find obligation within a reasonable time. *W.B. v. Matula*, 67 F.3d 584 (3d Cir. 1995). More specifically, LEAs are required to consider evaluation for special education services within a reasonable time after notice of behavior that suggests a disability. *D.K. v. Abington School District*, 696 F.3d 233, 249 (3d Cir. 2012). The process of identifying children with disabilities is through evaluation.

Evaluation Requirements

Substantively, the IDEA sets forth two purposes of a special education evaluation: 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). Certain procedural requirements are set forth in the IDEA and its implementing regulations that are designed to ensure that all of the child's individual needs are appropriately examined.

Conduct of evaluation. In conducting the evaluation, the local educational agency shall—

(A) use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining—

(i) whether the child is a child with a disability; and

(ii) the content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general education curriculum, or, for preschool children, to participate in appropriate activities;

(B) not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and

(C) use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

20 U.S.C. § 1414(b)(2); *see also* 34 C.F.R. §§ 300.303(a), 304(b). The evaluation must assess the child "in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities[.]" 34 C.F.R. § 304(c)(4); *see also* 20 U.S.C. § 1414(b)(3)(B). Additionally, the evaluation must be

“sufficiently comprehensive to identify all of the child’s special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified,” and utilize “[a]ssessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child[.]” 34 C.F.R. §§ 304(c)(6) and (c)(7); see *also* 20 U.S.C. § 1414(b)(3). Any evaluation or reevaluation must also include a review of existing data including that provided by the parents in addition to available assessments and observations. 34 C.F.R. § 300.305(a).

Finally, when parents disagree with an LEA’s educational evaluation, they may request an IEE at public expense. 20 U.S.C. § 1415(b)(1); 34 C.F.R. § 300.502(b). In such a circumstance, the LEA “must, without unnecessary delay,” file a due process complaint to defend its evaluation, or ensure the provision of an IEE at public expense. 34 C.F.R. § 300.502(b)(2). An LEA offer to complete additional assessments is not one of the options.

The District’s Claim

The first issue to be addressed is whether the IEE request is moot due to the family’s relocation. The parties agree that there is little if any authority in support of or against this argument. However, the pertinent IDEA regulation provides that “[a] parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency[.]” 34 C.F.R. § 300.502. Here, it is the District that conducted the November 2019 and December 2020 reevaluations with which the Parents ultimately disagreed in June 2021.

Thus, logically, the District is the public agency from whom they could request an IEE.⁸

Additionally, in one non-binding federal district court case, the Court did not accept an LEA's undeveloped argument that an IEE request was moot because the parents had moved from its boundaries. *A.C. v. Owens J. Roberts School District*, 2021 U.S. Dist. LEXIS 59217 at *8 n. 37, 2021 WL 1174558 (E.D. Pa. 2021). The A.C. Court cited the Third Circuit's instructive language in *D.F. v. Collingswood Borough Board of Education*, 694 F.3d 488, 497 (3d Cir. 2012), albeit in a different context, that, "a school district no longer responsible for educating a child must still be held responsible for its past transgressions." In this case, the Parents sought an IEE challenging the District's November 2019 and January 2020 RR, which were the basis for its programming for Student over the 2019-20 and 2020-21 school years. The request was made in conjunction with a June 2021 meeting of the IEP team, at a time when Student was still enrolled in the District and the family was residing within its boundaries; and further, their request disputed the propriety of those RRs. This hearing officer cannot conclude as a matter of law in this particular case that the issue is moot for purposes of this decision.

Before turning to the substantive issue, it is important to address the Parents' contention that the District failed to act without undue delay in filing its Due Process Complaint to respond to their IEE request. The rationale for this position appears to be a verbal discussion by the IEP team in September 2020 regarding possible additional evaluations, by the District or by independent professionals, based on their observations of Student at home during the pandemic. Although the dialogue of the team in September 2020

⁸ Compare *Wayne Local Schools*, 121 LRP 24194 (Oh. SEA 2021)(concluding that a school district that accepted a prior LEA's evaluation was obligated to either file for due process or grant an IEE at public expense when the parents asked the new school district for an IEE).

likely involved the Parents' reasons for questioning the District's RRs, such does not constitute an actual request for an IEE and, additionally, is not precluded by the IDEA. 34 C.F.R. § 300.502(b)(4). The IEP team was certainly able to discuss options about the Parents' concerns, and decide what to do in response. The testifying Parent's account of the specific purported request is not credited for the reasons set forth above, especially in light of the communications between the parties after the September 2020 IEP meeting that related solely to District-arranged assessments. Indeed, the Parents themselves twice asked in writing about the District's planned assessments in the spring of 2021, and made no mention of any independent evaluation until June of that year. Based on the record as a whole, the evidence is preponderant that there was no actual request for an IEE by the Parents until June 2021, and that the District did not disregard any obligation to respond prior to that date. The District's notice in late June 2021 that an IEE was denied together with a Complaint filed less than three weeks later as the family was moving from its boundaries was, in this hearing officer's view, not a delay.

The District's Complaint on the merits seeks to establish that its reevaluations of Student during the 2019-20 school year met all requirements of the IDEA, and that the Parents are not entitled to an IEE at public expense. Review of this claim must be made within the context of the Parents' request that focused on Student's occupational therapy and speech/language functioning.

The District's November 2019 and January 2020 RRs utilized a variety of assessment tools, strategies, and instruments to gather relevant functional, developmental, and academic information about Student, all relating to areas of suspected disability. Specifically, the District summarized available data; incorporated results of previous evaluations; included parental input; and obtained and reported information from

teachers. The District school psychologist conducted classroom observations of Student that, in addition to the testing observations, provided valuable information about Student when presented with directives and task demands.

The RRs included cognitive and achievement testing; evaluation by related service providers (occupational, physical, and speech/language therapists); and rating scales to evaluate Student's social/emotional functioning and ADHD characteristics. The District's RRs summarized and reviewed all data and available information that was gathered, and determined Student's eligibility for special education, making a number of programming recommendations to address Student's identified needs. All of this evidence overwhelmingly supports the conclusion that the District's RRs were sufficiently comprehensive to identify Student's special education and related service needs in all areas related to suspected disability for purposes of informing the IEP team in development of programming. In sum, the District's RRs clearly met all IDEA criteria.

The Parents' disagreement with the occupational therapy portion of the evaluation appears to be based in significant part on their position that Student's needs could not be met without direct services, principally because Student had those in the past. This belief does not, however, render the District's assessment of that area of suspected disability inappropriate. On the contrary, the occupational therapy evaluation for the RRs addressed their specific concerns at the time with sensory needs in the school environment. Similarly, the Parents challenge the speech/language assessments as inadequate because they remain concerned about Student's articulation. This area was specifically addressed in the District's RR, and the results reflected no deficits requiring intervention. The Parents' additional disagreement with one of the instruments administered as part of the speech/language domain based on Student's age are also unpersuasive

given that Student was well within the age range for use of that measure at the time of the District's RRs.

The Parents also appear to contend that that the District could have conducted additional assessments or broadened its recommendations. However, such belief is not a basis for awarding an IEE at public expense; after all, any evaluation could arguably be more extensive, but the existence of other testing instruments does not establish that more were necessary in order to identify Student's disabilities and special education needs. In this case, while the Parents were free to obtain an IEE at their own expense, on this record they are not entitled to one at District expense.⁹

In conclusion, while the Parents' ongoing concerns with Student's functioning cannot be disregarded, the District in this case met its obligations under the IDEA and clearly remained willing to conduct further evaluation as previously unobserved needs in the home environment during the pandemic caused apprehension for the family. The record more than preponderantly establishes that the District complied with the IDEA in its evaluation process in November 2019 and January 2020.

CONCLUSION OF LAW

The District's evaluations of Student were appropriate under applicable standards and the Parents are therefore not entitled to an IEE in any area at public expense.

⁹ As such, the issue of the Parents' reimbursement for the 2021 private occupational therapy evaluation need not be reached.

ORDER

AND NOW, this 15th day of October, 2021, in accordance with the foregoing findings of fact and conclusions of law, it is hereby **ORDERED** that the District's claims in its Complaint are **GRANTED** and no remedy is ordered.

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

/s/ Cathy A. Skidmore

Cathy A. Skidmore, Esquire
HEARING OFFICER
ODR File No. 25182-21-22