

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

Pennsylvania Special Education Due Process Hearing Officer

Final Decision and Order

Closed Hearing

ODR No. 31109-24-25

Child's Name:

L.L.

Date of Birth:

[redacted]

Parents:

[redacted]

Local Educational Agency:

North Penn School District
401 East Hancock Street
Lansdale, PA 19446

Counsel for LEA:

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Hearing Officer:

Michael J. McElligott, Esquire

Date of Decision:

06/18/2025

Introduction

This special education due process hearing concerns the educational rights of [redacted] ("student"), a student who attends school in the North Penn School District ("District").¹ The student currently qualifies under the terms of the Individuals with Disabilities in Education Improvement Act of 2004 ("IDEA")² as a student with autism, a specific learning disability in mathematics, and a speech and language ("S&L") impairment.³ While not formally identified as a student with a specific learning disability in mathematics, the student receives special education support in mathematics.

The student's parents filed the special education due process complaint which led to these proceedings. Parents' particular concern, which is the focus of their complaint, is the special education instruction of the student in mathematics. Parents claim that the District's programming and instruction in mathematics are inappropriate. They seek specific programming/instructional revisions to the student's special education services in mathematics.

¹ The generic use of "student", and avoidance of personal pronouns, are employed to protect the confidentiality of the student.

² It is this hearing officer's preference to cite to the pertinent federal implementing regulations of the IDEA at 34 C.F.R. §§300.1-300.818. See *also* 22 PA Code §§14.101-14.162 ("Chapter 14").

³ As will be seen below, parents' special education due process complaint is centered on the student's special education instruction in mathematics.

The District counters that its programming and instruction have been appropriate and that the student has made progress in the form of significant learning by the student.

For reasons set forth below, I find largely in favor of the District, although one aspect of the student's individualized education program ("IEP"), as requested by the parents, will be addressed in the order.

Issues

1. Has the student received appropriate special education programming/instruction in mathematics?
2. Must the District, as requested by the parents, provide training to staff, or have a general oversight mechanism in place, for its special education mathematics instruction?

Findings of Fact

All evidence of record was reviewed. The citation to any exhibit or aspect of testimony is to be viewed as the necessary and probative evidence in the mind of the hearing officer.

Evaluation

1. In September 2023, the beginning of the student's [redacted] grade year, the District most recently re-evaluated the student. (School District Exhibit ["S"]-3).

2. The September 2023 re-evaluation report ("RR") identified the student with a primary identification as a student with autism and secondary identifications with specific learning disability in reading and S&L impairment. (S-4).
3. The September 2023 RR, issued at the beginning of the [redacted] grade year, contained input from the student's [redacted] grade teachers. "In mathematics, (the student's) skills in [redacted] grade were approaching grade level expectations for number sense, math computation, and math problem-solving skills.... (the student)...made progress with...math skills throughout the year, but did demonstrate inconsistency." (S-4 at page 16).

IEPs

4. As of September 2023, when the RR was issued, one of the student's mathematics goal in the IEP (addition and subtraction with regrouping) had been revised in April 2023. On initial probes in the spring of 2023, the student showed strong results in addition with less success in subtraction. (S-4 at page 13).

5. On a second mathematics goal, based on demonstrating mathematics computation and problem-solving skills in mathematics instruction, no data or progress was reported. (S-5 at page 16).⁴
6. In October 2023, after issuance of the September 2023 RR, the student's IEP was revised. (S-5).
7. The October 2023 IEP contained two mathematics goals, one for demonstrating mathematics computation and problem-solving skills in mathematics instruction and one for addition and subtraction with regrouping. (S-5 at pages 31).
8. Under the October 2023 IEP, the student received small group instruction in mathematics from a special education teacher for "up to 30 minutes daily". (S-5 at pages 41, 50).
9. In December 2023, the District issued progress monitoring on goal-progress for the October 2023 IEP. (S-9).
10. No data was collected on the goal for demonstration of mathematics skills. The progress monitoring on the addition/subtraction goal indicated the following: "(The student) is

⁴ In October 2023, the student's IEP was revised (see Findings of Fact below). The IEP team's considerations were held over two meetings in October and November. This goal was noted as "added/revised at the continuation meeting on Nov. 9, 2023". (S-9 at page 3). But the goal exists in the present levels of academic performance in the draft of the October 2023 IEP. (S-5 at page 16).

pretty solid with addition with both 2/3 digit numbers. (The student) still benefits from teacher support when subtracting, especially with 3 digit numbers that require regrouping. The end of the first trimester focused on multiplication and division, therefore, this skill was not directly targeted.” The goal was written for percentage-correct accuracy on probes, but no percentage data was provided. (S-9 at pages 4-5).

11. In January 2024, the student’s IEP was significantly revised regarding mathematics instruction. (S-12 at page 11; NT at 23-157).

12. Under the January 2024 IEP revisions, the student began to receive 50 minutes daily of direct instruction from a special education teacher utilizing a specialized mathematics curriculum, in addition to up to 30 minutes daily of skills reinforcement. (S-12 at pages 11, 20, 45, 50, 55; NT at 23-157).

13. The January 2024 IEP revisions discontinued the prior mathematics goals and included a new mathematics goal. The new goal was written for 80% accuracy on unit-mastery checks within the specialized mathematics curriculum. (S-12 at page 41).

14. Based on the placement test for the specialized mathematics curriculum, the student began at Level C, lesson 1. (S-11, S-12 at page 45, S-52; NT at 23-157).

15. Units within the specialized mathematics curriculum are each ten lessons, with mastery checks administered after every ten lessons. At Level C, there are thirteen units (thus a total of 130 lessons). (Parents Exhibit – 19; NT at 23-157, 163-230)
16. The student received one-on-one special education instruction in mathematics because the student was the only student at Level C of the specialized mathematics curriculum. (NT at 23-157).
17. In March 2024, the District issued progress monitoring on goal-progress for the January 2024 mathematics goal. The progress monitoring indicated: "(The student) was given one mastery check thus far. We had to remediate two skill areas however (the student) now understands the concept. When retested, (the student) scored 61/62 possible points.... Overall % for Mastery (Test) number 1 = 98% accuracy." (S-16).
18. In June 2024, the District issued progress monitoring on goal-progress for the January 2024 mathematics goal. The progress monitoring indicated 96% accuracy on Mastery Test 2. The progress monitoring indicated that [redacted] grade instruction focus on coin values, as the student lost "all possible points" for questions involving coin values. (S-24).

19. The 2024-2025 school year was the student's [redacted] grade year.⁵ The student continued to receive one-on-one special education instruction in mathematics because, as in [redacted] grade, the student was the only student at Level C of the specialized mathematics curriculum. At times, however, other students were in the special education classroom where the student was receiving the one-on-one instruction. (NT at 163-230, 235-318).
20. In October 2024, the student's IEP underwent its annual revision. (S-32).
21. Updated baseline data for the mathematics goal in the October 2024 IEP indicated that the student had demonstrated 85% accuracy on Mastery Test 3 in the specialized mathematics curriculum. (S-32 at page 30).
22. The student's mathematics goal was revised to raise goal achievement on the unit mastery tests to 85% accuracy (from 80%). (S-32 at page 30).
23. In November 2024, a handwritten note, which was not an official documentation of progress in the specialized mathematics curriculum,

⁵ The student's [redacted] grade special education teacher, who taught the student in the specialized mathematics curriculum, was unavailable to testify at the hearing.

indicated that the student had achieved 75% on Mastery Test 4. (S-34).

24. In December 2024, the District issued progress monitoring on goal-progress for the mathematics goal. The progress monitoring indicated, after re-teaching in areas of skill deficit, 94% accuracy on Mastery Test 4. (S-35).

25. In mid-March 2025, the District issued progress monitoring on goal-progress for the mathematics goal. The progress monitoring indicated, after re-teaching in areas of skill deficit, 87% accuracy on Mastery Test 5. (S-41).

26. In late March 2025, the student's IEP team met to revise the student's IEP, including the implementation of a communication chart with daily content regarding the student's learning, with the chart sent home weekly at the end of the week. (S-42 at page 42).

27. In early April 2025, the parents filed the special education due process complaint that led to these proceedings. (S-1).

28. Parents' concerns at the hearing are twofold. One, parents wish for the student to continue to receive one-to-one special education instruction in mathematics but wish for the student and teacher to be alone in the classroom, without other students present. Two, parents

point to the consistently low curriculum-based assessment scores, indicating that the student has failed consistently scored at multiple grade levels below the student's instructional grade. (NT at 330-345, 358-382).

29. A District special education administrator testified credibly that while curriculum-based assessments provide a window into the student's academic profile, goal-based progress monitoring is more accurate in gauging whether or not the student is making progress under the terms of the IEP. (NT at 235-318).

Curriculum-Based Assessments

30. In the past, the District utilized a curriculum-based assessment system ("Star Assessment"); at the time of the hearing, the District had switched to a new curriculum-based assessment system ("iReady Assessment"). (Notes of Testimony ["NT"] at 23-157, 163-230).

31. As part of generalized monitoring of student progress within the District curriculum, the Star Assessment was administered to the entire student body in the District. The Star Assessment was normed to grade-level norms. (NT at 23-157, 163- 230).

32. The iReady Assessment is an instruction and monitoring tool for student progress within the District curriculum. It is a computer-based,

dynamic assessment, offering questions to students based on real-time correct/incorrect answers as the student proceeds through the assessment. (NT at 23-157, 163-230).

Star Assessment

33. In [redacted] grade, the 2021-2022 school year, the student's Star Assessment scores in mathematics in September 2021, December 2021, and March 2022 were, respectively, 30th ("on watch"), 13th ("intervention"), and 37th ("on watch") percentiles. (S-4 at page 9).
34. In [redacted] grade, the 2022-2023 school year, the student's Star Assessment scores in mathematics in September 2022, December 2022, May 2023, and June 2023 were all at the 1st percentile ("urgent intervention") except for the December 2022 probe, which was at the 18th percentile ("intervention"). S-4 at page 9).
35. In [redacted] grade, the 2023-2024 school year, the student's Star Assessment scores in mathematics in September 2023 and May 2024 were, respectively, at the 11th percentile ("intervention") and 1st percentile (no descriptor given). (S-3, S-4 at page 9, S-23).

iReady Assessment

36. In [redacted] grade, the 2022-2023 school year, the student's iReady Assessment scores at the [redacted] grade level in

mathematics in September 2022, January 2023, and May 2023 were, respectively, at the 15th, 1st, and 2nd percentiles. (S-4 at pages 10; S-53).

37. In [redacted] grade, the 2023-2024 school year, the student's iReady Assessment scores at the [redacted] grade level in mathematics in September 2023 was at the 4th percentile. (S-4 at pages 10-11; S-53).

38. By the end of [redacted] grade, the student's iReady assessment scores were at the 2nd grade level in algebra and algebraic thinking, at the 1st grade level in numbers and operations, and at the kindergarten level in measurement/data and geometry. (S-26).

39. In [redacted] grade, the 2024-2025 school year, the student's iReady Assessment scores at the [redacted] grade level in mathematics in September 2024 were at the 3rd percentile. (S-32 at page 11).

40. In January 2025, in the midst of [redacted] grade, the student's iReady assessment scores were at the 1st grade level in algebra/algebraic thinking and numbers/operations, and at the kindergarten level in measurement/data and geometry. (S-36).

Credibility of Witnesses

All witnesses testified credibly. No witness's testimony was accorded materially more or less weight than the testimony of any other witness.

Legal Framework

To assure that a child eligible under IDEA receives a free appropriate public education ("FAPE") (34 C.F.R. §300.17), the child's special education programming must be reasonably calculated to yield meaningful educational benefit to the student. (Board of Education v. Rowley, 458 U.S. 176, 187-204 (1982)). 'Meaningful benefit' means that a student's program affords the student the opportunity for significant learning in light of his or her individual needs, not simply *de minimis*, or minimal, or 'some', education progress. The child's education programming must be appropriately ambitious in light of the child's strengths and needs, current levels of programming, and goals. (Endrew F. ex rel. Joseph F. v. Douglas County School District, 580 U.S. , 137 S. Ct. 988, 197 L. Ed. 2d 335, (2017); Dunn v. Downingtown Area School District, 904 F.3d 208 (3d Cir. 2018)).

The IEP is the means through which special education students receive the individualized specially-designed instruction and related services, and other individualized supports, to allow them to make educational progress. In pertinent part for the instant matter, under IDEA, the IEP must include the following:

- a statement of measurable annual goals;

- a description of how the student's progress toward meeting the annual goals will be measured, and when periodic reports on the progress the student is making toward meeting the annual goals will be provided.

(34 C.F.R. §§300.320(a)(1)-(5),(7), 300.320(b); 22 PA Code §14.102(a)(2)(xxvii)).

Discussion & Conclusions

Here, the parties each focus on different aspects of understanding the student's achievement in mathematics. The parents focus on curriculum-based assessments which, admittedly, show the student performing consistently below—and in some measures, well below— grade-level expectations. It is no surprise that the parents are deeply concerned about this.

The District focuses on goal-progress for the student's mathematics goal in the IEP, which since January 2024 has shown steady progress through the specialized mathematics curriculum: As of the close of the record, the student had exhibited at least 85% accuracy through the first five unit mastery tests, success in over 50 lessons over the approximately 40 instructional weeks from late January 2024 through mid-March 2025. It is no surprise that the District feels the student's special education

mathematics programming/instruction has been appropriate and that the student has made progress under the terms of the IEP.⁶

The evidence must weigh in favor of the District's position. Given its nature as a special education hearing, with the framework, obligations, and impetus provided by IDEA and Pennsylvania special education regulations, the evidence as to consistent goal-progress under the terms of the IEP outweighs curriculum-based assessments used to gauge general education for every student in the District. On this record, the District has provided special education programming/instruction in mathematics, since January 2024 through the specialized mathematics curriculum, that has allowed the student to make meaningful progress, in terms of significant learning, under the terms of the student's IEPs.

One aspect of the student's IEP, however, will be revised through the order below. In late March 2025, shortly before the parents filed their complaint, the student's IEP team met to consider a weekly communication chart to advise the parents of the student's daily engagement in the educational environment for that week. Given parents' particular concern for

⁶ Although not part of this decision given the issues, the September 2023 RR and the student's IEPs contain voluminous content related to other aspects of the student's identified needs (including attention, task-approach, task-persistence, and other behaviors that impede the student's learning). Those needs are addressed in the student's special education programming but must be understood as a background for the District's approach to educating the student and its sense of appropriate progress.

mathematics instruction and progress, that program modification will be revised to read, in full:

"A weekly school to home communication chart will be implemented. The communication chart may include, but is not limited to, what the student has learned throughout the day, something the student believes was well done, something the student believes can be improved and collaboration with the student's teachers. However, the communication chart shall include a weekly summary of the lessons (level, number, and content) in the specialized mathematics curriculum which the student worked on during the week. This communication chart will be filled out daily and sent home at the end of the week."⁷

In that way, the parents can be regularly apprised of the exact nature and pace of the student's instruction within the specialized mathematics curriculum.

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⁷ This language largely reflects the current content of the modification as proposed in the March 2025 IEP. It is written here, consistent with the stylistic necessity of the decision, avoiding the use of personal pronouns with the use of the term 'student'. That has required some grammatical revisions. Also, the phrase "and collaboration with the student's teachers" appears in the original, but its meaning, at least to this hearing officer, is unclear. Not knowing how the IEP team views the language, and whether it is clear to the team, it is left undisturbed. But nothing in this decision should be read to limit the ability of the IEP team to revise this text so long as its substantive import—daily documentation of the level, unit, and content of the student's work in the specialized mathematics curriculum, to be provided to the parents on a weekly basis.

ORDER

In accord with the findings of fact and conclusions of law as set forth above, the special education mathematics programming/instruction, as implemented in January 2024, is appropriate.

The student's IEP, in the section documenting program modifications and specially designed instruction, shall be revised to reflect a modification with the language above. The "projected beginning date" for the modification shall be the first day of school in the upcoming 2025-2026 school year.

Any claim not specifically addressed in this decision and order is denied and dismissed.

s/ Michael J. McElligott, Esquire

Michael J. McElligott, Esquire
Special Education Hearing Officer

06/18/2025