

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 Hearing Officer

Final Decision and Order

ODR No. 28255-22-23

CLOSED HEARING

Child's Name:

S.L.

Date of Birth:

[redacted]

Parents:

[redacted]

Local Education Agency:

Woodland Hills School District
531 Jones Avenue
North Braddock, PA 15104

Counsel for the LEA

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501 Grant Street
Pittsburgh, PA 15219

Hearing Officer:

James Gerl, CHO

Date of Decision:

October 11, 2023

BACKGROUND

This case is about transportation. The parents filed a due process complaint alleging that the school district failed to appropriately provide transportation as a related service for the student, and therefore denied a free and appropriate public education under IDEA. The parents also allege discrimination on the basis of disability in violation of Section 504 based upon the same facts. The parents are seeking compensatory education for the period of time that the student was not permitted by the parents to ride the bus. The school district contends that it provided a free and appropriate public education to the student and that it did not discriminate against the student on the basis of a disability. I find in favor of the school district on all issues raised by the due process complaint.

PROCEDURAL HISTORY

This due process hearing was conducted in one in-person session. The parents were not represented by a lawyer in this case. The parents acknowledged that they were aware of their right to hire a lawyer to represent them in all proceedings in this matter, but they elected to proceed without counsel. The parents objected to having the hearing at a school district building. Instead, by agreement of the parties, the hearing was convened at the offices of counsel for the school district.

The parties are to be commended for agreeing to a number of stipulations of fact, which shortened the amount of time necessary to hear the case and issue a decision. Five witnesses testified at the due process hearing. Parent Exhibits P-1 through P-13 were admitted into evidence. School district Exhibits S-1 to S-5 and S-9 to S-12 were admitted. The school district withdrew Exhibits S-6, S-7 and S-8 as duplicative of other exhibits. Prior to

the hearing, the parents and counsel for the school district participated in a prehearing conference in which, among other prehearing preparations, the issues presented by the complaint were narrowed and simplified.

After the hearing, each party presented written closing arguments/post-hearing briefs and proposed findings of fact. All arguments submitted by the parties have been considered. To the extent that the arguments advanced by the parties are in accordance with the findings, conclusions and views stated below, they have been accepted, and to the extent that they are inconsistent therewith, they have been rejected. Certain arguments and proposed findings have been omitted as not relevant or not necessary to a proper determination of the material issues as presented. To the extent that the testimony of various witnesses is not in accordance with the findings as stated below, it is not credited.

To the extent possible, personally identifiable information, including the names of the parties and similar information, has been omitted from the text of the decision that follows. FERPA 20 U.S.C. § 1232(g); and IDEA § 617(c).

ISSUES PRESENTED

The parents raise a number of issues in the due process complaint and in the parents' post-hearing brief that go beyond the special education jurisdiction of this hearing officer. Such issues include but are not limited to allegations of violations of Title IX, a state complaint previously filed by the parents and racial discrimination. Only the transportation issues raised by the due process complaint and confirmed at the prehearing conference and the hearing, as set forth below, are properly before the hearing officer in this case. 34 C.F.R. § 300.507(a)(1) and § 300.511(d).

The due process complaint, as clarified at the prehearing conference for this matter, and further confirmed at the beginning of the due process hearing, presents the following issues:

1. Whether the parents have proven that the school district denied a free and appropriate public education to the student by failing to provide appropriate transportation as a related service?

2. Whether the parents have proven that the school district discriminated against the student on the basis of a disability in violation of Section 504?

FINDINGS OF FACT

Based upon the parties' stipulations of fact, I have made the following findings of fact:

1. The student resides in the school district, but the student attends an approved private school.

2. The student has been attending the approved private school by agreement of the IEP team since February 2022.

3. The student is also enrolled in a partial hospitalization program at the approved private school.

4. The school district is responsible for providing transportation for the student to and from the approved private school during the school year and for extended school year services when applicable.

5. The student's IEP team includes staff of the approved private school and the school district.

6. The student's current diagnoses are Disruptive Mood Dysregulation Disorder (DMDD), ADHD combined presentation, Unspecified Trauma – stressor related disorder, and Speech Sound Disorder.

7. Several incidents involving the student and other students occurred on the school bus between November 2022 and May 2023.

8. On October 17, 2022, the bus driver was absent, and no substitute bus driver was available. The student was not transported to school at the private school on that day.

9. The student's IEP team met on October 27, 2022 to develop a backup plan in the event that the bus driver was absent again and there was no substitute driver.

10. The student's IEP was revised on October 27, 2022 with a backup plan that the private school would document dates that the student was not at school due to unavailable transportation and the IEP team would convene toward the end of the school year with a final count of hours that the school district would offer as compensatory education that could potentially be used for summer camp, additional extended school year programming or a one-on-one support staff.

11. The student accumulated 11 hours of compensatory education pursuant to the backup plan in the student's IEP.

12. On or around December 5, 2022, the parents notified the school district of ongoing concerns concerning the student's transportation and requested a bus aide.

13. The student's IEP was revised on December 21, 2022 to address a restraint that had occurred and additional parent concerns about transportation.

14. The student's IEP team met on February 17, 2023 for an annual IEP team meeting.

15. The IEP team agreed at the February 17, 2023 meeting to attempt to complete a functional behavioral analysis of the student in part based upon a review of bus videos involving the student. The private school would continue to investigate reports of bullying by students who attend the private school and report back to the parents and the school district. The private school also agreed to hold a bullying group with students that ride the bus.

16. The private school conducted and completed a functional behavioral analysis as a part of a reevaluation that was contained in a reevaluation report dated April 14, 2023.

17. The functional behavioral analysis (FBA) reviewed three bus videos dated November 17, 2022, November 30, 2022 and March 1, 2023.

18. The functional behavioral analysis generally recommended additional staff on the bus, such as a bus aide, in order to manage behavioral difficulties of students on the bus and to reduce instances where the bus driver must correct behaviors while driving.

19. Beginning on May 8, 2023, the parents did not send the student on transportation for the remainder of the school year.

20. The IEP team met to review the reevaluation report/FBA to revise the student's IEP on May 19, 2023.

21. The IEP team agreed to provide private transportation for the student back and forth to the private school via another private transportation company, where the student would be the only student in the vehicle. The same private transportation would also be available for extended school year for the student. The parents agreed to this transportation.

22. The parents would not agree to sign the waiver provided by the private transportation company and therefore the private transportation company would not provide one-on-one transportation for the student.

23. A split van was proposed by the school district on June 30, 2023, after the filing of this due process complaint.

24. The parents would not agree to the split van proposal.

25. The student qualified for extended school year in the summer of 2023 and the parents signed the paperwork for the student to attend extended school year services at the private school, which took place from July 3 through July 27.

26. The student attended extended school year services in the summer of 2023 at the private school on three days with the parents transporting the student on those days.

Based upon the evidence in the record compiled at the due process hearing, I have made the following findings of fact: ¹

27. [redacted] (NT 169 – 170)

28. The student's date of birth is [redacted] (P-1)

29. The student's IEPs at all relevant times provided that the school district would provide transportation as a related service (P-1; P-2; S-2; record evidence as a whole)

¹ (Exhibits shall hereafter be referred to as "P-1," etc. for the parents' exhibits; and "S-1," etc. for the school district's exhibits; references to page numbers of the transcript of testimony taken at the hearing is the hereafter designated as "NT____").

30. The school district transports approximately 6,000 students.
(NT 236)

31. On November 10, 2022, the mother sent e-mails to the school district staff threatening a lawsuit [redacted]. Later that same day, the mother e-mailed the school district again threatening legal action [redacted]. (P-9)

32. On November 10, 2022, the school district superintendent, who had been copied on the mother's e-mail of the same date, sent an e-mail to the mother stating that "The communication is over. No further response will follow this message." (P-9)

33. The school district provides bus transportation by using a private third-party company. The private third-party transportation company hires bus monitors and provided a bus monitor on the bus ridden by the student at the beginning of the 2022 - 2023 school year. The private company terminated the bus monitor for failing to show up to work and not calling in. The school district learned that the bus monitor had been fired when the parent e-mailed the school district on December 6, 2022. The private third-party company has indicated that applications for the position were received, and interviews were ongoing but that the position had not been filled. (S-2, S-12; NT 77 - 79, 195, 239 - 240)

34. In addition to the efforts of the private third-party transportation company, the school district attempted to secure by other means a bus monitor for the bus that the student rode. The school district contacted the approved private school and inquired as to whether any of the private school staff would be interested in serving as a bus monitor, but the private school indicated that it did not have anyone available to serve as bus monitor. (NT 89 - 90, 205 - 206)

35. The school district also attempted without success to use a private staffing agency to fill the bus monitor position. (NT 208)

36. At the December 21, 2022 IEP team meeting, the parents' concerns regarding transportation were discussed. The parents and the school district agreed that a bus monitor was needed for the students on the bus because of the behavioral needs of all the students on the bus. The school district declined to list a bus monitor on the student's IEP because the monitor would address the needs of all students on the bus and not just those of the student or any other individual student. (P-2; S-2; S-5; NT 86, 193, 214, 225-226)

37. On December 21, 2022, the school district special education director e-mailed the school district supervisor of transportation stating that the student's "mom is making waves again... (but) not all of her requests are outrageous." The e-mail asked the transportation supervisor if the school district could get a bus monitor on the student's bus. (S-5; NT 216-217, 229-230)

38. The functional behavioral analysis, which included a review of bus videos, was conducted by staff of the private school. The evaluator recommended that it would be beneficial to have additional staff such as a bus aide "...in order to manage behavioral difficulties within students on the bus, and reduce instances when the bus driver must correct behaviors while driving." (P-3; NT 200-201, 97)

39. In approximately May 2023, the mother discovered videos recorded by another student on the student's iPad involving [redacted]. The parents reported the other student to ChildLine as a result of this incident. The incident was investigated by detectives, but the other student was not prosecuted. (NT 58 - 60, 140 - 141)

40. The IEP team for the student considered the reevaluation report and functional behavioral analysis which included the review of bus videos at the May 19, 2023 IEP team meeting. The school district staff proposed a private company transportation option where the student would be the only student on the transportation. The parents agreed to this option. The student's IEP was amended to provide that the school district would provide specialized transportation "through private transportation where (the student) was the only student." (NT 243-245; 249-251; P-1)

41. The one-on-one transportation by private third-party company was intended to be a temporary solution while the search for a bus monitor continued. The one-on-one transportation solution would have alleviated the student's behavioral issues during transportation. (NT 209, 252, 122-124)

42. On May 25, 2023, the school district's transportation manager sent an e-mail to the student's mother stating in part that the school district cannot offer one-on-one transportation for any student. (P-8)

43. The third-party company that was to provide the one-on-one transportation for the student required that a waiver be signed by the parents that waived claims of negligence against the company. (S-11)

44. Extended school year transportation was discussed in an IEP team meeting on June 30, 2023 after the parents refused the one-on-one transportation because they refused to execute the company's waiver. At the meeting on June 30, 2023, the district proposed a split van option to transport the student to extended school year services at the approved private school which would split up the student and the non-preferred student on two different vans, and where each student would have a seat belt. Each of the two vans would transport three to four students. The student would not be on the same van as the other student with whom the student had previously had issues. (S-10; NT 91 - 94, 252 - 253)

45. The mother sent e-mails to the school district in June 2023 objecting to IEP team meetings and stating that the school district lawyer and certain school district staff must not attend IEP team meetings. (S-9)

CONCLUSIONS OF LAW

Based upon the arguments of the parties, all of the evidence in the record, as well as my own legal research, I have made the following conclusions of law:

1. A parent or a local education agency may file a due process complaint alleging one or more of following four types of violations of the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq*, (hereafter sometimes referred to as "IDEA"): an identification violation, an evaluation violation, a placement violation or a failure to provide a free and appropriate public education (hereafter sometimes referred to as "FAPE"). IDEA §615(f)(1)(A); 34 C.F.R. § 300.507(a); 22 Pa. Code § 14.162.

2. The United States Supreme Court has developed a two-part test for determining whether a school district has provided a free appropriate public education (hereafter sometimes referred to as "FAPE") to a student with a disability. There must be: (1) a determination as to whether a school district has complied with the procedural safeguards as set forth in IDEA, and (2) an analysis of whether the individualized educational program is reasonably calculated to enable the child to make meaningful progress in light of the child's unique circumstances. Endrew F by Joseph F v. Douglass County School District RE-1, 580 U.S. ____, 137 S. Ct. 988, 69 IDELR 174 (2017); Board of Educ., etc. v. Rowley, 458 U.S. 178, 553 IDELR 656 (1982); KD by Theresa Dunn and Jonathan Dunn v. Downingtown Area School District, 904 F.3d 248, 72 IDELR 261 (3d Cir. 2018).

3. In order to provide FAPE, an IEP must be reasonable, not ideal. KD by Dunn v. Downingtown Area School District, *supra*; LB by RB and MB v Radnor Twp Sch Dist, 78 IDELR 186 (ED Penna 2021).

4. The appropriateness of an IEP in terms of whether it has provided a FAPE must be determined at the time that it was made. The law does not require a school district to maximize the potential of a student with a disability or to provide the best possible education; instead, it requires an educational plan that provides the basic floor of educational opportunity. Ridley School District v. MR and JR ex rel. ER, 680 F.3d 260, 58 IDELR 281 (3d Cir. 2012); DS v. Bayonne Board of Education, 602 F.3d 553, 54 IDELR 141 (3d Cir. 2010); Mary Courtney T. v. School District of Philadelphia, 575 F.3d 235, 251, 52 IDELR 211 (3d Cir. 2009).

5. IDEA does not require a school district to guarantee a particular result or to close the gap between children with disabilities and their non-disabled peers. JN and JN ex rel. JN v. Southwest School District, 56 IDELR 102 (N.D. Penna. 2015); see, Kline Independent School District v. Hovem, 690 F. 3d 390, 59 IDELR 121 (5th Cir. 2012); HC and JC ex rel. MC v. Katonah – Lewisboro Union Free School District, 59 IDELR 108 (S.D. NY 2012); District of Columbia Public Schools, 111 L.R.P 77405 (SEA D.C. 2011). Progress toward a FAPE is measured according to the unique individual circumstances of the individual student and not in comparison to other students. See, GD by Jeffrey and Melissa D v. Swampscott Public Schs, 122 LRP 6305 (1st Cir. 2022). The Third Circuit has ruled that IDEA does not require that all (or even most) disabled children advance at a grade-level pace. KD by Dunn v. Downingtown Area School District, 904 F. 3d 248, 72 IDELR 261 (3d Cir. 2018).

6. For a procedural violation to be actionable under IDEA, the parent must show that the violation was also a loss of educational opportunity for the

student, seriously deprives the parents of their participation rights, or causes a deprivation of educational benefit. Ridley School District v. MR and JR ex rel. ER, supra; IDEA § 615(f)(3)(B); 34 C.F.R. § 300.513(a).

7. A school district must provide a related service, such as transportation, to a student with a disability when the related service is necessary for the student to benefit from special education. 34 C.F.R. § 300.34; Irving Independent School District v. Tatro, 468 U.S. 883, 555 IDELR 511 (1984); Cedar Rapids Community School District v. Garrett F., 526 U.S. 66, 29 IDELR 966 (1999); Mary Courtney T. v. School District of Philadelphia, 575 F. 3d 235, 52 IDELR 211 (3d Cir. 2009).

8. Section 504 of the Rehabilitation Act provides that no otherwise qualified individual with a disability shall solely by reason of his or her disability be excluded from participation and/or denied the benefits of or be subject to discrimination under any program that receives federal funds. 29 U.S.C. § 794; 34 C.F.R. § 104.33; 22 Pa. Code § 15.1. To establish a violation of Section 504, a parent must prove: 1) that the student is disabled; 2) that the student was otherwise qualified to participate in school activities; 3) that the school district receives federal funds; and 4) that the student was excluded from participation in and denied the benefits of or subject to discrimination at the school. To offer an appropriate education under Section 504, the school district must reasonably accommodate the needs of a handicapped child to ensure meaningful participation in educational activities and meaningful access to educational benefits. To comply with Section 504, a school district must provide education and related aids or services that are designed to meet the individual needs of handicapped students as adequately as the needs of non-handicapped students are met. Ridley School District v. MR and JR ex rel. ER, 680 F.3d 260, 58 IDELR 281 (3d Cir. 2012); Strepp ex rel MS v Midd West Sch Dist, 65 IDELR 46 (M.D. Penna. 2015).

9. The parents have not proven that the school district denied a free and appropriate public education to the student.

10. The parents have not proven that the school district discriminated against the student on the basis of a disability in violation of Section 504.

DISCUSSION

1. Whether the parents have proven that the school district denied a free and appropriate public education to the student by failing to provide appropriate transportation as a related service?

The issue in this case involves transportation. The parents contend that the school district denied a FAPE to the student by failing to provide appropriate transportation as a related service. The school district contends that it provided a FAPE to the student and that it provided reasonable transportation options for the student. The parents have not proven that the school district denied a FAPE to the student or that the school district did not provide appropriate transportation for the student.

The parents do not allege a substantive violation. Indeed, the student's IEPs at all relevant times provide that the school district will provide transportation for the student to and from school. It is clear that with regard to the issue of transportation as a related service, the student's IEPs are reasonably calculated to confer meaningful educational benefit in view of the student's unique circumstances. Thus, the parents have not proven a substantive violation of IDEA. Instead, the parents argue that the school district's efforts to transport the student to the private school did not meet with the approval of the parents, and therefore violate IDEA. The parents

provide no legal authority to support their argument that the school district's efforts with regard to transportation constitute a violation of IDEA. The parents' argument is, therefore, rejected.

Moreover, the record evidence reveals that the efforts made by the school district to transport the student to the private school were clearly reasonable and appropriate. Both parties agree not only that the school district must provide transportation for the student but also that, because of the behavioral needs of all students who ride the bus, the bus that the student rides should have an adult bus monitor.

The parents contend that in addition to agreeing to the bus monitor, the school district should have amended the student's IEP at their request to require a bus monitor for the student. Because the bus monitor would attend to the behavioral needs of all the students on the bus rather than just this particular student, the school district declined to put that provision into the student's IEP. The refusal to amend the IEP to require a specific bus monitor just for the student was appropriate.

The record evidence shows that the school district made multiple appropriate efforts to provide transportation for the student. When the bus monitor who had been riding on the student's bus was fired by the private transportation company, the private transportation company attempted to fill the position, received applications and conducted interviews, but had not yet filled the position. In addition to the efforts by the private company, the school district attempted to solicit staff members from the private school to serve as a bus monitor on the student's bus, but the private school staff was

not available. The school district also attempted to fill the bus monitor position by utilizing a staffing agency.

When the efforts to fill the bus monitor position were not successful, the school district offered to provide private one-on-one transportation for the student via another private transportation company. The one-on-one transportation by the private transportation company was intended to be a temporary solution until the bus monitor position could be filled. This solution was reasonable. Indeed, the clinical manager of the partial hospitalization program at the private school testified credibly and persuasively that the one-on-one transportation option would appropriately accommodate the student's behavioral needs during transportation. The parents agreed to the solution of using one-on-one transportation by a private transportation company to transport the student to school. Later, the parents rescinded their agreement to the one-on-one transportation option because the private transportation company required that they sign a document that waived any negligence claims.

After the complaint in this matter had been filed, the school district offered an additional transportation option involving split vans. The split van option would involve three to four students riding in two separate vans with the student in one van and the student with whom the student had previously had issues in the other van. The split van option was also reasonable and appropriate. The parents rejected the split van transportation option.

The parents cite no caselaw or other authority to support their argument that the efforts by the school district to provide transportation for the student

denied the student a free and appropriate education. Their argument is rejected.

The school district made numerous reasonable and appropriate transportation alternatives available to the parents in order to safely transport the student to school. The parents refused to accept any of those options. The evidence demonstrates that the school district did everything that it reasonably could do to transport the student, and that no method of transportation would have been acceptable to the parents. Although it is certainly understandable why the parents were upset because of the incident on the bus in which the student and another student recorded [redacted], the parents' refusal to accept any reasonable option for transporting the student is clearly unreasonable. Even though the parents are angry about the bus incident, they cannot veto all reasonable efforts to transport the student and then claim a denial of FAPE.

One argument that the parents raise in their in their written closing argument must be addressed. The parents assert that the negligence waiver that was required by the private transportation company for the one-on-one transportation temporary option is unlawful. The parents cite no case law or other legal authority to support their argument. The parents have not proven that the waiver required by the private company for the temporary one-on-one transportation option is unlawful. Moreover, it should be noted that the one-on-one transportation option was intended to be only a temporary fix until a bus monitor could be hired to serve the behavioral needs of the students on the bus. The parents have not demonstrated that the waiver or the agreed upon one-on-one transportation option as a temporary fix violates IDEA.

Moreover, after the parents rejected the one-on-one transportation option because of the waiver, the school district offered yet another option as

a temporary measure involving split van transportation for the student. The parents also rejected the split van option. It is clear that there was no reasonable method of transporting the student that would have been acceptable to the parents.

It is concerning that the school district's transportation director sent an e-mail to the mother after the student's IEP had been amended to include one-on-one transportation stating that the school district does not provide one-on-one transportation for any student. A school district transportation director cannot simply refuse to comply with a student's IEP. It is not clear whether the transportation director had yet received notice of the new IEP provision, but the comment was highly inappropriate. Despite the transportation director's comments, however, the school district did attempt to implement the one-on-one transportation option. The parents were presented with the negligence waiver, which they refused to sign. Accordingly, it is concluded that the school district was implementing the one-on-one transportation despite the inappropriate comments by the transportation director. In any event, the parents then changed their mind and rejected the one-on-one transportation arrangement because of the waiver. Although the e-mail by the transportation director is certainly outrageous and inappropriate, the record evidence reveals that the school district, nonetheless, proceeded to attempt to implement the one-on-one transportation as agreed to by the IEP team.

The evidence in the record supports the conclusion that the school district was very responsive to the parents' concerns. The school district worked with the parents to provide numerous methods to safely transport the student to and from the private school. In addition to the temporary fixes, the school district and the private transportation company used by the school

district made ongoing efforts to obtain a new bus monitor for the bus that the student rides in order to address the behavioral needs of all the students on the bus. The school district made substantial and reasonable efforts to provide transportation.

The efforts by the school district to transport the student to and from school are also not procedural violations of IDEA. Even assuming *arguendo* that any of the school district's actions could be construed to be a procedural violation, however, any such violation is clearly harmless. Because the parents have proven neither a substantive nor an actionable procedural violation of IDEA, their argument that the school district denied a FAPE to the student must be rejected.

The testimony of the school district witnesses concerning this issue was more credible and persuasive than the testimony of the student's mother. This conclusion is made because of the demeanor of the witnesses, as well as the following factors: the testimony of the student's mother was evasive at various points. Also, the testimony of the student's mother conflicted with the testimony of the special education director of the private school that the student attends concerning the reason why a harness restraint for the student was not implemented.

It is concluded that the parents have not proven that the school district denied a FAPE to the student by failing to provide appropriate transportation as a related service.

2. Whether the parents have proven that the school district discriminated against the student on the basis of a disability in violation of Section 504?

The parents contend that the school district discriminated against the student on the basis of a disability by failing to provide appropriate transportation to the private school. The school district denies that it discriminated against the student.

The parents allege that the student was discriminated against, but the parents have not offered any evidence to support the allegation of discrimination. There is no evidence in the record that students without disabilities were treated differently with regard to transportation or that the student was denied benefits because of a disability. There is no comparative evidence in the record of any kind concerning students without disabilities. The parents have not presented any evidence from which it could be concluded that the student was discriminated against on the basis of a disability.

The testimony of the student's mother was less credible and persuasive than the testimony of the school district witnesses concerning this issue. The discussion of credibility analysis contained in the previous issue is incorporated by reference herein.

It is concluded that the parents have not proven that the school district discriminated against the student on the basis of a disability in violation of Section 504.

NOTE: The parties to this case clearly have a toxic relationship. For example, the school district's special education director sent e-mails to other special education staff stating that the student's mother was "on the warpath

again.” The student’s mother utilized very inappropriate language in numerous e-mails to school district staff and made demands that the school district lawyer not attend IEP team meetings. The superintendent of the school district sent an e-mail to the mother that appears to terminate communication. Although the parties’ behavior in this regard is not directly an issue in this case, the toxic relationship between the parties is clearly inappropriate. As the United States Supreme Court has stated, the special education laws necessarily require a collaborative relationship between parents and school officials. Schaffer v. Weast, 546 U.S. 49, 44 IDELR 150 (2005). Indeed, this case involves the education of a young person. Both parties would do well to examine whether their highly toxic relationship is working for the student. In the future, a more collaborative relationship between the parents and the school district would very likely be in the interest of the student.

ORDER

Based upon the foregoing, it is **HEREBY ORDERED** that all relief requested in the due process complaint is hereby denied. The complaint is dismissed.

IT IS SO ORDERED.

ENTERED: October 11, 2023

James Gerl
James Gerl, CHO
Hearing Officer