

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. 32018-25-26

Child's Name:

F.D.

Date of Birth:

[redacted]

Parents:

[redacted]

Counsel for Parents:

David Arnold, Esquire
2200 Renaissance Boulevard, Suite 270
King of Prussia, PA 19406

Local Education Agency:

School District of Philadelphia
440 North Broad Street, Suite 313
Philadelphia, PA 19130

Counsel for the LEA:

Meagan Fitzpatrick, Esquire
440 North Broad Street, Suite 313
Philadelphia, PA 19130

Hearing Officer:

Cathy A. Skidmore, Esquire

Date of Decision:

05/11/2026

INTRODUCTION AND PROCEDURAL HISTORY

The student, F.D. (Student),¹ is a [redacted]-teenaged student residing with the Parents and enrolled in School District of Philadelphia (District or local education agency (LEA)). Student has been identified as eligible for special education pursuant to the Individuals with Disabilities Education Act (IDEA)² and accordingly has a disability and entitled to the protections under Section 504 of the Rehabilitation Act of 1973.³ Student's qualifying IDEA categories at present are Multiple Disabilities, Autism, Intellectual Disability, and Speech/Language Impairment.

In October 2025, the Parents filed a Due Process Complaint under the IDEA and Section 504, challenging the program provided by the District for Student, seeking compensatory education for alleged denial of a free, appropriate public education and an order for a change of placement. The matter proceeded to efficient hearing sessions in the winter of 2026.⁴

Following review of the record and for all of the reasons set forth below, the claims of the Parent 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 29 U.S.C. § 794. The federal regulations implementing Section 504 are codified in 34 C.F.R. §§ 104.1 – 104.61; the applicable Pennsylvania regulations are set forth in 22 Pa. Code §§ 15.1 – 15.11 (Chapter 15).

⁴ References to the record throughout the findings and discussion in 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. Hearing Officer Exhibit (HO-) 1 is a list of stipulations that helped to streamline the evidence necessary. Citations to duplicative exhibits and testimony generally are not exhaustive. The term Parents will be used in the plural where it appears that one was acting on behalf of both.

ISSUES

1. Whether the District has deprived Student of a free, appropriate public education from October 2023 through the present;
2. If the District did deny Student a free, appropriate public education in any respect, whether Student should be awarded compensatory education and, if so, in what amount; and
3. Whether the District should be ordered to convene a meeting to make specific changes to Student's program and placement, or other relief awarded?

FINDINGS OF FACT

1. Student is a teenaged Student residing in the District and eligible for special education under the Multiple Disabilities, Autism, Intellectual Disability, and Speech/Language Impairment categories. Student is also entitled to the protections of Section 504. (HO-1 at ¶¶ 1, 2, 3.)
2. The District is a recipient of federal funding. (HO-1 at ¶ 4.)
3. Student immigrated to this country from a foreign nation and entered the District upon arrival here in the fall of 2023. The family had few to no medical or educational records from the other country. (HO-1 at ¶¶ 5, 6; S-35 at 2.)
4. Student is loving and unique with a pleasant personality, and has a beautiful smile. Student enjoys music and dance and both make Student happy. Student is also non-verbal, has behavioral challenges, and lacks some adaptive behavior skills. However, Student makes

connections with adults easily and responds well to redirection, using gestures and facial expressions to communicate. (N.T. 39-41, 82, 171-72, 204-05, 216-17, 225, 259-61, 264-65, 302-03, 330-32, 344-48, 428, 523-24, 582-83, 603, 731-32.)

5. Student is extremely challenged by transition and has experienced regression by those experiences. (N.T. *passim*.)
6. Student has private behavioral health services obtained by the Parents. (N.T. 84-86.)

Relevant Time Period Findings

7. The Parents have asked for sign language instruction for Student on an ongoing basis throughout the relevant time period. (N.T. 110.)
8. Issues with transportation have arisen over the time period in question, frequently because a bus attendant and/or paraprofessional were not available and present. (N.T. 73, 546-47.)
9. The Parents transported Student to school at times when a bus attendant or the paraprofessional was not available to accompany Student. (N.T. 51-52.)
10. The Parents have continually asked for a change in Student's placement to a private school for students with significant disabilities. (N.T. 74, 552-53.)
11. The Parents and school staff have communicated daily through a communication log that has changed in format at times. (N.T. 89-97, 496-501, 555-56.)
12. Student is unable to use a computer. (N.T. 112, 553-54.)
13. The Parents have approved all District programming recommendations. (N.T. 57.)

14. Student benefits from having exposure to regular education content and spending time with typical peers is beneficial to Student, even if the subjects appear to be beyond Student's ability to grasp and comprehend. (N.T. 231-35, 461-62, 795-96.)
15. The Parents did not receive all of Student's report cards or progress monitoring information from the District. (N.T. 544-46, 557.)
16. Student's special education teachers all observed Student making gains in [their] skills, demonstrating improvement and progress incrementally. (N.T. 458-59, 470-71, 524-25, 528-30, 619-20, 635-36, 658-59.)
17. Over the 2023-24 and 2024-25 school years, Student had a weekly foreign language class. Student did not speak that language verbally, but the class provided exposure to certain classes of words such as colors in that language, and the curriculum was modified for Student. Students also work on organizational skills and attention to task in this socializing environment. (N.T. 573-79, 583-84, 585-90.)
18. The Parents have asked the District to provide Student with an Alternative and Augmentative Communication (AAC) device, but the District did not do so until the 2025-26 school year. (N.T. 43-44, 53, 552.)
19. Student should have been exposed to AAC technology upon entry into the District and assessed for its use. Students who are nonverbal or have limited verbal skills benefit from early exposure to all forms of technology including picture cards and sign language. (N.T. 381-89, 777-79.)
20. After an individual is able to maintain joint attention, make selections from an array, and exhibit adequate receptive language, he or she may be introduced to AAC. (N.T. 781.)

21. Learning to use an AAC device takes time for all individuals, with trials of various devices necessary in order to identify one that appears to be the most useful for the student. A student must be ready to try an AAC device before trials may be started. For Student, using an AAC device independently will lead to its functional use. (N.T. 342-43, 790-91.)
22. As of the due process hearing, Student was able to toilet independently but requires an adult to be present to ensure that Student completes all steps. (N.T. 81-82.)
23. All adults working with a student in the District receive a copy of the IEP-At-A Glance, and others have access to the full IEP. (N.T. 490, 504-05, 535-37, 575-76.)

2023-24 School Year

24. Student began attending a District school following enrollment in the fall of 2023, in a program of full-time special education. (N.T. 41, 43.)
25. The District evaluated Student early in the 2023-24 school year with an Evaluation Report issued on December 14, 2023. (N.T. 124-25; S-35.)
26. The December 2023 ER summarized known family, developmental, medical, and educational history. The family shared that Student suffered from oxygen deprivation at birth, was developmentally delayed, and had diagnoses of autism and seizures while also exhibiting sensory sensitivities. (S-35.)
27. Parent input for the 2023 ER noted Student's need for constant supervision as well as an interest in music. Student was essentially nonverbal. (S-35 at 2-3.)
28. During a classroom observation by the District school psychologist for the December 2023 ER, Student did not engage in any form of

gestural communication. Student required prompts and cues as well as hand-over-hand support, smiled at times, and used a voice-generating device to say hello to peers. Student accepted and returned a high five gesture with the teacher. (N.T. 132-33; S-35 at 5.)

29. On an attempted administration of the Peabody Picture Vocabulary Test for the December 2023 ER, Student did not indicate any pictures, so the test was discontinued. A Communication Matrix revealed that Student's only independent initiation of a request at school related to wanting food or water. (S-35 at 5-6.)
30. On a Developmental Profile for the December 2023 ER, Student's scores were all in the delayed range at below the 0.1 percentile as well as overall. Student's adaptive behavior was also assessed (Vineland Adaptive Behavior Scales – Third Edition) yielding scores below the first percentile across domains and on the Composite. Student did not at the time exhibit school readiness skills, although it was difficult to determine what skills Student may have had. (S-35 at 7-9.)
31. Behavioral assessment was conducted through the Childhood Autism Rating Scale – Second Edition for the December 2023 ER, revealing a severe impairment in communication and social interaction, and exhibited repetitive or stereotypical pattern of behavior and activities as well as hypersensitivity to sensory input. (S-35 at 9-10.)
32. In the area of sensory input, a Sensory Profile for the December 2023 ER indicated Student's strong reaction to loud sounds, bright light, and touch. Movement was slow with body position impacting Student more than others; Student's oral sensory score was within the expected ranges. Student was challenged by processing and understanding sensory information with more behavioral responses compared to others. Once again, Student's need for consistent

routines and environments was confirmed on this measure. (S-11 at 10-11.)

33. Student's speech/language skills were not assessed for the December 2023 ER because of staffing shortages. (S-35 at 15).
34. Occupational therapy assessment for the December 2023 ER revealed some areas of strength as well as needs in the areas of self-care skills, adaptations for functional academic tasks, as well as support for sensory needs, self-regulation and attention. (S-35 at 11-13.)
35. Assessment of physical therapy-related functioning for the December 2023 ER similarly revealed strengths and weaknesses, with many school-related physical demands within expectations although some activities required supports and supervision. (S-35 at 13-15.)
36. The District school psychologist administered assessments of Student for the December 2023. (N.T. 132-36, 138-47.)
37. Student was determined by the December 2023 ER to be eligible for special education based on Multiple Disabilities and a Speech/Language Impairment. (S-35 at 21-22.)
38. The District school psychologist made recommendations in the December 2023 ER, including that the team developing Student's program consider an AAC device, Others addressed a structured and supportive school environment without distractions; communication supported aided by visual supports; sensory accommodations; behavioral interventions; and functional life skills. (N.T. 151-52, 158; S-35 at 22.)

Individualized Education Program 2023

39. An Individualized Education Program (IEP) was developed for Student in December 2023, and the Parents approved the accompanying NOREP. (N.T. 428-29; P-7; S-56.)

40. The IEP developed in December 2023 for immediate implementation identified communication, assistive technology, behavior, and an adult assistant as special considerations for the IEP team. Available evaluation information was also summarized. (S-58.)
41. Observations of occupational and physical therapy evaluations in the December 2023 IEP were noted to include prompting by the Parents both physically and verbally. Student smiled, engaged in some one-step activities presented as well as self-stimulatory behavior, and benefitted from demonstration of tasks. (S-58 at 13.)
42. Parent input into this December 2023 IEP was Student's need for a small special education environment that provides sensory strategies; nursing support; an AAC device along with sign language and speech/language therapy; and other beneficial strategies. (P-17; S-58 at 15.)
43. Strengths identified in this December 2023 IEP were responding to Student's name and following some routines; identifying supportive individuals; expressing exposure to loud noise; emerging dressing skills; grasping and manipulating items; and receptive language. The needs listed in this IEP were for general school-readiness skills as well as receptive and expressive communication skills. (S-58 at 16.)
44. Annual goals in the December 2023 IEP addressed identifying numbers up to ten; sorting two items by size; completing a task after a refusal; transitioning between activities and classes; donning pants; and toileting with prompting. (S-58 at 24-37.)
45. Program modifications and items of specially designed instruction in the December 2023 IEP addressed predictable routines; verbal and gestural prompts; highly preferred items and activities; modeling; reduced noise and distractions; preferred reinforcement; extended

time; wait time; structured peer opportunities; communication (gestures and nonverbal expressions, visual cues, technology); sensory (access to music and items such as fidgets, accommodations for tactile sensitivity, manipulatives,); directions (one-step verbal directions in a calm tone); and physical needs (hand-holding and guarding when using stairs, brief walks, deep breathing, stable chair, scheduled toileting). A daily communication log between home and school was also included. (S-58 at 38-39.)

46. Related services in this December 2023 IEP were speech/language therapy 120 minutes/month; occupational therapy 60 minutes/month; physical therapy consultation; and a full time adult assistant throughout the school day. Student was eligible for ESY. Student's program was one of multiple disabilities support at a supplemental level. (S-58 at 39-45.)
47. Student's special education teacher for the 2023-24 school year used pictures to communicate with Student, who also had a picture schedule. The teacher also sometimes used a device with Student. All students had Chromebooks. (N.T. 432, 435, 445, 450, 481-82.)
48. Student's special education class for the 2023-24 school year had approximately five students with one teacher and several paraprofessionals. (N.T. 460, 472.)
49. Student had literacy and mathematics instruction in the special education setting over the 2023-24 school year, and also worked on IEP goals there one-on-one. The literacy curriculum provided included subject areas such as social studies and life skills. (N.T. 457-60, 464-70, 474.)
50. A typical school day during the 2023-24 school year began with arrival of the students who were escorted to the classroom for unpacking and

preparing for the day. Breakfast was first followed by work on IEP goals, a break, then literacy and mathematics, recess, and lunch. The afternoon involved lessons in different subjects. Some days the students would take walks through the community. (N.T. 474-81.)

51. Student had a strict schedule for bathroom visits throughout the school day during the 2023-24 school year. (N.T. 475.)
52. Student was not provided speech/language therapy during the 2023-24 school year and no such professional was assigned to Student. (N.T. 195-96, 438-39; HO-1 at ¶.)
53. Student engaged in problematic behavior during the 2023-24 school year. In one incident, Student fell and injured self. (N.T. 45-47.)
54. In March 2024, the District reported that [an incident occurred]. This behavior occurred more than once in areas of the school building. (N.T. 47-49.)
55. Progress reporting over the 2023-24 school year reflected that Student nearly met or mastered the goals for sorting two objects by size; identifying numbers up to ten; and transitioning between activities. Student made incremental progress on the goals for completing a task after a refusal and toileting with prompting; and made no progress on goals for donning pants. (S-38.)
56. In March of the 2024-25 school year, Student returned home in the school van and was crying profusely. No one on the van could explain why, and video footage viewed by the Parents and school staff did not reveal any potential cause. (N.T. 104-06.)
57. A Functional Behavior Assessment (FBA) was conducted in May 2024 to address refusal behaviors. The hypothesized function of the behaviors was to gain attention, a tangible, or sensory stimulation, or to escape the demand. (S-40.)

58. A meeting to develop a Positive Behavior Support Plan (PBSP) after the FBA convened in April 2024. This Plan noted the function of the behavior; a goal for following directions to complete a task after refusal or elopement aimed for 30% compliance. The antecedent strategies section listed a number of the items of specially designed instruction in the IEP; consequences were also included for the problem and replacement behavior. (P-44; S-44; S-45.)
59. Student attended ESY in 2024 at a District school. (N.T. 53.)

2024-25 School Year

60. Student's multiple disabilities class for the 2024-25 school year met in a classroom of younger students, for a total of approximately 33 students. (N.T. 534-35.)

September 2024 IEP

61. An IEP developed in September 2024 identified communication, assistive technology, behavior, and an adult assistant as special considerations for the IEP team. Available evaluation information was also summarized. (P-31; S-30.)
62. Parent input into the September 2024 IEP was Student's need for a small special education environment that provides sensory strategies; nursing support; an AAC device along with sign language and speech/language therapy; and other beneficial strategies. (S-30 at 21.)
63. Strengths identified in the September 2024 IEP were responding to Student's name and following some routines; identifying supportive individuals; expressing exposure to loud noise; emerging dressing skills; grasping and manipulating items; and receptive language. (S-30 at 22.)

64. The needs listed in the September 2024 IEP were to increase time in assigned area; improvement in following routines and schedules; improving transition between activities; toileting and other self-care skills; adaptations for academic tasks; access to sensory strategies for self-regulation; and communication skills. (S-30 at 22.)
65. Annual goals in the September 2024 IEP addressed pointing to a desired item in a field of four; identifying numbers up to ten; matching a picture with a spoken word; sorting two items by size; initiating and completing a task; completing a task after a refusal; transitioning between activities and classes; donning pants; and toileting with prompting. (S-30 at 27-35.)
66. Program modifications and items of specially designed instruction in the September 2024 IEP addressed predictable routines; verbal and gestural prompts; highly preferred items and activities; modeling; reduced noise and distractions; preferred reinforcement; extended time; wait time; structured peer opportunities; communication (gestures and nonverbal expressions, visual cues, technology); sensory needs (access to music and items such as fidgets, accommodations for tactile sensitivity, manipulatives); one-step verbal directions in a calm tone; and physical needs (hand-holding and guarding when using stairs, brief walks, deep breathing, stable chair, scheduled toileting). (S-30 at 27-35.)
67. Related services in the September 2024 IEP were speech/language therapy 120 minutes/month; occupational therapy 60 minutes/month; physical therapy consultation; and a full time adult assistant throughout the school day. Student was eligible for ESY. Student's program was one of full time multiple disabilities support. The Parents approved the NOREP. (S-29; S-30 at 36-44; S-31.)

68. A Functional Behavior Assessment (FBA) was completed in mid-September 2024. The behaviors of concern identified were (a) refusal to complete non-preferred activities, with the hypothesized function of escape; and (b) elopement, with the hypothesized function of escape as well as gaining attention and sensory stimulation. (S-32; S-33; S-34.)

Individualized Education Program 2024

69. An IEP developed in December 2024 identified communication, assistive technology, behavior, and an adult assistant as special considerations for the IEP team. Available evaluation information was also summarized. (P-21; S-21; S-22.)
70. Parent input into the December 2024 IEP was inclusion of music and dance activities in the IEP as recommended by Student's physician, as well as the toileting routine. (S-21 at 26.)
71. Strengths identified in the December 2024 IEP were following directions to perform activities; manipulation of sensory and tangible items; reception to modeling and praise; following one-step directions that are part of a routine; toileting with more independence; grasping and manipulating objects; and receptive language. The needs listed were to increase positive response time after a refusal; sorting/matching, number identification, and focus to tasks; transitioning between activities; following a toileting schedule with picture supports; better-developed self-care skills; self-regulation and attention support; and communication skill development. Student's school readiness skills were an area of weakness as well as receptive and expressive communication skills. (S-21 at 27.)
72. Annual goals in the December 2024 IEP addressed pointing at a desired item in a field of four; matching a picture with a spoken word; sorting two items by size; initiating and completing a task;

transitioning between activities and classes; donning pants and a coat; toileting with prompting; identifying numbers up to ten; and participating in activities with appropriate behavior. (S-21 at 33-43.)

73. Program modifications and items of specially designed instruction in the December 2024 IEP addressed predictable routines; verbal and gestural prompts; close proximity during mealtime; highly preferred items and activities; modeling; reduced noise and distractions; preferred reinforcement; extended time; wait time; structured peer opportunities; communication (gestures and nonverbal expressions, visual cues, technology); sensory (access to music and items such as fidgets, accommodations for tactile sensitivity, manipulatives, movement songs and music for regulation); directions (one-step verbal directions in a calm tone); and physical needs (hand-holding and guarding when using stairs, movement breaks, physical assistance during toileting, brief walks, deep breathing, stable chair, scheduled toileting). A daily communication book would be exchanged between home and school. (S-21 at 45-46.)
74. Related services in the December 2024 IEP were speech/language therapy 120 minutes/month; occupational therapy 60 minutes/month; and a full time adult assistant throughout the school day. Student was eligible for ESY. Student's program was one of multiple disabilities support at a supplemental level. (S-21 at 46-51.)
75. Student's digital literacy teacher for the 2024-25 school year taught Student once weekly. Typically Student would match colors, pictures, and the like using a touchpad. (N.T. 521-23, 526-28.)
76. Progress monitoring reports in June 2025 reflected incremental progress on many IEP goals over the 2024-25 school year. Student met or mastered the task initiation/completion, sorting, number identification, transition, toileting, and donning coat; and participating

in activities without problem behavior goals. The goal for matching a picture with a spoken word was not introduced. (S-17.)

- 77. Student did not have speech/language therapy in November or December 2024. (N.T. 773.)
- 78. Student attended an ESY program outside of the District in 2025. Student worked on goals for transitioning between activities, sorting objects, toileting, and behavior (initiating and completing tasks); Student maintained those skills. (S-14.)

2025-26 School Year

- 79. Student's transition to new school building in the fall 2025 had significant impact on Student's functioning. (N.T. 241.)
- 80. Student's multiple disabilities class for the 2025-26 school year has approximately six students and multiple adults in the classroom. (N.T. 257-59, 624.)
- 81. The typical school day begins with the students arriving and having breakfast, then go to the classroom for unpacking. Mornings involve individual work on IEP goals with the teacher or a paraprofessional, followed by morning meeting. Language arts and mathematics occur next, with instruction using the same curriculum as in the prior year, then the students have a special class. Lunch is followed by a return to the classroom for a short period of free time, then the students resume work on IEP goals then science or social studies. The day ends with a group activity before the students pack up for dismissal. (N.T. 624-27, 642-46.)
- 82. Student uses the AAC device at school, supported by District staff, with success to indicate wants and needs. (N.T. 333-34, 633-35.)

83. Student received speech/language therapy during the 2025-26 school year and also was provided an AAC device with training at the beginning of the school year. (N.T. 71, 82, 109, 309-11.)
84. Student's special education teacher and speech/language therapist collaborated on how to best use the device with and for Student as part of their ongoing collaboration. (N.t. 630-31.)
85. Student used the AAC device during the psychological assessment portion of the RR but with prompting by the paraprofessional. (N.T. 205.)
86. Student has been provided speech/language therapy services thirty minutes weekly, with support indirectly in the classroom. The therapist also accompanies Student on community-based outings. (N.T. 290-91, 305, 313, 320-238, 334-36.)
87. Student's speech/language therapist for the 2025-26 school year pushes into the classroom frequently. (N.T. 628-29.)
88. Student began learning and communicating using sign language in the 2025-26 school year. (N.T. 79, 632.)
89. Progress monitoring in November 2025 reflected progress on a goal for initiating and completing a task; but regression or no progress on the remaining goals. (S-7.)

Reevaluation 2025

90. The District conducted a reevaluation in December 2025 with the Parents' consent, and issued a Reevaluation Report (RR). (S-4; S-9.)
91. The December 2025 RR summarized family, developmental, medical, and educational history in the RR; information from previous evaluations was also incorporated. At the time, Student was not independently interacting with peers but did seek adult attention. (S-4 at 1-10, 21-32.)

92. Parent input for the 2025 RR noted Student's interest in music and dance, describing daily living skills that Student was performing independently but also noting that supervision was required when feeding. Concerns included elopement and following directions. With respect to communication, Student used gestures and was getting used to the AAC, but did not communicate with sign language at the time. (S-4 at 4, 12.)
93. The psychological evaluation in 2025 included the Comprehensive Test of Nonverbal Intelligence, Second Edition (CTONI-2). Student was unable to complete that assessment including the sample items. Cognitive assessment was attempted but not completed for the 2025 RR because Student did not engage with the tasks presented. Academically and functionally, the RR reported better engagement in group activities but slow progress, and a continued need to develop foundational skills. (N.T. 206-09; S-4 at 17-18.)
94. Rating scales of adaptive behavior for the 2025 speech/language portion of the RR revealed profound deficits across all areas. (N.T. 210-13.)
95. Speech/language evaluation for the 2025 RR included both formal and informal measures as well as a classroom observation. Some formal measures could not be completed because Student was not able to attend to the task. The speech/language pathologist made recommendations for the RR. (N.T. 290, 292-304.)
96. During a classroom observation by the District school psychologist for the 2025 RR in homeroom, Student did not exhibit attention throughout the activities. Teacher and paraprofessional prompts and redirection were not effective without physical guidance, but Student was attentive to the adults. A second observation during gym was similar in terms of attention and engagement but was ended when

Student needed to use the bathroom. Finally, during lunch, transitions, and early academic activities, Student continued to need prompting on an ongoing basis. Student also engaged in behaviors throughout the day particularly during non-preferred activities. (N.T. 190-92, 201-04, 206; S-4 at 11-12.)

97. Teacher observations for the 2025 RR included Student's remaining engaged during an activity such as morning meeting with paraprofessional support and improvement with making transitions. Her recommendations in the 2025 RR included a small, quiet classroom environment with consistent routines. Input from the paraprofessional was similar, noting more challenging behaviors after lunch. (S-4 at 13-15.)
98. Student's 2025 RR confirmed special education eligibility based on Multiple Disabilities and Speech/Language Impairment. A number of strengths were identified: mobility/physical strength, emerging self-care skills, receptive language, improved engagement during group activities, improvement with eloping, and engagement with preferred activities and materials; needs were noted with respect to functional communication including use of the AAC device, intensive support across domains, strategies for attention and engagement, foundational academic skill development, behavior support, social skills/peer interaction, environmental and sensory accommodations, reduced prompt dependence including with task initiation and completion, and functional life skills including more independence with toileting. (S-11 at 20-21.)
99. The assigned District school psychologist for the 2025 RR determined that Student qualified for special education under the Multiple Disabilities category as well as Autism, Intellectual Disability, and Speech/Language Impairment. (N.T. 219-21.)

100. The District school psychologist made recommendations for Student's program in the 2025 RR to include a small, highly structured educational setting that prioritizes life skills and independence with daily living; regular review of the PBSP; ongoing collaboration among the family and District staff; and a number of instructional strategies. Others were for speech/language therapy (including a total communication approach, AAC training); and occupational therapy (including sensory support, use of visual supports, noise-minimization, and few distractions). (N.T. 222-23, 250-52, 255-58; S-4 at 32-34.)

Individualized Education Program 2026

101. At an IEP meeting in January 2026, the team discussed Student's continuation of work on foundational skills. (N.T. 200, 214-17, 237-39, 241, 243-46, 307-08.)
102. The Parents obtained an independent speech/language evaluation in 2025. The Independent speech/language therapist did not believe that Student was provided adequate services in that area. (N.T. 371-74..)
103. Another FBA was completed in January 2026 to address Student's failure to transition to another activity or task in various settings. The hypothesized function of the behavior were determined to be escape, and to gain attention, sensory input, or a tangible item. (S-88.)
104. A new PBSP was developed following the January 2026 FBA. Personalized transition cards were introduced for Student to carry to the adult for the next activity. (S-89.)

Individualized Education Program 2026

105. A new IEP was developed in January 2026. Annual goals addressed communication through a total communication approach for receptive and expressive language; transitioning with a verbal prompt and

personalized card; matching a picture with an object; completing a two-step task; sorting two items by a single attribute such as size or color following a left-to-right work system to complete a vocational task; and toileting with prompting. (P-90; S-90 at 28-41.)

106. Program modifications and items of specially designed instruction addressed predictable routines; verbal prompts; highly preferred items and activities; wait time; communication (gestures and nonverbal expressions, visual cues, technology); sensory (access to music and items such as fidgets, accommodations for tactile sensitivity, manipulatives, movement songs and music for regulation); directions (one-step verbal directions in a calm tone); and physical needs (hand-holding and guarding when using stairs, movement breaks, physical assistance during toileting, brief walks, deep breathing, stable chair, scheduled toileting). A daily communication book would be exchanged between home and school. (S-90 at 42-43.)
107. Related services in the January 2026 IEP were speech/language therapy 120 minutes/month; occupational therapy 60 minutes/month; and a full time adult assistant throughout the school day. Student was eligible for ESY. Student's program was one of multiple disabilities support at a supplemental level. (S-90 at 43-50.)
108. Student's typical day at home begins with the Parents bathing Student and brushing Student's teeth, dressing Student including a diaper, then transport to school. After school, the Parents sit down with Student and demonstrate use of the AAC device. The family talks together for a time before dinner. (N.T. 78-79, 81, 102.)
109. A functional behavioral assessment conducted in 2026 by the District was the first for Student that included a positive behavior support plan identifying the targeted problem behaviors and their function(s); defined the identified antecedent strategies and necessary functional

skills as well as interventions with instruction on replacement behaviors; provided a plan with consistent responses to both problem and replacement behaviors; and specific reinforcements of replacement behavior. Previous FBAs and PBSPs focused on managing Student's behavior through compliance. (N.T. 669-686, 710.

110. Student needs a program that provides the family with training on how to address Student's behavioral needs, focused on skills deficits on an individualized basis. Communication training and its level of intensity are important. (N.T. 687, 692, 705-06, 711.)

DISCUSSION AND APPLICATION OF LAW

General Legal Principles

In any legal proceeding, the burden of proof is commonly described as consisting of two elements: the burden of production and the burden of persuasion. The burden of persuasion in this type of administrative hearing 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). The burden of persuasion in this case thus must rest with the Parents who filed the Complaint leading to this administrative proceeding. 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, who assume the role of fact-finders, are responsible for making "express, qualitative determinations regarding the relative credibility and persuasiveness of the witnesses," particularly when discounting certain testimony. *Blount ex rel. Blount v. Lancaster-Lebanon Intermediate Unit*, 2003 WL 22988892 *10, 2003 LEXIS 21639 *28 (E.D. Pa. 2003). See also, e.g., *J. P. v. County School Board*, 516 F.3d 254, 261 (4th Cir. Va. 2008); *T.E. v. Cumberland Valley School District*, 2014 WL

47340 *4, 2014 U.S. Dist. LEXIS 1471 *11-12 (M.D. Pa. 2014). This hearing officer found each of the witnesses who testified to be generally credible as to the facts despite some gaps in recollection; she did not discern any intention to mislead. Contradictions among witness accounts may be attributed to lapses in memory or differences in perspective. The weight accorded the evidence, however, was not equally placed. The persuasive value of the testimony and documentary evidence must be assessed in light of the record as a whole. *See J.P., supra*, 516 F.3d at 261; *T.E., supra*. In other words, merely because all witnesses appeared to believe that to which they swore under oath does not make all of the testimony reliable or convincing with respect to the issues presented. The documentary evidence, by contrast, was considered to be extremely reliable.

The testimony of the Parents in particular was understandably emotional; their concerns with the District's programming were obviously firmly held. Their view on the significant challenges with which Student presents was highly persuasive, as was the testimony of the various District staff members working with Student to better respond to those challenges.

The findings of fact were made as necessary to resolve the issues; thus, not all of the testimony and exhibits were explicitly cited. Nonetheless, 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: Substantive FAPE

The IDEA broadly mandates that each of the states provide a "free appropriate public education" (FAPE) to children who are eligible for special education services. 20 U.S.C. § 1412. Special education is comprised of both special education and related services. 20 U.S.C. § 1401(9); 34 C.F.R. § 300.17. More than two decades ago, in *Board of Education v. Rowley*, 458

U.S. 176 (1982), the U.S. Supreme Court addressed these statutory requirements, holding that the FAPE mandates are met by providing personalized instruction and support services that are designed to permit the child to benefit educationally from the program and also comply with the procedural obligations in the Act.

Through LEAs, states meet the obligation of providing FAPE to an eligible student through development and implementation of an IEP which is “‘reasonably calculated’ to enable the child to receive ‘meaningful educational benefits’ in light of the student’s ‘intellectual potential.’ ” *P.P. v. West Chester Area School District*, 585 F.3d 727, 729-30 (3d Cir. 2009)(citations omitted). As the U.S. Supreme Court has confirmed, “an educational program must be appropriately ambitious in light of [the child’s] circumstances... [and] every child should have the chance to meet challenging objectives.” *Endrew F. v. Douglas County School District RE-1*, 580 U.S. 386, 402 (2017). This standard is “markedly different” than *de minimis* growth. *Id.* However, not every child should be aiming for grade-level achievement if that is not a reasonable expectation for him or her. *Id.* Rather, an IEP “is constructed only after careful consideration of the child’s present levels of achievement, disability, and potential for growth.” *Id.*

An LEA is not obligated, however, to “provide ‘the optimal level of services,’ or incorporate every program requested by the child’s parents.” *Ridley School District v. M.R.*, 680 F.3d 260, 269 (3d Cir. 2012); *see also El Paso Independent School District v. Robert W.*, 898 F. Supp. 442, 449 (W.D. Tex. 1995) (quoting *Rowley*, *supra*, 458 U.S. at 186) (holding that an LEA “is not required to maximize a handicapped child’s potential ‘commensurate with the opportunity provided to other children.’”). Additionally, a proper assessment of whether a proposed IEP meets the above standard must be based on information “as of the time it was made.” *D.S. v. Bayonne Board of Education*, 602 F.3d 553, 564-65 (3d Cir. 2010); *see also Fuhrmann v.*

East Hanover Board of Education, 993 F.2d 1031, 1040 (3d Cir. 1993) (same). “The IEP *must aim* to enable the child to make progress.” *Dunn v. Downingtown Area School District*, 904 F.3d 248, 255 (3d Cir. 2018) (emphasis in original).

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). The IDEA explicitly identifies the following qualifying disabilities: “intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance[], orthopedic impairments, autism, traumatic brain injury, other health impairments, [and] specific learning disabilities.” 20 U.S.C. § 1401(3); see also 34 C.F.R. § 300.8(a).

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 involve 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). In Pennsylvania, LEAs are required to provide a report of an evaluation within sixty calendar days of receipt of consent, excluding summers. 22 Pa Code §§ 14.123(b), 14.124(b).

Substantively, the IDEA describes the primary purposes of a special education evaluation as twofold: 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 IDEA explicitly identifies the following qualifying disabilities: “intellectual

disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance[,], orthopedic impairments, autism, traumatic brain injury, other health impairments, [and] specific learning disabilities.” 20 U.S.C. § 1401(3); see *also* 34 C.F.R. § 300.8(a).

Upon completion of all appropriate assessments, “[a] group of qualified professionals and the parent of the child determines whether the child is a child with a disability ... and the educational needs of the child[.]” 34 C.F.R. § 300.306(a)(1) (emphasis added).

Prospective Placements

This hearing officer has previously determined on more than one occasion that an order for prospective placement requires evidence that supports a conclusion that the LEA is not in a position to make timely and reasonable revisions to its special education program in order to offer and provide FAPE. See, e.g., *A.Z. v. Young Scholars – Kenderton Charter School*, 15202-1415 (Skidmore, December 24, 2014) (citing *School Committee of Burlington v. Department of Education*, 471 U.S. 359 (1985); see *also* *Florence County School District v. Carter*, 510 U.S. 10 (1993); (together, the *Burlington-Carter* test)). This does not mean that the parents must establish that an LEA cannot “in theory” provide an appropriate program. *Draper v. Atlanta Independent School System*, 518 F.3d 1275, 1285 (11th Cir. 2008) (quoting *Ridgewood v. Board of Education*, 172 F.3d 238, 248-49 (3d Cir. 1995)), but the equitable nature of the requested remedy logically demands something more than a denial of FAPE.

The Eleventh Circuit in *Draper* explicitly did not determine that an order of prospective placement must be analyzed only under the *Burlington-Carter* test; rather, the Court explained that, “when a public school fails to provide an adequate education *in a timely manner*[,] a placement in a private school may be appropriate.” *Draper, supra*, 518 F.3d at 1285 (citing

Loren F. ex rel. Fisher v. Atlanta Independent School System, 349 F.3d 1309, 1312 (11th Cir.2003) (emphasis added). Thus, if the tuition reimbursement analysis is necessary, this additional prong must also be established.

General IDEA Principles: Procedural FAPE

From an IDEA procedural standpoint, the child's family including his or her parents must have "a significant role in the IEP process." *Schaffer, supra*, 546 U.S. at 53. This fundamental concept extends to placement decisions for the child. 20 U.S.C. § 1414(e); 34 C.F.R. §§ 300.116(b), 300.501(b). Consistent with these principles, a denial of FAPE may be found to exist if there has been a significant impediment to meaningful decision-making by parents. 20 U.S.C. § 1415(f)(3)(E); 34 C.F.R. § 300.513(a)(2); *D.S. v. Bayonne, supra*, 602 F.3d at 565. The procedural requirements must, however, be viewed within the context of the above substantive standards.

General Section 504 Principles

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of a handicap or disability. 29 U.S.C. § 794. A person has a handicap if he or she "has a physical or mental impairment which substantially limits one or more major life activities," or has a record of such impairment or is regarded as having such impairment. 34 C.F.R. § 104.3(j)(1). "Major life activities" include learning. 34 C.F.R. § 104.3(j)(2)(ii).

Section 504 requires "meaningful access" to federally funded programs such as schools through provision of reasonable accommodations. *Berardelli v. Allied Services Institute of Rehabilitation Medicine*, 900 F.3d 104, 110 (3d Cir. 2018) (citing *Alexander v. Choate*, 469 U.S. 287, 301 (1985)). Nonetheless, the obligation to provide FAPE has been considered to be

substantively the same under Section 504 and the IDEA. *Ridgewood v. Board of Education*, 172 F.3d 238, 253 (3d Cir. 1995). By contrast, intentional discrimination under Section 504 requires a showing of deliberate indifference, which may be met only by establishing “both (1) knowledge that a federally protected right is substantially likely to be violated ... and (2) failure to act despite that knowledge.” *S.H. v. Lower Merion School District*, 729 F.3d 248, 265 (3d Cir. 2013). However, “deliberate choice, rather than negligence or bureaucratic inaction” is necessary to support such a claim. *Id.* at 263.

The two statutes do intersect, but as the Third Circuit recently observed, they are not the same. *LePape v. Lower Merion School District*, 103 F.4th 966, 978 (3d Cir. 2024). The IDEA itself notes that claims under Section 504 are not limited by the IDEA. 20 U.S.C. § 1415(l); *see also id.* The IDEA, thus, places no restrictions on Section 504 claims. *Le Pape, supra*, 103 F.4th at 979. “The statute’s administrative exhaustion requirement applies *only* to suits that ‘see[k] relief ... also available under’ IDEA.” *Luna Perez v. Sturgis Public Schools*, 598 U.S. 142, 147, 143 S. Ct. 859, 864, 215 L. Ed. 2d 95 (2023).

Where a party raising claims under these statutes based on the same facts does not assert any legal distinction among them as applied to the case, the differences need not be separately addressed in all cases. *B.S.M. v. Upper Darby School District*, 103 F.4th 956, 965 (3d Cir. 2024). However, as the Parents contend, and unlike FAPE under the IDEA, FAPE under Section 504 “is defined to require a comparison between the manner in which the needs of disabled and non-disabled children are met, and focuses on the ‘design’ of a child’s educational program.” *Mark H. v. Lemahieu*, 513 F.3d 922, 933 (9th Cir. 2008). Additionally, 34 C.F.R. § 104.33 “requires a comparison between the treatment of disabled and nondisabled children, rather than simply requiring a certain set level of services for each disabled

child. ... [S]chool districts need only design education programs for disabled persons that are intended to meet their educational needs to the *same degree* that the needs of nondisabled students are met, not more.” *Id.* at 936–37 (emphasis added).

As the Fourth Circuit cogently summarized consistent with other circuit courts,

Congress intended the states to balance the competing interests of economic necessity, on the one hand, and the special needs of a handicapped child, on the other, when making education placement decisions. 20 U.S.C. § 1412(3); *Doe v. Anrig*, 692 F.2d 800, 806 (1st Cir.1982) (in determining appropriate placement of an individual handicapped child, the child's needs must be weighed against the realities of limited public monies); *Pinkerton v. Moye*, 509 F. Supp. at 112 (“competing interests must be balanced to reach a reasonable accommodation”).

Barnett by Barnett v. Fairfax County School Board, 927 F.2d 146, 154 (4th Cir. 1991). Not insignificantly, the *Barnett* Court also rejected the argument made under Section 504. *Id.*

The Parents’ Claims

The first issue is whether the District denied Student FAPE for any of the relevant time period. It must be noted that the District fully conceded that it lacked staff to provide Student’s speech/language services for a majority of the time period in question, and agrees that compensatory education is due for those services. However, there are additional programming needs that the Parents contend were not appropriately provided. These will be addressed in turn.

It is worthy to note again that Student’s initial evaluation upon entry into the District did not include speech/language assessment. Although the

staff shortages were well known and widespread, Student's lack of such services was not brief or temporary; indeed, and as the Parents observe in their closing statement, more than one of Student's IEPs did not even contain a speech/language goal; nor did the plan for Student's ESY in 2024. The 2024-25 IEP did contain such goals, but the services were limited to a two month period that did not carry into ESY 2025.

In addition, Student's clear need for AAC technology upon enrollment into the District is established by far more than a preponderance of the evidence. It is difficult to understand the reasons for the delay in introduction of such devices to Student, particularly in light of the related therapy services that went unaddressed. This failure, especially when combined with the obvious and considerable speech/language needs, amounts to a noteworthy denial of FAPE.

Similarly, Student's ongoing and substantial behavioral challenges were another impediment to Student's right to FAPE throughout the time period in question. The record is replete with evidence of Student's behavioral challenges, described by the District as "variable and mood-dependent" (P-69 at 12), and characterized by

difficulties in focusing, regulating [student's] emotions, and maintaining a calm demeanor. [Student] also experiences poor concentration, difficulty following instructions, and struggles with initiating and completing tasks. [Student] often displays low energy and fatigue, along with excessive separation difficulties. Additionally, [Student] is easily frustrated, overly anxious, and fearful. [Student] also faces challenges in decision-making and exhibits temper tantrums, an excessive need for reassurance, and overeating. Furthermore, [Student] reportedly displays an explosive temper with minimal provocation. In terms of unusual

or atypical behaviors, [Student] demonstrates a lack of awareness or sensitivity to the needs and feelings of others. *** [Student] also exhibits a need for specific routines or rituals and struggles with adjusting to new surroundings or changes in plans or routine. (S-61 at 9.)

The Parents' private behavior analyst additionally presented convincing testimony that the District's FBAs and PBSPs did not appropriately address Student's behavior (N.T. 672-86.) Each of these flaws are fatal, denying Student FAPE, for which a remedy must be awarded.

The parties have divergent perspectives on Student's benefit from the regular education courses that appeared to be well above Student's ability level; the same is true of the reported lack of progress from the start of the 2025-26 school year through the due process hearing. The evidence is again more than preponderant that Student's exposure to regular education content provided benefit by the socialization and exposure, as the District's evidence and closing statement strongly suggest. In addition, Student's functioning was undoubtedly impacted to a great degree by the change in school building given Student's challenges with such transitions. It is of course extremely disappointing that Student essentially regressed in almost all areas following that move to the new building. Nonetheless, the evidence is at best in equipoise on whether the regression was the result of Student's natural transition challenges or to a denial of FAPE. While it is more than understandable that the Parents would believe the latter, the record simply cannot support acceptance of that premise here.

For all of these reasons, relief shall be ordered for the FAPE denials below.

Remedies

The final issue is whether remedies are due. First, compensatory education may be an appropriate form of relief where an LEA knows, or should know, that a child's special education program is not appropriate or that he or she is receiving only trivial educational benefit, and the LEA fails to take steps to remedy deficiencies in the program. *M.C. v. Central Regional School District*, 81 F.3d 389, 397 (3d Cir. 1996). This type of award is designed to compensate the child for the period of time of the deprivation of appropriate educational services, while excluding the time reasonably required for an LEA to correct the deficiency. *Id.* The Third Circuit has also endorsed an alternate approach, sometimes described as a “make whole” remedy, where the award of compensatory education is crafted “to restore the child to the educational path he or she would have traveled” absent the denial of FAPE. *G.L. v. Ligonier Valley School District Authority*, 802 F.3d 601, 625 (3d Cir. 2015); *see also Reid v. District of Columbia Public Schools*, 401 F.3d 516 (D.C. Cir. 2005); *J.K. v. Annville-Cleona School District*, 39 F.Supp.3d 584 (M.D. Pa. 2014). Compensatory education is an equitable remedy. *Lester H. v. Gilhool*, 916 F.2d 865 (3d Cir. 1990).

Second, the Parents seek a prospective remedy for placement in an alternative setting. The law governing such an award is set forth above.

After careful consideration, this hearing officer concludes that compensatory education is appropriate using the hour-for-hour approach because no substantive evidence of a “make whole” remedy was presented. Based on a complete review of the record, based on the equities, Student shall be awarded 240 minutes of compensatory education per month for all periods of time during which school was in session and no speech/language

services were provided. This amount is determined by the specified amount of speech/language services proposed, then doubled to include push-in services, and in line with the opinion of the private speech/language therapist. In addition, one hour per day of compensatory education shall be provided for inadequate behavioral support throughout the time period in question, consistent with the opinion of the private behavior specialist.

The award of compensatory education is subject to the following conditions and limitations. Student's Parents may decide how the compensatory education is provided. The compensatory education may take the form of any appropriate developmental, remedial, or enriching educational service, product, or device that furthers any of Student's identified educational and related services needs in the areas of identified disability. The compensatory education may not be used for products or devices that are primarily for leisure or recreation. The compensatory education shall be in addition to, and shall not be used to supplant, educational and related services that should appropriately be provided by the District through Student's IEPs to assure meaningful educational progress. Compensatory services may occur after school hours, on weekends, and/or during the summer months when convenient for Student and the Parents. The hours of compensatory education may be used at any time from the present until Student turns age twenty two (22). The compensatory services shall be provided by appropriately qualified professionals selected by the Parents; and the cost to the District of providing the awarded hours of compensatory services may be limited to the average market rate for private providers of those services in the county where the District is located.

The remaining issue is whether an order for a prospective placement is appropriate. Once again, following careful review of the record in its entirety, it is apparent at Student's age, and after the disappointing

transition at the start of the 2025-26 school year, that no further chances can be taken to provide an appropriate educational program to Student for the duration of Student's eligibility. This conclusion does not mean that the undersigned has no confidence that the District could provide an appropriate education for Student; but most importantly that time is of the essence. The attached order shall require the IEP team to meet and explore potential out-of-district placements to begin as soon as possible and to continue through the end of Student's entitlement to publicly funded special education.

CONCLUSIONS OF LAW

1. Student was denied a free, appropriate public education from enrollment in the District in the fall of 2023 to the present.
2. Student is entitled to compensatory education to remedy the inappropriate public education provided.
3. Student's IEP team must convene promptly to begin the process of exploring out-of-District placements at public expense.

ORDER

AND NOW, this 11th day of May, 2026, in accordance with the foregoing findings of fact and conclusions of law, it is hereby **ORDERED** as follows.

1. The District's special education programming from Student's enrollment in the fall of the 2023-24 school year was not appropriate for Student.
2. Student is awarded 240 minutes of compensatory education for missed speech/language services for each week that the District was in session from the first day of implementation of the fall 2023 IEP through the present, including ESY. The terms and conditions in the attached decision apply as though set forth herein at length.
3. Student is awarded one hour of compensatory education for behavioral support services for each day that the District was in session from the first day of implementation of the fall 2023 IEP through the present, including ESY. The terms and conditions in the attached decision apply as though set forth herein at length.
4. Within ten calendar days of the date of this order, the District shall offer no fewer than three dates to the Parents to convene an IEP meeting to discuss possibilities for a prospective out-of-District placement in an out-of-District placement to begin no later than the fall of 2026.

5. Nothing in this decision and order should be read to preclude the parties from mutually agreeing to alter any of its terms.

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

/s/ Cathy A. Skidmore

Cathy A. Skidmore, Esquire
HEARING OFFICER
ODR File No. 32018-25-26

Sent to counsel for both parties this date as required by 34 C.F.R. § 300.515 by electronic mail message as requested⁵ consistent with 22 Pa. Code § 14.162(n).

⁵ N.T. 864.