

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. 32087-25-26

Child's Name:

G.R.

Date of Birth:

[redacted]

Parents:

[redacted]

Counsel for Parents:

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Local Education Agency:

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Hearing Officer:

Cathy A. Skidmore, Esquire

Date of Decision:

05/08/2026

INTRODUCTION AND PROCEDURAL HISTORY

The student, G.R. (Student),¹ is a [redacted] pre-teenaged student residing with the Parents in Spring-Ford Area School District (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 with entitlement to the protections under Section 504 of the Rehabilitation Act of 1973.³ Student's qualifying disabilities are Specific Learning Disability, Speech/Language Impairment, and Other Health Impairment.

In September, 2025, the Parents filed a Due Process Complaint under the IDEA and Section 504, with two Amended Complaints following. The matter proceeded to an efficient hearing beginning in late February 2026.⁴ The Parents presented evidence on their perspective that the District's program offers were not appropriate and individualized for Student. By contrast, the District presented evidence supporting legal compliance in its proposed programs.

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. Citations to duplicative exhibits and testimony generally are not exhaustive. The term Parents is used in the plural where it appears that one was acting on behalf of both.

Following review of the record and for all of the reasons set forth below, the claims of the Parents must be granted in part and denied in part.

ISSUES

1. Whether the District's evaluation of Student complied with applicable legal authority;
2. Whether the District's proposed special education programming for Student met the standards in the relevant law;
3. If the District's programming was deficient in any respect, whether the private school program is appropriate for Student and the equities do not favor a reduction or denial of reimbursement for tuition and related expenses; and
4. Whether the Parents should be reimbursed for the private neuropsychological evaluation they obtained for Student?

FINDINGS OF FACT

1. Student is a [redacted] pre-teenaged student residing within the boundaries of the District, which serves as Student's LEA. Student qualifies for special education based on the Specific Learning Disability, Speech/Language Impairment, and Other Health Impairment (Attention Deficit Hyperactivity Disorder (ADHD))

- categories. Student currently attends a private school (Private School) at the Parents' election. (N.T. 44-46.)
2. The District is a recipient of federal funding. (N.T. 45-46.)
 3. Student benefits from repetition and small group settings. Student currently participates in many extra-curricular activities including an activity club. Medication for Student's ADHD has been beneficial. (N.T. 92-93, 95-96, 203-04.)
 4. One of Student's Parents is a general education teacher outside of the District and has experience with students with Individualized Education Programs (IEPs). (N.T. 120.)
 5. District professionals consult and collaborate on an ongoing basis about their students. (N.T. *passim*.)

Early Educational History

6. Student was provided with early intervention services while residing in a neighboring state for occupational, physical, and speech/language therapy. (S-12 at 2.)
7. The Parents noticed that Student exhibited deficits with reading and speech/language skills at a very young age. Student's first two school years were in also a neighboring state, where Student did not care for school. The Parents had Student evaluated by a neuropsychologist in the fall of 2021. The report reflected global academic delays and neurocognitive functioning below expectations, with diagnoses of a specific learning disorder in reading and a developmental disorder of speech and language. Student was frequently distracted and unfocused, and the school district there had not accepted the private neuropsychologist's

recommendations for Student's educational programming. (N.T. 50-56, 62; P-1.)

8. Student was provided an introductory multisensory reading program during the early elementary school years that was reportedly not successful for Student. (N.T. 123-24.)
9. While in the other state, the Parents arranged for private tutoring and speech/language therapy for Student. (N.T. 55-57.)
10. The Parents learned of Private School from a friend. After they investigated Private School, they enrolled Student there for the summer of 2022 and the 2022-23 school year, signing a contract in February 2022. (N.T. 57-58, 125; S-1; S-2.)
11. In the fall of 2022, the Parents first made a request of the District for transportation to Private School. (S-4; S-46 at 1-6.)
12. In February 2023, the Parents signed a contract for Student's enrollment in Private School for the 2023-24 school year. (S-5.)

2023-24 School Year

2023 Evaluation

13. In July 2023, the Parents asked the District to evaluate Student to begin the process of proposing a program for Student. The District responded at the start of the 2023-24 school year with a Permission to Evaluate (PTE) form, and the Parents promptly gave their consent. (N.T. 61; S-6; S-7; S-8; S-46 at 25-27.)
14. The District conducted its initial evaluation of Student and issued an Evaluation Report (ER) on November 10, 2023. (N.T. 544; P-7; S-12.)
15. The 2023 ER provided a summary of the Parents' request for the evaluation along with information on previous evaluations and

services. Parent input into this ER noted Student's below expected academic performance; poor memory; auditory processing deficits; other educational challenges; weak social skills; interests including gymnastics and crafts; and community involvement. (S-12 at 3-6; S-46 at 28.)

16. Teacher input into the 2023 ER reflected Student's compliance and rule-following, self-advocacy, and neat work, as well as concerns with Student's academic and learning skills, performance in the classroom, and social skills. Helpful supports in the classroom were also noted, including those for reading, mathematics, written expression, language, and learning new material. (S-12 at 4-5.)
17. An observation by the District school psychologist for the 2023 ER described Student's attention and focus to instruction, assignment completion, and positive response to prompts. The psychologist also provided information on Student's willingness to participate in assessments for the 2023 ER, and her opinion that the results were accurate representations of Student's functioning. (S-12 at 4-5.)
18. Cognitive assessment for the 2023 ER (Wechsler Intelligence Scale for Children – Fifth Edition (WISC-V)) and Comprehensive Test of Nonverbal Intelligence – Second Edition (CTONI-2)) yielded scores that were low for Student's age, with a Full Scale IQ of 69 (extremely low range) on the WISC-V and 67 (very poor range) on the CTONI-2. (S-12 at 6-10.)
19. Adaptive behavior rating scales (Vineland Adaptive Behavior Scales, Third Edition) also completed by the Parents and a teacher for the 2023 ER revealed higher ratings by the Parents, who identified communication and motor skills as clear weaknesses. The teacher's ratings were rather consistent (at or below the 4th

percentile) across all domains: communication, daily living skills, socialization, and motor skills. (S-12 at 17-21; S-9.)

20. On one measure of academic achievement (Kaufman Test of Educational Achievement, Third Edition (KTEA-3) for the 2023 ER, Student's scores were somewhat variable but all composite scores were in the below average range with the exceptions of letter/word recognition (average range) and math computation and reading vocabulary (low range). One subtest of a different measure for oral reading fluency yielded a below average score. (S-12 at 11-14.)
21. Social/emotional functioning was assessed by the Behavior Assessment System for Children – Third Edition (BASC-3) rating scales completed by the Parents and a teacher for the 2023 ER. The Parents ratings reflected clinically significant concerns with withdrawal, leadership, and functional communication, along with at-risk scores with attention problems, social skills, and activities of daily living. Teacher ratings indicated clinically significant concerns with atypicality, attention problems, learning problems, attention problems, social skills, leadership, and functional communication; at-risk concerns were identified for withdrawal and study skills. (S-12 at 14-17.)
22. Speech/language assessment for the 2023 ER was conducted with formal and informal measures. Both receptive and expressive language skills were determined to be weaknesses requiring

- therapy. Articulation, pragmatic language, voice, and fluency were age-appropriate. (S-12 at 23-26.)
23. Occupational and physical therapy screens for the 2023 ER did not identify any areas of need for full evaluation. (S-12 at 21-23.)
 24. The 2023 ER identified a number of areas of strength and weakness, with the latter including vocabulary, reasoning, problem solving, working memory, and skills related to reading, written expression, mathematics, attention, adaptive skills, and social skills. (S-12 at 29.)
 25. Student was determined to be eligible for special education under the Intellectual Disability and Speech/Language Impairment categories in the 2023 ER. A number of recommendations to the IEP team were also provided. (N.T. 548-50; S-12 at 30-32.)
 26. The Parents' major concern with the ER was the suggestion of an Intellectual Disability. The District accordingly made a revision to the ER shortly thereafter, and Student then qualified for special education based on Specific Learning Disability (reading, mathematics, and written expression) and an Other Health Impairment (auditory processing disorder). Intellectual Disability was excluded. A second revision clarified teacher input. (N.T. 67-68, 73, 208, 545-47, 550-53, 631-32; P-41 at 12; S-14.)
 27. The District school psychologist spoke with the Parents after each revision to the ER. They told the psychologist that they were happy with Private School and wanted Student to remain there. (N.T. 151-52, 555, 557-63, 566, 571, 624-26.)
 28. Later in the fall of 2023, the Parents obtained an auditory processing evaluation. Areas identified as deficits were

discrimination; figure-ground listening; auditory and temporal integration. Phonological processing was also noted to be an area of weakness. The evaluator recommended that Student be provided with a multisensory reading program including the one that Private School provided and made other suggestions. The Parents provided this report to the District at some point following its completion.⁵ (N.T. 63-64, 158-59, 554-55, 578; P-5; S-11.)

29. Also in the fall of 2023, the Parents had Student medically evaluated for a possible seizure disorder. The procedure reflected that Student did not have such a condition. A later study was inconclusive. (N.T. 152-53, 199-200.)

2003 Individualized Education Program

30. A meeting was scheduled to discuss the District's IEP for Student in December 2023. That meeting was rescheduled several times at the Parents' request. They were unable to meet within the legal timelines so District team members met without them and sent the final IEP and Notice of Recommended Educational Placement (NOREP) to the Parents for review. (N.T. 755, 758-59, 807, 809-10; P-8; P-43 at 2; S-15; S-16; S-17.)
31. The draft IEP of November 2023 noted Student's communication needs in the special considerations section. A summary of the 2023 ER was incorporated including parent and teacher input; identified strengths and needs mirrored those in the ER. (S-13 at 4, 6-8.)
32. Annual goals in the 2023 IEP targeted reading comprehension at a 3rd grade level (from a baseline of 100% accuracy at a 1.8 grade

⁵ This report is mentioned in a 2025 reevaluation report (S-31).

level); reading accuracy and fluency (with baseline TBD); mathematics problem solving (addition and subtraction) (with baseline TBD); mathematics word problems (addition and subtraction) (with baseline TBD); and speech/language (answering listening comprehension questions) (with no baseline information). The case manager drafted the goals following consultation with the school psychologist and related service providers. No baselines were obtained because the case manager did not know if the Parents would accept the goals as written. (N.T. 763-64; S-13 at 16-27.)

33. Program modifications and items of specially designed instruction in the 2023 IEP specified a number of supports, including: small student to teacher ratios for instruction; reading material at Student's level; wait time for processing; short and concise directions with clarification as needed and written reference; chunking of information; supports for writing tasks; test and assignment accommodations; preferential seating; mathematics manipulatives and drills/practice; rephrasing of grammar errors; and models for oral expression. Speech/language therapy in small group weekly was a related service. (S-13 at 28-29.)
34. The 2023 IEP proposed extended school year services in 2024, with a special education program of learning and speech/language support at a supplemental level. (S-13 at 30-32.)
35. Student's instruction for reading, writing, and mathematics over the 2023-24 school year would have been in a small group in the learning support classroom, with three adults to approximately eight students. The final IEP reported that Student would participate outside of regular education during language arts and

mathematics classes; however, the specially designed instruction noted that small group instruction would be provided across school environments. (N.T. 760-61, 823; S-17.)

36. The Parents requested an informal meeting with the District when returning a December 2023 NOREP. One of their concerns was that they understood that the District was offering a life skills program. (N.T. 73-75, 172; S-21; S-22.)
37. The informal meeting occurred in January 2024. The proposed IEP was not the subject of that meeting but a District administrator explained the process of Student's transition to its schools. The District continued to attempt to schedule an IEP meeting with the Parents in early 2024 but none convened. (N.T. 576-77, 857-60.)
38. The Parents provided private speech/language therapy for Student. (N.T. 81-82; P-16.)
39. The District did not communicate with the Parents about ESY services in 2024. (N.T. 82.)

2024-25 School Year

40. In late March 2024, the Parents signed a contract with Private School for the 2024-25 school year. (S-23.)
41. The Parents continued to be pleased with Student's progress over the 2024-25 school year, particularly with expressive language, social skills, self-advocacy, reading more difficult material, writing in a journal, and wanting to go to school. (N.T. 83-84. 90-93.)
42. Student's mathematics instruction during the 2024-25 school year was in a small group with individualization as needed. Student also worked on speech/language skills at Private School through

collaboration with the private speech/language provider. (N.T. 84-87.)

43. The Parents did not ask the District for a proposed program for the 2024-25 school year. (N.T. 767, 860-61.)
44. In February 2025, the Parents again asked the District to evaluate Student for the purpose of proposing a program for the fall. (N.T. 87-88; S-30.)

2025 Reevaluation

45. With the Parents' consent, the District completed a reevaluation of Student in May 2025, with the reevaluation report (RR) issued in May 2025. (N.T. 307; P-21; S-31.)
46. The 2025 RR summarized previous evaluations and education records for Student in detail. The report also set forth parental input to include strengths (kindness, improvement with English/language arts; artistic skills; ability to follow directions; role on safety patrol); and needs (mathematics and comprehension skills; academic skills as extremely low; need for multisensory reading instruction, reteaching; small class size/ratio; need for social skills and speech/language therapy; behavioral needs such as focus/distraction, problem-solving; and self-advocacy skills). (S-31 at 1-16.)
47. Input from Private School was also incorporated into the 2025 RR, reflecting overall progress and growth in academic and social/emotional/behavioral skills as well as teacher observations. Recommendations by Private School teachers suggested supports for written expression, proximity for focus, repetition, access to

manipulatives, redirection and prompts as needed, and teacher check-ins. (S-31 at 16-42.)

48. A classroom observation by the District school psychologist for the 2025 RR described Student's English/language arts class, with Student engaged and participating with a few prompts as needed. (N.T. 310-11; S-31 at 40-41.)
49. A number of assessment measures were administered to ascertain cognitive ability, academic achievement, phonological processing, social/emotional/behavioral functioning, and adaptive skills for the 2025 RR. The District school psychologist provided information about Student's engagement and the testing sessions and environments. (S-31.)
50. Cognitively on the WISC-V, the 2025 RR reported that Student scored in the borderline range for Intellectual Disability (Full Scale IQ 79), but adaptive functioning was better developed than in 2023 and Student did not qualify under that category. WISC-V Index scores were in the average range other than in the areas of fluid reasoning and working memory, low average and extremely below average respectively. On the CTONI-2, Student's scores were in the average to below average range with a Full Scale score of 88 (below average range). (N.T. 307-10; S-31 at 45-50, 62-65.)
51. In the area of academic achievement, Student attained scores in the low average to well below average range on the Reading, Written Expression, and Mathematics Composites, with some

variability among subtests and average range subtest scores in Written Expression. (S-31 at 52-54.)

52. The phonological processing measure for the 2025 RR similarly yielded poor to very poor skills (S-31 at 50-52.)
53. Rating scales from the BASC-3 by the Parents and a teacher revealed clinically significant concerns for the Parents in the area of withdrawal, and at-risk scores with attention problems, somatization, leadership, and functional communication. The teacher's ratings were similar, with a clinically significant concern for functional communication and at-risk concerns with learning problems and leadership. Separate rating scales for executive functioning skills reflected minimal concerns by the Parents, but overall clinically elevated concerns for the teacher (shifting, initiation, working memory, planning/organizing, task monitoring, and globally. (S-31 at 55-59.)
54. On an assessment for autism for the 2025 RR, rating scales by both the Parents and teacher were variable. However, the total score by both raters was in the average range. An administration of the Autism Diagnostic Observation Schedule, Second Edition, confirmed no concerns with autism. (S-31 at 59-62.)
55. Speech/language evaluation for the 2025 RR included input on Student's presentation. Formal and informal measures similar to the 2023 District ER yielded similar results. Student presented with some strengths in that area, specifically articulation, social interaction, and fluency. Identified weaknesses focused on receptive and expressive language particularly with higher level skills such as inferences. Language-based problem solving, sequencing, and complex questions were also identified as deficits

but well-compensated for by Student. A continuation of therapy was recommended. (S-31 at 65-72.)

56. An auditory processing evaluation completed in April 2025 for the 2025 RR confirmed such a disorder, with a right ear advantage. The audiologist spoke with the Parents after this assessment having noted improvement in some areas compared to 2023; such is not unusual because auditory pathways typically mature at this age. In addition, a functional hearing assessment identified challenges with listening in noisy environments. Recommendations for the environment from both of these assessments included preferential seating, an FM system, multisensory presentation of information, pre-teaching of new concepts, and use of hearing aids as needed. (N.T. 405-07, 409-13, 416, 445-46; S-31 at 85-91.)
57. Occupational therapy evaluation for the 2025 RR similarly included formal and informal assessment. Therapy was not recommended in this area, but the evaluator did make recommendations for support for auditory sensitivity. Physical therapy evaluation mirrored the recommendations for no therapy but participation in fitness activities. (S-31 at 72-85.)
58. Speech/language evaluation for the 2025 RR included a review of the similar 2023 evaluation and District IEPs as well as Private School information. The District speech/language psychologist also administered relevant instruments to identify strengths and weaknesses in that area. Student was determined to remain eligible for services based on a speech/language impairment. (N.T. 464-78.)
59. The 2025 RR identified Student as eligible for special education based on Specific Learning Disability reading, mathematics, and

written expression), Speech/Language Impairment, and Other Health Impairment auditory processing disorder. (S-31.)

60. Strengths and needs identified in the 2025 RR related to academics, speech/language therapy, occupational and physical therapy. Needs were for basic reading skills; phonological processing and memory; rapid naming; auditory and visual working memory; auditory processing skills; nonverbal reading skills; reading comprehension and fluency; mathematics problem solving and calculation; written expression; executive functioning; social skills; and adaptive skills. A number of recommendations to the IEP team followed. (S-31 at 97-101.)
61. The District school psychologist offered to speak with the Parents about the 2025 RR after it was completed, but the team discussed the results of all testing at the subsequent IEP meeting . (N.T. 315-16, 327, 416-17, 480.)

2025 Individualized Education Program

62. The June 2025 IEP again noted Student's communication needs in the special considerations section. A summary of the 2025 RR was incorporated including parent and teacher input; identified strengths and needs mirrored those in the 2025 RR. A District placement recommendation section was included for learning support for reading, written expression, and mathematics with a small student to teacher ratio; an alternative reading and mathematics curriculum; science and social studies also in the learning support setting with some hands-on engagement in regular education as well; and supported participation with typical

peers for homeroom, lunch, recess, special classes, and pro-social blocks. (P-22; S-32 at 6-22.)

63. Annual goals in the 2025 IEP targeted reading decoding to 85% with real and nonsense words and baselines in the short term objectives for different types of words; reading comprehension on a fourth grade level from 40% to 80% accuracy; double-digit addition and subtraction with regrouping from a baseline of 60% to 80% accuracy; solving word problems involving addition or subtraction from a baseline of 30% to 80% accuracy; speech/language skills (identifying problems and solutions from a baseline of 40-90% per skill to 80% overall accuracy); identifying figurative language from a baseline of 6 of 12 to 9 of 12 points on a specific rubric); written expression using a writing process on conventions from a baseline of 2-4 of 5 points across skills to specified point levels on a specific rubric; improving executive functioning skills from a baseline of 3 of 12 to 9 of 12 across skills; and improving social skills from a baseline of 50-75% to 80% across skills. (S-31 at 30-52.)
64. Program modifications and items of specially designed instruction in the 2025 IEP specified a number of supports, including: small student to teacher ratios for instruction; reading material at Student's level; multisensory presentation of materials at Student's pace; prompts and redirection as needed; wait time for processing; short and concise directions with clarification as needed and written reference; instruction in executive functioning and check-ins for organization; notice of transitions; test and assignment accommodations; preferential seating; chunking of information; supports for writing tasks; mathematics manipulatives, visuals, and drills/practice; rephrasing of grammar errors; models for oral

expression, social skills, and social activities; explanations of higher level thinking such as inferencing; use of thinking questions; social skills group auditory support including assistive technology trials; check sensory breaks; adaptive special classes with physical activities; a shared instructional assistant; a building tour and a classroom mentor for transitioning to the District building. (S-32 at 53-56; S-44; S-45;

65. Speech/language therapy in small group per 6-day cycle was a related service in the 2025 IEP. Program and placement proposed was learning and speech/language support at a supplemental level; Student would be provided instruction with a small student to teacher ratio (3:1) across subjects in learning support. (N.T. 788-89; S-31.)
66. The 2025 IEP proposed extended school year services in 2026 to be determined after the first of the year, with a program of learning and speech/language support at a supplemental level. (S-31 at 57.)
67. An IEP meeting convened in June 2025. The District members described the multisensory reading program it offered, which differed from that at Private School. (N.T. 97-99.)
68. The District proposed a multisensory reading program for Student that was developed through the same publisher as that from Student's early grades in the other state. This program would be provided one-on-one for Student every school day for thirty minutes, and included all facets of reading and written expression. (N.T. 322, 330, 337-38, 827-28.)
69. Another IEP meeting convened in August 2025. The Parents experienced frustration over the program proposed compared to

Student's known needs, and again raised their concerns with the large District school setting. (N.T. 106-08, 787.)

70. The IEP team discussed the programs proposed and described the learning support environment to the Parents at both 2025 IEP meetings. (N.T. 338-40.)
71. The Parents shared Student's ADHD diagnosis with the District at the August 2025 IEP meeting. The team did not revise the IEP as a result because needs related to ADHD were already addressed. (N.T. 340-41.)
72. The District building that Student would attend splits its students into teams such that there is no time that all students are in the hallway at the same time. (N.T. 341, 369, 418-20, 432.)
73. The Parents expressed concern with the proposed reading program because of Student's early experience that they viewed as unsuccessful. However, the two programs are very different. The early program is a Tier I intervention, whereas the program proposed by the District is diagnostic and prescriptive, intensive Tier 3 remedial instruction in reading addressing reading decoding/phonics, fluency, and comprehension. That program would be supplemented by a reading curriculum for children with

- moderate to severe learning delays. (N.T. 331-333, 384-85, 782-87.)
74. The mathematics program proposed by the District is a repetitive, spiraled curriculum with multisensory presentation. (N.T. 333-34, 835-36.)
 75. The writing program proposed by the District a highly structured and comprehensive curriculum. (N.T. 334.)
 76. The District did not discuss options for Student for ESY in 2025. (N.T. 105.)
 77. The Parents signed a contract for Student's enrollment in Private School in early February 2025 for the 2025-26 school year. (S-28.)

Independent Educational Evaluation

78. The Parents obtained an Independent Educational Evaluation (IEE) in June 2025 by a private neuropsychologist. (N.T. 104, 195-96, 655; P-24; S-33.)
79. The private neuropsychologist observed Student at Private School. (N.T. 654-58.)
80. Assessments by the private neuropsychologist included cognitive and achievement testing, memory testing, auditory testing, phonological processing assessment, behavior rating scales, and and adaptive behavior rating scale. (N.T. 659-63; P-24; S-33.)
81. Cognitive assessment for the IEE yielded a borderline General Ability Scale score (72) with low scores across most of the subtests and all Indices. In the areas of memory and learning, Student scored in the low average range on short term memory skills but

below expectations in most other areas assessed. (P-24 at 3-5, 12-13; S-31.)

82. On an instrument measuring academic achievement, the IEE reported math fluency as a strength (average-range score) and weaknesses across the other reading, written expression, and mathematics subtests. (P-24 at 3-4, 12, 14; S-31.)
83. Student's executive functioning skills assessed for the IEE reflected variability among scores. Other measures identified fine and visual motor skills as well developed. (P-24; S-31.)
84. The private neuropsychologist provided a summary of behavioral observations and assessment of an interview with Student. (P-24 at 2-6; S-31.)
85. The private evaluator made a number of recommendations, including continuation of a multisensory reading program such as that proposed by the District and implemented at Private School; and placement without mainstreaming. Others such as instruction in content areas at Student's level as well as visually supported introduction of new material, executive function and social skills instruction, were also provided. Finally, she noted the importance of monitoring Student's cognitive and adaptive functioning over

time with continued concern with an Intellectual Disability. (N.T. 670-73; S-31.)

- 86. The private neuropsychologist did not have any concerns with the District's evaluations of Student. (N.T. 670, 712.)
- 87. The IEE did not lead the District school psychologist to reconsider her own findings. (N.T. 319-20.)

2025-26 School Year

- 88. Student has attended Private School for the 2025-26 school year. This school year involved a transition to a different building. Student has continued to receive repetition, study skills support, and the multisensory reading program. (N.T. 113-15.)
- 89. Two IEP meetings convened in June and August 2025. Concerns of the Parents at those meetings included potential bullying, class sizes, the size of the building, noise throughout, and the District's available multisensory reading program. (N.T. 775-78, 781.)
- 90. The District explained that Student's school building housed students from seven elementary schools, so all of the students would be meeting new peers. (N.T. 776.)
- 91. The August 2025 IEP meeting was scheduled because the District had received the IEE. Some minor revisions were made at that time: the reading comprehension goal was made two goals addressing literal and inferential comprehension separately; Student would not participate in the PASA; and added visual directions, audiobooks and materials, modified delivery of new material, provision of study guides and notes, spaced out assignments and tests; limited demand for copying, and practice in comprehension skills to the items of specially designed instruction.

A basic proposed schedule was also provided. (N.T. 780; S-35; S-37; S-38; S-39.)

92. The Parents did not approve the NOREP accompanying the August 2025 IEP, and checked the box for a due process hearing. (S-40.)
93. Student would have been provided an alternate curriculum for reading, writing, and mathematics. The multisensory reading program that the District used would be provided for Student one-on-one. Student would also have social skills instruction, executive functioning skills instruction, and behavioral specialist consultation for Student's transition to the District. Weekly speech/language therapy was a related service. (N.T. 768-71.)
94. The District never offered life skills for Student. (N.T. 772.)
95. At the time of the due process hearing, the Parents have remained concerned with Student closing the gap between expected skills and those that Student demonstrates. (N.. 114-15.)

Private School

96. Private School serves children who have language-based learning differences from first through twelfth grade. The grades are split into three sections, lower, middle, and upper schools. (N.T. 223, 263.)
97. Class sizes are small at Private School, with ten or fewer students in each class. (N.T. 241-4, 249-50, 271.)
98. Private School develops a learning profile for its students but does not develop or implement IEPs. (N.T. 262-63.)
99. After a period of slow adjustment, Student became acclimated to Private School and began to enjoy the small classes there. Student experienced success with the multisensory reading system

that Private School provided to Student one-on-one, demonstrating confidence with reading fluency and intonation with a willingness to read. (N.T. 58-61; S-3; S-18; S-19.)

100. Student continued to exhibit weaknesses with expressive and receptive language after beginning to attend Private School, and its speech/language services during the 2023-24 school year were limited to articulation provided by the local Intermediate Unit before it retained a speech/language therapist. (N.T. 66-67, 227-28.)
101. Student's Learning Profile for the 2023-24 school year identified a strength in processing speed; needs in the areas of verbal comprehension, visual processing, fluid reasoning, working memory, phonological awareness; rapid symbol naming, basic reading skills, mathematics skills, written expression skills, and focus/attention. Several recommendations were set forth in this Learning Profile: preferential seating, refocusing and redirection, checks for understanding, visual supports, graphic organizers for writing assignments; and test accommodations. (S-20.)
102. Student's Learning Profile for the 2025-26 school year identified many areas of learning strength in addition to processing speed, including quantitative reasoning skills; articulation and voice quality/fluency; social skills; comprehension of figurative language and context socially; ability to summarize narratives with a graphic organizer; reading words in isolation; use of complex sentence structure in oral communications; cooperation and following directions; and working hard. Needs mirrored those from the 2023-24 school year with a few additions including spatial awareness and general conceptual ability. Recommendations

- addressed mathematics instruction at Student's level, modified delivery of new material with key points identified, vocabulary, study guides and notes, test and assignment accommodations, reduced copying demands, wait time, and visual supports. (S-43.)
103. Teachers at Private School hold team meetings each week and discuss their students. (N.T. 229.)
 104. Supports and instruction at Private School address executive functioning. (N.T. 226, 245-46.)
 105. Student attended a summer program at Private School in 2025 and avoided regression, which Student did experience in the fall of 2024 after not attending the summer program. (N.T. 242-43, 250-51, 273.)
 106. Private School currently has a speech/language therapist who provides services to Student for expressive and receptive language skills. (N.T. 227-28, 246-47, 274-75.)
 107. Private School does not require that its teachers be certified. (N.T. 250-62.)
 108. Student has made progress and attained meaningful growth at Private School. (P-2; P-10; P-14; S-24; S-25; S-26; S-27; S-34; S-42 at 10, 12.)
 109. The Parents have incurred expenses for Student's Private School tuition. (P-48; P-50.)

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 was provided from their loving point of view; their preference for Private Schools and concerns with the District’s

proposed programming were clearly genuinely held. All witnesses provided overall persuasive testimony from the individual's perspective and understanding of Student and District obligations. The testimony of the District's school psychologists regarding the interpretation of changes to standard scores on cognitive and achievement tests over time was cogent and convincing.

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. 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). 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). Finally, when parents disagree with an LEA’s educational evaluation, they may request an IEE at public expense. 20 U.S.C. § 1415(b)(1); 34 C.F.R. § 300.502(b). In such a circumstance, the LEA “must, without unnecessary delay,” file a due process complaint to defend its evaluation, or ensure the provision of an IEE at public expense.

34 C.F.R. § 300.502(b)(2). The analysis is the same if the parents obtain an IEE and thereafter seek public funding.

General IDEA Principles: Least Restrictive Environment

The IDEA contains a central mandate that eligible students are to be educated in the “least restrictive environment” (LRE) that also satisfies meaningful educational benefit standards.

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

20 U.S.C.S. § 1412(a)(5)(A); see also *T.R. v. Kingwood Township Board of Education*, 205 F.3d 572, 578 (3d Cir. 2000); *Oberti v. Board of Education of Clementon School District*, 995 F.2d 1204, 1215 (3d Cir. 1993).

Along with IEP content, special education placement must be determined by the IEP team. 20 U.S.C. § 1414(e); 34 C.F.R. §§ 300.116(b), 300.501(b). The IDEA demands that LEAs have available a “continuum of alternative placements” in order to meet the educational and related service needs of its IDEA-eligible children. 34 C.F.R. § 300.115(a); 22 Pa. Code § 14.145. That “continuum” of placements in the law describes and enumerates settings beginning with regular education classes with supplementary aids and services, and growing progressively more restrictive moving first toward special classes and then toward special schools,

instruction in the home, and instruction in hospitals and similar facilities. 34 C.F.R. § 300.115.

General IDEA Principles: LEA Obligation for Students Not Enrolled

LEAs have different obligations to students enrolled in private schools compared to students attending their schools. In general, an LEA has no obligation to develop an IEP for a student who is educated outside of the LEA through a unilateral placement, unless and until the parents make such a request. Our Third Circuit has determined, however, that a parent need not affirmatively enroll their child in public school to receive an offer of a FAPE," but he or she "must either manifest an intent to enroll the child or request an evaluation." *A.B. v. Abington Sch. District*, 841 F. App'x 392, 396 (3d Cir. 2021) (citations omitted); *Moorestown Township Board of Directors v. S.D.*, 811 F.Supp.2d 1057 (D.N.J. 2011) (same). Without such manifestation, "the public school need not continue to prepare an IEP for that child each year. *Id.* at 395. "[I]t is not the secret desire of the parent that matters, but the objective manifestation of those desires that dictate whether or not the public school must offer a FAPE." *Shane T. v. Carbondale Area School District*, 2017 U.S. Dist. LEXIS 163683 *41, 2017 WL 4314555 *15 (M.D. Pa. Sep. 28, 2017).

It is only after "these IDEA requirements are triggered [that] private school tuition reimbursement [may be] an appropriate remedy only where 'there has been a substantive harm—namely, that 'the [school district] ha[s] not made a [FAPE] available to the child in a timely manner.'" *A.B.*, 841 F. App'x at 395 (quoting *C.H. ex rel. Hayes v. Cape Henlopen School District*, 606 F.3d 59, 67 (3d Cir. 2010)). These same principles apply equally to Section 504 claims. *A.B.*, 841 F. App'x at 396 n.8.

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 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 Parents should be reimbursed for the independent evaluation by the private neuropsychologist in 2025. This issue requires a determination of whether the District's evaluation that preceded the IEE was appropriate.

Review of the 2025 RR reveals that the District utilized multiple assessment tools, strategies, and instruments, rather than any single measure, to gather information about Student. More specifically, the RR first summarized available information from the Parents, Private School teachers, and outside providers; incorporated parental perspectives on Student's strengths and needs in both home and school environments; and reported on observations available at the time including one by the District school psychologist. The measures that formed the assessment portion of the RR were appropriate. Cognitive functioning, academic achievement, and

social/emotional functioning were all evaluated including rating scales related to autism. Finally, the District school psychologist offered to speak with the Parents and did discuss the RR to answer any questions.

The evidence is more than preponderant that the District's evaluation met IDEA criteria and, thus, there is no basis to order reimbursement for the IEE.⁶ Moreover, the private neuropsychologist similarly did not note any concerns with the District's RR. Helpful though the IEE may be for Student, grounds for public expense for its completion do not exist in this case.

The next issue, the first prong of the tuition reimbursement test, is whether the District's IEPs proposed for Student met the applicable standards. This element must be gauged by looking at each school year separately.

The IEP proposed for the 2023-24 school year identified Student's relevant strengths and needs as determined in the 2023 ER. Each need was addressed through a combination of annual goals, program modifications, and items of specially designed instruction. Speech/language therapy on a weekly basis was offered as a related service, and Student's program was one of learning and speech/language support with Student participating in the regular education environment with typical peers for portions of the day. The fact that the parties failed to meet for a full IEP team meeting during the 2023-24 school year is unfortunate, but neither party is solely faulted for that on this record.

There are nonetheless two significant flaws in the 2023 IEP. The first, cited by the Parents in their closing, is that it lacked meaningful baselines on Student's current level of functioning on a majority (and arguably all) of the proposed goals. Absent this critical information, the Parents and District

⁶ To the extent that the Parents also challenge the 2023 ER, any alleged deficiency has no bearing on the final order in this case.

would be unable to ascertain if and whether Student made progress on those goals over the course of the IEP year. There is no evidence here that the Parents prevented the District from obtaining baseline data that would permit them to engage meaningfully in IEP development based on information known and available at the time it was made. See *R.B. v. Downingtown Area School District*, 509 F.Supp.2d 339, 346 (E.D. Pa. 2020) (“Substantive harm occurs if the preponderance of the evidence shows that the ‘procedural inadequacies (i) [i]mpeded the child's right to a FAPE; (ii) significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE to the parent's child; or (iii) caused a deprivation of the educational benefit.’”)

Secondly, Student’s IEP specified that Student would not participate in the regular education class during language arts and mathematics, yet the testimony was that science and social studies for Student would also be in the learning support classroom in a small group (N.T. 760-61). With the Parents’ concern with large groups for Student’s education, this discrepancy further clouded their participation. Although a proper IEP meeting could have clarified any confusion, the Parents simply could not properly understand Student’s regular vs. special education programming based on the 2023 IEP. For these reasons, this hearing officer concludes that the 2023 proposed IEP was not appropriate for Student at the time it was offered. Nonetheless, there is insufficient evidence in the record to also conclude that Student needed and summer program services in 2024.

For the 2024-25 school year, the Parents never asked the District for a program for them to consider. Although they contend that the request in the 2023-24 school year was sufficient, this hearing officer cannot conclude that one request extends to future school years; doing so would contravene the express language of the Third Circuit in *A.B., supra*, concluding that an

LEA need not “continue to prepare an IEP for [a] child [who attends a private school] each year.” *A.B., supra*, 841 F. App’x at 395.

Finally, for the 2025-26 school year, the latest IEP was based on an RR that was above determined to be in compliance with the IDEA. Student’s program as proposed would permit participation in the regular education setting for socialization and special classes without academic demands, and the special education programming and placement were much more clearly set forth than the IEP in 2023. Annual goals included baselines and addressed Student’s identified areas of need, with program modifications and items of specially designed instruction that essentially mirrored the supports provided by Private School and recommended by the private neuropsychologist with a single exception: the large District building that was the primary focus of the Parents’ objection to the 2025 IEP.

In recognizing the District’s obligation to comply with least restrictive environment principles, the impact of the size of the District building on Student’s ability to access its educational programming were well-explained by District staff in the two IEP meetings that convened. In addition, the IEP itself provided for both a tour and a mentor to assist with transition.

In a related contention, the Parents assert that the 2025 IEP lacked sufficient information throughout for them to understand the programming proposed. However, this hearing officer has long held and understood that IEPs need not spell out, like a lesson plan may, the minute by minute details on instruction that often cannot be determined in advance; moreover, such is a major purpose of IEP meetings: to invite questions by parents and answer them. This is particularly true of educational methodology and named programs, as the District observes in its closing citing *M. v. Falmouth School Department*, 847 F.3d 19, 27-29 (1st Cir. 2017) (citing the IDEA and 41 Fed. Reg. No. 156 at 46665 (2006)). Furthermore, the Parents’

assertions that the multisensory reading program proposed by the District is inappropriate because of Student's early school-age exposure is ground on a misunderstanding of major differences between the two (see Finding of Fact 73). None of the professionals well-versed in such programs and instruction criticized the program proposed, including the Parents' private neuropsychologist.

Remedy

Having found a denial of FAPE For the 2023-24 school year, the next step is consideration of whether Private School was appropriate for Student. The evidence of Student's growth over that school year is more than preponderant, despite its restrictive setting that public schools must consider. Despite the District's apt observation that Private School did not have a speech/language therapist over the 2024-25 school year, the collaboration between Private School staff and Student's private therapist along with the language-rich environment provides a balance that cannot rise to the level of inappropriateness in this case.

Finally, the equities in this case do not indicate in this hearing officer's view that reduction or denial of tuition reimbursement for the 2023-24 school year is appropriate. The Parents contacted the District before the start of that school year and participated in the evaluation and IEP process. It also is important to recognize that they were new to Pennsylvania and its special education laws and practices. On balance, this hearing officer cannot conclude that reduction or denial of reimbursement is warranted here.

Finally, the Parents' claims under Section 504 were part and parcel of their IDEA claims. The same analysis applies to those claims without a need for further discussion.

CONCLUSIONS OF LAW

The District's 2025 reevaluation of Student was appropriate and there is no basis for reimbursement of the IEE.

The District's proposed IEP in 2023 was not appropriate for Student under the relevant legal principles.

Private School was appropriate for Student for the 2023-24 school year and the equities do not favor the District.

The District was not obligated to propose a program for the 2024-25 school year.

The District's proposed IEP for the 2025-26 school year complied with the applicable law under both the IDEA and Section 504.

ORDER

AND NOW, this 8th 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 proposed program for the 2023-24 school year was not appropriate for Student.
2. The Parents are entitled to reimbursement for tuition and related expenses that they paid for Student's attendance at Private School for the 2023-24 school year.
3. Within fifteen calendar days of the date of this decision, the Parents shall provide final documentation to the District of all

invoices and receipts for tuition and direct related expenses for Student at Private School for the 2023-24 school year.

4. Within thirty calendar days of receipt of the ordered documentation, the District shall reimburse the Parents for the amount of the invoices and receipts provided by them pursuant to this decision and order.
5. The District was under no obligation to propose a program for Student for the 2024-25 school year.
6. The District's proposed IEP for the 2025-26 school year complied with the applicable law under both the IDEA and Section 504.
7. 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

Sent to counsel for both parties this date as required by 34 C.F.R. § 300.515 by electronic mail message as requested⁷ consistent with 22 Pa. Code § 14.162(n).

⁷ N.T. 920-21.