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. 32845-25-26

Child's Name:
P.R.

Date of Birth:
[redacted]

Parent(s):
[redacted]

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Hearing Officer:
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Date of Decision:
08/14/2026

Introduction

The present matter concerns P.R. (hereinafter referred to as "Student[1]"), a rising [redacted]-grade Student currently enrolled within the Upper Moreland Township School District (hereinafter referred to as "District"). Parents brought forth claims under the Individuals with Disabilities Education Act[2] (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504)[3]. Student's eligibility is in dispute. According to evaluation reports issued on November 13, 2025, and February 24, 2026, District concluded Student is ineligible for special education services. By filing of their due process complaint, Parents invoked pendency[4], and through disposition of this matter, Student received special education services under the disability category of Speech and Language Impairment and received Itinerant Speech and Language Support.

On March 26, 2026, Parents filed their Due Process Complaint alleging that District violated their child find obligation to Student; that District's November 2025 and February 2026 evaluation reports are legally insufficient and inappropriate; that District predetermined Student's eligibility; and that District denied Student a free and appropriate public education (FAPE) for the 2025-2026 school year. Parents' Complaint requested a comprehensive Independent Educational Evaluation at public expense including a neuropsychological, Speech and Language, and Occupational Therapy evaluations; an award of compensatory education for the period Student was

[1] This Decision will be made available to the public. Therefore, the final published version of this decision has been redacted for the purpose of concealing the Student's personally identifiable information. 34 C.F.R § 1513(d). 20 U.S.C. § 1415 (h)(4)(A); 34 C.F.R § 300.513(d)(2).

[2] 20 U.S.C. §§ 1400-1482, implementing federal regulations 34 C.F.R. §§ 300.1-300.818, and applicable Pennsylvania regulations in 22 Pa. Code §§14.101-14.163.

[3] 29 U.S.C § 701 *et seq.,* implementing federal regulations 34 C.F.R. §§104.1-104.61, and applicable Pennsylvania regulations in 22 Pa. Code §§ 15.1-15.11.

[4] When a Parent disagrees with an educational change in placement, then the student must remain in the "then-current educational placement". 20 U.S.C. §1415(j).

denied FAPE; and invoked pendency for the ongoing implementation of Student's October 2024 IEP.

On April 1, 2026, District filed an Answer to Parents' Due Process Complaint. District asserted that they provided Student with comparable services and provided a FAPE to Student; that Student no longer is eligible for special education; and the November 2025 and February 2026 evaluations are appropriate. District requested that Parents' requested relief including a request for an IEE be denied.

Following two hearing sessions, a complete review of the record, and for all reasons set forth below, I find in favor of the District.

Issues Presented

The issues presented for adjudication in this matter are:

1. Whether District failed to provide comparable services when Student enrolled within District.
2. Whether Student is eligible for special education under the IDEA.
3. Whether District's November 2025 and February 2026 evaluation reports are legally sufficient and appropriate under the IDEA.
4. If not, whether Parents are entitled to an Independent Educational Evaluation (IEE) at public expense.
5. If not, whether Student is entitled to compensatory education.

Findings of Fact

I have reviewed the record in its entirety. The following Findings of Fact and subsequent Discussion and Application of Law and Fact will only address that which is relevant to the instant matter.

Background Facts

1. Student is described as outgoing, friendly, cooperative, and kind. Student is ambitious and eager to learn. (J-1 at 5; J-2 at 5; J-5 at 4; J-18 at 1; N.T. at 238, 375).

2. Student received Early Intervention Speech and Language services through the Bucks County Intermediate Unit (BCIU). (J-1 at 1; J-2 at 1).
3. Student's initial school age evaluation report was completed on September 1, 2022 (2022 RR) by the Centennial School District, Student's then-current District of residence. (J-1; J-2).
4. The 2022 RR contained a record review of Student's EI Evaluation, and the Clinical Evaluation of Language Fundamentals Preschool-3 (CELF Preschool-3). (J-1; J-2).
5. According to the CELF Preschool-3, Student scored in the below average range in the sentence comprehension, word structure, expressive vocabulary, following directions, and recalling sentences subtests. (J-1 at 4; J-2 at 4). Overall, Student scored in the average range in the Receptive Language Index and below average in the Expressive Language Index and Core Language Index. (*Id*.).
6. The 2022 RR concluded that Student had a disability and was eligible for special education under the disability category of Speech or Language Impairment. Identified areas of need included expressive vocabulary, auditory comprehension, and grammar/syntax. (J-1 at 5; J-2 at 5).
7. Student's initial school aged IEP is dated September 16, 2022. Student received Itinerant Speech and Language Support including 120 minutes of group and 120 minutes of individual Speech and Language services a month. (J-3 at 17-18).
8. In December of 2022, Parents and Student transferred to [out of state school]. (J-4; N.T. at 379-80). Student received two 30-minute group Speech and Language sessions weekly. (J-4 at 3). In addition, Student received Teir 2 language interventions targeting following directions. (*Id*).
9. During the 2024-2025 school year, Student attended [redacted] Charter School (hereinafter referred to as "Charter School") in [out of state]. (J-5; N.T. at 380).

10. Student's annual IEP was issued on October 3, 2024. Student received special education services under the disability categories of Language Impairment and Speech Impairment. (J-5 at 1).
11. The October 2024 IEP contained no concrete data demonstrating Student's progress in annual goals. Level of Achievement information included anecdotal and nonspecific information regarding Student's speech and language needs. (J-5 at 4).
12. The October 2024 IEP contained the following annual goals:
    a. In a small group setting, Student will produce /th/ in all word positions at sentence level with 80% accuracy. No baseline was provided. (J-5 at 5).
    b. In a small group setting, Student will follow 2 to 3 step directions containing temporal concepts with 80% accuracy. No baseline was provided. (J-5 at 5).
    c. In a small group setting, Student will produce grammatically correct sentences during structured activities with 80% accuracy. No baseline was provided. (J-5 at 6).
    d. In a small group setting, Student will answer "when", "why" and "how" questions during structured therapy activities with 80% accuracy. No baseline was provided. (J-5 at 6).
13. Student's SDIs included signals or prompts to gain attention before directives; monitoring whether Student needed assistance or was following directions; verbal encouragement; repeated or clarified directions; simplified or graphic directions; increased wait time for comprehension; preferential seating; small group or specialized grouping; extended time for assignments and assessments; and breaks. (J-5 at 10).
14. Student received 30 minutes of group Speech and Language Therapy twice a week. (J-5 at 13).

15. On February 4, 2025, Charter School issued a Notice and Consent of Reevaluation. (J-9). The IEP team concluded that additional data was not needed to determine Student's eligibility, present levels, related developmental needs, or special education or related services. (J-9 at 1). It was determined that Student continued to be eligible for special education under the disability categories of Language Impairment and Speech Impairment. (J-9 at 1-2).
16. By May of 2025, Student was able to produce /th/ words with 80% accuracy but continued to struggle with /thr/ words; followed 2 to 3 step directions with 67% accuracy; produced grammatically correct sentences with 67% accuracy; and answered "when", "why", and "how" questions with 67% accuracy. (J-10).

2025-2026 School Year: Student's Transfer to District

17. In August of 2025, Parents and Student moved back to Pennsylvania and completed registration paperwork to enroll Student within District. (J-11).
18. On September 11, 2025, District issued a NOREP implementing Student's October 2024 IEP from Charter School until completion of an evaluation report and new IEP was developed. (J-12 at 1-2; N.T. at 79). Student received Itinerant Speech and Language Support. (J-12 at 2).
19. District began implementing Student's October 2024 IEP upon Student's enrollment. (J-5; N.T. at 79-80, 115-16, 237, 240).
20. An IEP team meeting was convened on September 16, 2025. Student's benchmark academic performance and speech and language needs were discussed. Parents supported a reevaluation but requested only essential testing be completed. (J-14 at 1; N.T. at 82, 234-35, 388, 390).
21. On September 16, 2025, District issued a Prior Written Notice for Initial Evaluation and Request for Consent Form proposing to evaluate

Student's articulation and language needs. (J-13 at 1-2). Parents provided consent the same day. (J-13 at 3).

22. At the end of September 2025, District's Speech and Language Pathologist corresponded with Parents which contained an update on current testing. Student performed in the average range in areas assessed. However, all testing had not been completed. (J-16).

November 13, 2025, Evaluation Report

23. On November 13, 2025, District issued an Evaluation Report (November 2025 ER) for Student. The November 2025 ER contains Parent input, a record review, testing observations, present levels, the CELF-5, the Oral and Written Language Scales (OWLS-II), and the Goldman-Fristoe Test of Articulation- Third Edition (GFTA-3). (J-18).

24. Parental input indicated that the move to [out of state] caused educational setbacks for Student. Parent acknowledged that Student's speech was improving, but Student required repetition. (J-18 at 1).

25. Student was evaluated on four separate occasions, which were completed in 30-to-40-minute sessions. (J-18 at 3).

26. Teacher input indicated that Student is an eager learner who participates in class and performs at grade level in all subject areas. Student's communication skills did not impact interactions, but Student required some extra time to organize and express thoughts. (J-18 at 3-4; N.T. at 53, 85).

27. The CELF-5 was administered to assess Student's receptive and expressive language needs. Student scored in the average range in all composite and subtest areas except for the subtest of linguistic concepts, which was below average. (J-18 at 5-7; N.T. at 55, 59, 87-89). Student displayed difficulty with timing directions. (J-18 at 5-6; N.T. at 56, 60-61).

28. The OWLS-II was administered to assess Student's receptive and expressive language needs across listening, speaking, reading, and writing. (J-18 at 7-8). Student's scores fell in the average range across all composites. (J-18 at 7-8; N.T. at 61-62).
29. The GFTA-3 was administered to assess Student's articulation needs. Student scored in the average range in Sounds-in-Words and Sounds-in Sentences. (J-18 at 8-9; N.T. at 93-94). Student often used non-stuttering interjections at the end of words or sentences, but it was determined this did not impact academic performance. (J-18 at 9).
30. The November 2025 ER concluded that Student did not have a disability and was not eligible for special education. (J-18 at 11; N.T. at 95-96).
31. On November 14, 2026, the IEP team convened to review the November 2025 ER. Parents expressed concern regarding Student's progress report, expressive and receptive language skills, particularly with academic vocabulary, and Student's testing fatigue. (J-21 at 1). District issued a NOREP, recommending Student be excited from special education. (J-22). Parents rejected the NOREP and filed for Due Process. (J-19; J-22).
32. Student's December 2025 Progress report indicated that Student mastered all annual IEP goals:
    a. Student produced /th/ in all word positions at the sentence level with 100%, 80% and 100% accuracy. (J-24 at 2,6).
    b. Student followed 2-3 step directions containing temporal concepts for 78%, 77%, 80%, 86%, 80%, 80%, and 80% accuracy. (J-24 at 3, 7).
    c. Student produced grammatically correct sentences with 80%, 90%, 66% and 90% accuracy. (J-24 at 4,8; N.T. at 64-65).

d. Student averaged 91% accuracy when answering "when" "why" and "how" questions. (J-24 at 5,9).

February 24, 2026, Reevaluation Report

33. On December 23, 2025, District issued a NOREP denying Parent's request for an IEE at public expense. (J-26 at 1-2). Parents rejected the NOREP, requesting Due Process. (J-26 at 3). The same day, District issued a Prior Written Notice for a Reevaluation and Request for Consent Form, which proposed an evaluation containing intellectual ability testing, academic achievement testing, behavior rating scales, classroom observations, additional assessments of speech and language in the area of phonological processing, language, and literacy, and an Occupational Therapy (OT) evaluation. (J-27 at 1-2). The speech and language assessments were specifically offered to address Parents' concerns. (N.T. at 99). Parents consented to the Reevaluation on January 13, 2026. (J-27 at 3).
34. On January 13, 2026, District issued a NOREP recommending the continuation of Student's comparable special education, implementing Student's October 2024 IEP. (J-30 at 1-2; J-31 at 1-2). Parents approved District's recommendation but requested specific information regarding services provided. (J-31 at 2-3).
35. District issued a Reevaluation of Student on February 24, 2026. (J-36).
36. Per Parent input, Student has strong math calculation skills and exceeds behavior expectations. Student also struggled with new vocabulary, expressive language, and reading comprehension. (J-36 at 1).
37. The February 2026 RR contained a record review with the results from the November 2025 ER. (J-36 at 2-4).
38. Student's Acadience Reading benchmark scores were at or above benchmark in all areas assessed, except Student received a below

benchmark retell score in the middle of the year (MOY). Student's Math Acadience benchmark scores were all in the above benchmark range except Student was below benchmark in concepts and applications in the beginning of the year (BOY). (J-36 at 8).

39. The February 2026 RR contained two direct observations of Student. Overall, Student was attentive and complaint. In one instance, Student required additional time to finish an assignment. (J-36 at 10).

40. Per Teacher input, Student performed at grade level in reading and writing, and above grade level in math. Student was polite and actively participated in class. However, Student sometimes struggled with new vocabulary in Social Studies and Science. (J-36 at 11). Student became overwhelmed when faced with a challenge. (N.T. at 239-40).

41. The Weschler Intelligence Scale for Children- Fifth Edition (WISC-V) was administered to assess Student's intellectual ability. Student received a Full-Scale IQ of 113 and General Ability Index of 117, which are considered in the high average range. Overall, Student scored in the average to high average range in all areas assessed. (J-36 at 12-13; N.T. at 167-68).

42. According to the WISC-V, Student demonstrated relative strengths in verbal comprehension, visual spatial, and fluid reasoning composites, showing that Student displayed strong reasoning, critical thinking, and problem-solving skills. (N.T. at 168).

43. The Wechsler Individual Achievement Test- Fourth Edition (WIAT-IV) was administered to assess Student's academic achievement. Overall, Student scored between the average to very high range. Student demonstrated notable strengths in reading and decoding. (J-36 at 14-15).

44. The Kaufman Test of Educational Achievement, Third Edition (KTEA-3) was administered to further assess Student's vocabulary acquisition and

reading comprehension. Student received average scores in all areas assessed. (J-36 at 16; N.T. at 205).

45. The Comprehensive Test of Phonological Processing – Second Edition (CTOPP-2) was administered to further assess Student's phonological processing skills. Student received below average scores in blending words, and the Phonological Memory Composite. Student's score in the memory for digits subtest was in the poor range. Otherwise, Student scored in the average range. (J-36 at 17; N.T. at 207-09).

46. The KABC-2 was administered to further assess Student's discrepancy of Student's digit span subtest and memory for digits subtest. Student received average scores in word order, and the Sequential Short-Term Memory Index. However, Student scored in the below average range in number recall. (J-36 at 18).

47. Student became visibly upset during testing for number recall. Student is used to high success and become frustrated when an answer is incorrect. This pattern is consistent with Student's performance in the classroom. (N.T. at 175-76, 405-06).

48. The Behavior Assessment System for Children, Third Edition (BASC-3) was administered to assess Student's behavioral needs. Parent rated Student in the at-risk range in withdrawal and functional communication. Teacher rated Student consistently in the average range. (J-36 at 18-20; N.T. at 212-13).

49. The Behavior Rating of Executive Functioning – Second Edition (BRIEF-2) was administered to assess Student's executive functioning needs. Parent rated Student in the mildly elevated range for working memory. Teacher rated Student consistently in the average range. (J-36 at 20-21; N.T. at 215).

50. An OT Evaluation was completed to assess Student's sensory needs, handwriting, and visual motor skills. (J-36 at 22-24).

a. According to the Sensory Profile 2 School Companion Questionnaire completed by Student's teacher, Student did not demonstrate sensory needs that required intervention. (J-36 at 22; N.T. at 133-34, 142-43).
b. Student's handwriting was assessed using the Test of Handwriting Skills. Overall, Student scored in the 87th percentile as compared to peers. (J-36 at 23; N.T. at 132, 145).
c. The Beery-Buktenica Developmental Test of Visual Motor Integration (Beery VMI) and Supplemental tests were administered to assess Students' visual perceptual and visual motor abilities. Student scored in the average to above average range in all areas assessed. (J-36 at 23; N.T. at 130-32, 145-46).
d. No concerns were noted regarding Student's gross and fine motor skills. (J-36 at 23-24).
e. Student did not qualify for OT services. (J-36 at 24).

51. The 2026 RR contains additional Speech and Language testing:
a. The Language Processing Test-Revised (LPT-R) was administered to assess Student's ability to attach meaning to language and formulate a response. Student scored in the average range in all subtests and received a total test score of 109, which is in the 71st percentile. (J-36 at 24-25; N.T. at 100-01).
b. The Comprehensive Assessment of Spoken Language, Second Edition (CASL-2) was administered to assess Student's oral language processing skills. Student scored in the average range in sentence comprehension, nonliteral language, and pragmatic language. (J-36 at 25; N.T. at 102-03).
c. The Stuttering Severity Instrument, 4th Edition was administered to assess Student's speech fluency. Student received an overall score of 19, which is in the mild range. Student demonstrated mild

speech disfluency consisting of pauses, prolongations of middle or end words, and nonverbal pauses at the end of words. (J-36 at 25-26; N.T. at 69).

d. The Speech and Language Evaluation determined that Student's speech deficits did not impact Student's educational performance. Therefore, Student did not qualify for Speech and Language services. (J-36 at 26; N.T. at 71-73).

52. The February 2026 RR concluded Student does not have a disability and is no longer eligible for special education. (J-36 at 26; N.T. at 219-20).

March 2026 to End of Year

53. According to a Progress Report issued in March of 2026, Student scored between 80 to 100% accuracy in all measurable goals, which demonstrated continued mastery of Student's articulation of /th/ sounds, following 2-3 step directions containing temporal concepts, production of grammatically correct sentences, and listening comprehension. (J-40; J-49; J-51).

54. On March 18, 2026, District issued a NOREP recommending that Student be exited from special education. (J-41 at 1-2). Parents rejected the March 2026 NOREP and requested a Due Process Hearing. (J-41 at 3).

55. Per Parent request, Student received testing accommodations for PSSA testing. Student was offered small group, extended time, verbal encouragement, and audio read aloud accommodations. (J-45 at 1).

56. Student's End of Year (EOY) Acadience Math scores indicated that Student is above benchmark in all tested areas. (J-46 at 1). Student's EOY Acadience Reading scores were all above benchmark except for retell. Student's retell score was 29, which is below benchmark. (J-47 at 1; N.T. at 260-61).

57. District continued to implement Student's comparable programming per the September 11, 2025, NOREP through the end of the 2025-2026 School Year. Per Student's Progress Report dated June of 2026, Student continued to demonstrate mastery in /th/ sounds, following 2-3 step directions containing temporal concepts, producing grammatically correct sentences, and listening comprehension. (P-2).

Witness Credibility

Special education hearing officers must make credibility determinations of witnesses called to testify before them. I find that all witnesses called to testify did so credibly. Student's teacher, Speech and Language Pathologist, and District's school psychologist testified clearly regarding their experience working with Student and provided information regarding Student beyond what was provided in the physical record. Parent testified truthfully regarding Student's needs and observations in the home. However, Parent's testimony was only afforded weight as the Parent, not as an educational professional.

Parents' expert witness in Speech and Language Pathology was clearly a knowledgeable, experienced professional who has evaluated students privately and via public schools. (N.T. at 291-94). This witness detailed her interpretation of Student's educational strengths and weaknesses. However, Parents' expert Speech and Language Pathologist has never worked with or engaged in any conversation with Student. (N.T. at 333, 335). Parents' expert has not issued any substantive independent evaluation report containing any data, conclusions, or recommendations regarding Student. Nor has Parents' expert consulted with any of Student's teachers working directly with Student. (N.T. at 336). Therefore, diminished weight was afforded to Parents' expert witness due to the lack of individualized knowledge regarding Student or Student's performance and programming at District.

Legal Principles

The Burden of Proof

In an administrative due process hearing, the burden of proof encompasses the burden of production and the burden of persuasion. The party seeking relief bears the burden of persuasion. *Schaffer v. Weast,* 546 U.S. 49, 62 (2005); *L.E. v. Ramsey Bd. of Educ*, 435 F.3d, 384, 392 (3rd Cir. 2006). Accordingly, the burden of persuasion rests with the filing party, in this case the Parents. For reasons set forth below, I find that Parents have not met their burden of persuasion. The record overwhelmingly supports the conclusion that District implemented Student's October 2024 IEP appropriately throughout the 2025-2026 school year. Further, District's November 2025 and February 2026 evaluations are legally sufficient and appropriate. Therefore, the conclusion that Student is no longer eligible for special education is also appropriate.

Free Appropriate Public Education (FAPE)

Children with disabilities are entitled a free and appropriate public education which provides them with special education and related services "designed to meet their unique needs and prepare them for further education, employment, and independent living." 20 USC § 1400(d)(1)(A). Generally, FAPE must be afforded to all children with disabilities "between the ages of 3 and 21 inclusive." 20 U.S.C. §1412(a)(1)(A).

The IDEA requires the state to provide FAPE "to all children residing in the State." 20 U.S.C. § 1412(a)(1)(A). FAPE requires an educational program that is "reasonably calculated to enable the child to receive educational benefits.'" *Endrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist.*, 137 S.Ct. 988, 995-96 (2017) (quoting *Bd. of Educ., Etc. v. Rowley*, 458 U.S. 176, 207). (1982). Further, a student receives FAPE when "personalized instruction is being provided with sufficient supportive services to permit the

child to benefit from the instruction" the student is receiving FAPE. *Rowley*, 458 U.S. at 189.

FAPE requires specially designed instruction (SDI) that will assist the child. *Id*. at 201. The student's Individualized Education Program (IEP) must be designed to "enable the child to be involved in and make progress in the general education curriculum and meet each of the child's other educational needs…" 20 U.S.C § 1414(d)(1)(A)(i)(II). *Endrew* emphasized that the IEP "must be 'specially designed' to meet a child's 'unique needs' through an individualized education program.'" 137 S.Ct. at 999. *Endrew* rejected the "more than de minimis" test and instead requires the student to "have the chance to meet challenging objectives." *Id.* at 1000. Applying a "more than de minimis" standard to students with disabilities does not provide "education for all." *Id*. at 1001.

The IEP process is the "central vehicle" for collaboration regarding Student's needs and programming. *Schaffer*, 546 U.S. at 53. The IDEA's procedural safeguards protect and empower the parent in the IEP process. *Id*. The IDEA strongly supports and encourages parent participation in the IEP process. 22 U.S.C § 1400(c)(5)B, (d)(3); 22 U.S.C §1414(d); 34 C.F.R. § 300.322; *Endrew* 137 S.Ct. at 994, 999; *Rowley*, 458 U.S. a 208.

Interstate Transfer

Under the IDEA, when a student with a disability enrolls in a school district, and had previously been enrolled in an out-of-state school district who provided an IEP to the student, the LEA must provide FAPE, "including services comparable to those described in the previously held IEP, in consultation with the parents until such time as the [LEA] conducts an evaluation… and develops a new IEP, if appropriate." 20 U.S.C. §1414 (d)(2)(C)(i)(II). The student's current school must also "take reasonable steps to promptly obtain" the student's records from the previous school district including the student's IEP. §1414(d)(2)(C)(ii)(I). The previous

school district must also take reasonable steps to promptly respond to a request for the student's educational records. §1414(d)(2)(C)(ii)(II).

The IDEA leaves the "primary responsibility for providing a FAPE and for implementing the IDEA to the states." *Michael C. ex rel. Stephen C. V. Radnor Tp. Sch. Dist.*, 202 F.3d 642, 651 (3rd Cir. 2000). Therefore, the Third Circuit Court of Appeals held that when an IEP transfers from one state to another, the new LEA is not required to implement the student's IEP exactly as implemented in the previous state. *Id*. at 650-651. The new LEA can consider their state's procedures and protections when implementing the IEP and providing FAPE. *Id*.

Evaluation Reports and Independent Educational Evaluations

Under the IDEA, a parent has a right to an independent educational evaluation (IEE) if they disagree with an evaluation conducted by the local education agency (LEA). 34 C.F.R. §300.502(b)(1). The School District must either file for due process to defend their evaluation as appropriate or fund the IEE. §300.502(b)(2).

To be appropriate, the evaluation must assess the student in "all areas of suspected disability." §1414(b)(1)(3)(C). In assessing the student's areas of suspected need, the evaluation report must contain:

(A) a variety of assessment tools and strategies to gather relevant functional and developmental 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 [IEP], including information related to enabling the child to be involved and progress in the general education curriculum…

(B) not a single procedure 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 of technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in additional to physical or developmental factors." § 1414(b)(2).

The assessments and evaluation materials must be administered by trained and knowledgeable personnel who administer the materials in accordance with instructions provided, must address all areas of suspected disability in a student, and must provide relevant information that directly contributes to the determination of the student's educational need. § 1414(b)(3).

A reevaluation report must also include existing data of the student, present levels of academic performance, identify additional data, if needed, and must assess whether the student continues to qualify for special education services, and whether the student's special education services require additions or modifications. §1414(c)(1). In cases where additional data is not required, the reevaluation must identify the reason and the right of the parent to request an assessment. §1414(c)(4).

Child Find and Eligibility

The LEA's child find obligation requires that all children in need of special education and related services must be "identified, located, and evaluated." 20 U.S.C. §1412(a)(3). The IDEA's child find provision delineates the responsibility of the LEA to evaluate and identify students who are "reasonably suspected of having a disability." *See*. §1412(a)(3); *D.K. v. Abington Sch. Dist*. 696 F.3d 233, 249 (3rd Cir. 2012). A child find violation can occur when the student is not evaluated or identified within a reasonable time after the LEA is on notice of deficits that indicate a disability or when "a poorly designed and ineffective round of testing" prohibits appropriate identification of the student. *D.K.,* 696 F.3d at 249 (*see also W.B v. Matula*, 67 F.3d 484, 501 (3rd Cir. 1995)). However, child find does not require the

LEA to evaluate "every struggling student" or "at the earliest possible moment." *D.K.,* 696 F.3d at 249.

A "child with a disability" is defined as a child "with intellectual disabilities, hearing impairments… speech or language impairments, visual impairments… serious emotional disturbance… orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities and who by reason thereof needs special education related services." 20 U.S.C. § 1401(3)(A); 34 C.F.R 300.8(a).

A "speech or language impairment" is a communication disorder meaning "stuttering, impaired articulation, a language impairment, or a voice impairment that adversely affects a child's educational performance." §300.8(c)(11).

Compensatory Education

When a district "knows or should know" that their student has an insufficient IEP or is not receiving FAPE, that student is entitled to compensatory education. *M.C. v. Central Regional Sch. Dist*., 81 F.3d 389, 391-92 (1996). When there is a finding that a student has been denied FAPE, compensatory education is owed "for a period equal to the period of deprivation, excluding only the time reasonably required for the school district to rectify the problem." *Id*. at 392. Compensatory education stands for the principal that districts must "'belatedly pay expenses that [they] should have paid all along.'" *Id*. at 395 (*quoting Sch. Comm. Of Town of Burlington, Mass. v. Dept. of Educ. Of Mass*., 471 U.S. 359, 370-71 (1985)). A parent is not responsible for supporting the cost of FAPE. *M.C*., 81 F.3d at 395.

Discussion

Parents contend that District failed to provide comparable services per Student's October 2024 IEP, and District delayed the start of Student's Speech and Language services at the beginning of the 2025-2026 school year, resulting in a denial of FAPE. Therefore, Parents argue Student is entitled to compensatory education to remedy the denial of FAPE. For reasons fully discussed herein, District provided Student with comparable services pursuant to §1414 (d)(2)(C)(i)(II). District continued to implement Student's October 2024 IEP as inherited throughout the 2025-2026 school year. Further, District's mere two-week delay in starting Student's Speech and Language services did not constitute a denial of FAPE. District is afforded time to adjust to Student's schedule for the beginning of the school year.

Parents further contend that District's November 2025 and February 2026 evaluation reports for the Student are inappropriate and improperly conclude that Student is no longer eligible for special education. For reasons fully discussed herein, the November 2025 and February 2026 evaluation reports comprehensively evaluated Student in all areas of suspected disability. Whereas Student displays auditory processing and language fluency weaknesses, and may benefit from visual supports, this alone does not establish eligibility under the IDEA for special education. Student demonstrated that these relative weaknesses had no impact on overall educational performance. Student is intelligent, ambitious, friendly, cooperative, participates in class, and completes assignments with proficiency. Student meets or exceeds all educational expectations. The record supports District's conclusion that Student is no longer eligible for special education.

District Provided Comparable Services to Student

The record is preponderant that the District implemented Student's October 2024 IEP, the last implemented IEP from Student's previous school, for the entire 2025-2026 school year. (J-5; N.T. at 79-80, 115-16, 237, 240). On September 11, 2026, the District issued a NOREP that directly implemented Student's October 2024 IEP until completion of an evaluation report and new IEP was developed. (J-12 at 1-2; N.T. at 79). The record does not contain a new IEP issued by District because the District decided to directly implement the exact IEP that transferred with Student.

The October 2024 IEP provided Student with two group Speech and Language therapy sessions a week for thirty minutes. (J-5 at 4, 13). The District provided Student with the same. (J-51). Further, Student's progress monitoring reports evidence that District continued to assess Student using the exact same four annual IEP goals established in October 2024 IEP. (J-5 at 5-6; J-24; J-49; P-2). Finally, Student's special education teacher testified at length regarding implementation of Student's various SDIs including monitoring to see if Student is following directions, verbal encouragement, repeating or paraphrasing instruction, and extended time. (J-05 at 10; N.T. at 240).

Parents contend that there was a two-week delay in initiating Student's Speech and Language services, and therefore District denied Student FAPE at that time, and did not offer comparable services. Parents enrolled Student within District in August of 2025, so that Student could begin school at the end of August 2025. (J-11). However, Student's Speech and Language services did not start until September 8, 2026. (J-51 at 1). This delay in services does not amount to a denial of FAPE. Student was new to District and enrolled just weeks prior. District is afforded time to review Student's IEP, assign a case manager, and design and implement specific programming. Student was also acclimating to a new school district and a

new school year. It is reasonable to give some time for a related service provider to organize schedules and plan sessions. A two-week delay is negligible, particularly given the time of year, and fresh enrollment of the Student. Parents also cite to incidents where Student may not have received small group testing, and when Student received insufficient study guides. These isolated incidents in the record do not amount to a denial of FAPE.

Student made meaningful educational progress during the 2024-2025 school year. Student had been making slow progress in previous years at the prior school, achieving about 67% accuracy in all four IEP goals by May of 2025. (J-10). However, the progress reports from the 2024-2025 school year indicate that Student met all four annual IEP goals by at least December of 2025. (J-24). Student's progress has been consistent, and from December of 2025 until the end of the 2025-2026 school year, Student maintained mastery of all annual IEP goals. (P-2). This meaningful educational progress demonstrates that District's implementation of the October 2024 IEP was appropriate and provided Student FAPE.

Parents have failed to show, by preponderance of the evidence, that District has failed to offer comparable services that led to a denial of FAPE to Student. On the contrary, the record supports that not only did the District offer comparable services, but they offered identical support and services as provided in Student's October 2024 IEP. Student met all four annual IEP goals and demonstrated consistent mastery. For the foregoing reasons, District offered comparable services to Student upon enrollment. District did not deny Student a FAPE during the 2025-2026 school year.

District's November 2025 and February 2026 Evaluations are Appropriate.

The main issue in this matter regards whether Student should continue to be found eligible for special education services. This question can be answered by analyzing whether District's November 2025 and February 2026

evaluations are appropriate. Taken together, the record was preponderant that the District completed a variety of assessments, using technically sound instruments by certified professionals that assessed Student in all areas of suspected disability. §1414(b). Therefore, District appropriately concluded that Student is no longer eligible for special education, and Student's exit from special education is appropriate. District has not erred in their child find obligation to Student at this time.

Prior to issuance of the November 2025 ER, Student had not been evaluated since September of 2022. (J-2). Parents waived Student's triennial evaluation at Student's prior school in February of 2025. (J-9). After review of records, District reasonably believed Student was due for a comprehensive evaluation upon enrollment. The November 2025 ER contained Parental input, a record review, testing observations, present level information, the CELF-5, OWLS-II, and GFTA-3. (J-18). The November 2025 ER was limited to Student's speech and language needs. District asserts that Parent requested that only essential testing be completed. (J-14 at 1; N.T. at 82, 234-35, 388, 390). Regardless of Parent request, District maintained the obligation to assess Student in all areas of suspected disability.

At the time of the November 2025 ER, Student's only known suspected areas of disability regarded Student's expressive, receptive, and articulation language needs. The CELF-5 assessed Student's receptive and expressive language skills, which resulted in scores in the average range, except linguistic concepts. (J-18 at 5-7; N.T. at 55, 59, 87-89). The OWLS-II assessed Students receptive and expressive language needs across speaking, listening, reading, and writing. (J-18 at 7-8). Student scored in the average range across all composites. (J-18 at 7-8; N.T. at 61-62). Finally, the GFTA-3 assessed Student's articulation needs. (J-18 at 8-9). Student used non-stuttering interjections, but these interjections did not impact Student's academic performance. (J-18 at 9). Overall, the November

2025 RR comprehensively assessed Student's speech and language needs as identified in Student's October 2024 IEP.

District issued another evaluation of Student in February of 2026. Parent had requested specific testing assessing Student's phonological process, language literacy, and Occupational Therapy needs. (J-27 at 1-2; N.T. at 99). The February 2026 RR contained a record review of the November 2026 RR, present level information of the student including reading and math benchmark data, two direct observations of Student in the general education setting, Parent and Teacher input, the WISC-V, WIAT-IV, KTEA-3, CTOPP-2, KABC-2, BASC-3, BREIF-2, an OT evaluation containing a Sensory Profile 2 School Companion Questionnaire, Test of Handwriting Skills, Beery VMI, and additional Speech and Language testing including the LPT-R, CASL-2, and the Stuttering Severity Instrument, 4th Edition. (J-36).

Overall, the February 2026 RR demonstrated that Student is at or above expectations in most areas assessed. Student's Acadience benchmark scores in reading and math were at or above benchmark except in retell. (J-36 at 8). Student was observed to be attentive, compliant, and generally completed assignments within the allotted time. (J-36 at 10). This is consistent with Teacher input that praised Student's academic performance, participation, and ambition. (J-36 at 11). Student sometimes struggled with new vocabulary could become overwhelmed when faced with a challenge. (N.T. at 239-40).

Assessment data continued to support Student's many educational strengths. Student received a Full-Scale IQ of 113 and a GAI of 117. (J-36 at 12-13; N.T. at 167-68). Student scored in the average to high average range in all areas assessed in the WISC-V. (J-36 at 12-13). Student displayed strong reasoning, critical thinking, and problem-solving skills. (N.T. at 168). Further, Student's academic achievement in the WIAT-IV was

also in the average to very high range. (J-36 at 14-15). Specifically, Student demonstrated significant strengths in reading and decoding.

The February 2026 RR contained the KTEA, CTOPP, and KABC-2 to further assess Student's vocabulary acquisition, reading comprehension, phonological processing, and memory for digits skills. Student's reading comprehension and vocabulary acquisition skills were considered average. (J-36 at 16; N.T. at 205). According to the CTOPP-2, Student demonstrated relative weakness in memory for digits. (J-36 at 17; N.T. at 207-09). To further explore Student's discrepancy in the memory for digits score, District administered the KABC-2. Student struggled with number recall and became visibly upset during testing. (J-36 at 18; N.T. at 175-76, 405-06). Student is a high achieving student who can become frustrated when answers are not correct.

District further assessed Student's behavioral and executive functioning skills using the BASC-3 and BRIEF-2. Overall, Student presented with average skills in all areas. Parent rated Student at risk for withdrawal and functional communication and mildly elevated in working memory. (J-36 at 18-21). These ratings, compared to teacher ratings in the average range, also indicate Student has relative weaknesses. However, there is no evidence to support that these deficits impact Student's educational functioning.

The OT evaluation, included in the February 2026 RR, assessed Student's sensory, handwriting, and visual motor skills. (J-36 at 22-24) According to the Sensory Profile 2 School Companion Questionnaire, Student did not display any sensory deficits in school. (J-36 at 133-34). Further, Student demonstrated exceptional handwriting skills, in the 87th percentile. (J-36 at 23; 132, 145). Finally, according to the Beery VMI, Student maintained at or above average visual perceptual and visual motor abilities.

(J-36 at 23). Overall, Student demonstrated no deficits that would require OT intervention. (J-36 at 24).

To supplement the November 2025 ER, the February 2026 RR contained additional speech and language testing to assess Student's language processing and language fluency skills. (J-36 at 24-36). Overall, Student performed in the at or above average range. Student demonstrated strong language processing skills and received a total score of 109 in the LPT-R which is in the 71st percentile. (J-36 at 34-25; N.T. at 100-01). Further, Student received average scores in the CASL-3, which assessed Student's oral language processing. (J-36 at 25; N.T. at 102-03). Student did continue to display mild speech disfluency by using non-stuttering interjections. (J-36 at 25-26; N.T. at 69). However, this disfluency did not impact Student's educational performance.

Overall, the February 2026 RR, after collecting a plethora of additional data, determined that Student no longer was eligible for special education. (J-36 at 26; N.T. at 219-20). This conclusion supported District's initial conclusion in the November 2025 ER. (J-18). The evaluation reports and Student's educational record indicates that Student may present with some level of language fluency or auditory processing deficits. However, these deficits alone, and compared to Student's educational strengths, do not justify special education eligibility.

Parents make several arguments to prove that Student continues to demonstrate areas of educational need that require special education support. These arguments do not prove, by preponderance of the evidence, that District failed to comprehensively assess Student in all areas of suspected need, that District failed in their child find obligation to Student, and that Student should be found eligible for special education.

Parents argue that District's eligibility determination goes against [redacted] years of established need for special education services. Student

had not been evaluated in their prior school or state of residence. Student's relevant educational data was outdated, and Student's educational needs were ripe for reassessment. It would have been negligent of District to ignore Student's need to be comprehensively reevaluated.

Parents further argued that District's evaluations relied on assessments with visual anchors, which mask Student's auditory processing deficits. This argument focused on Student's few scores that were below average including the below average retell Acadience score, CTOPP memory for digits, and the CELF Linguistic concepts score. (J-18; J-36; J-47). These assessments were subtests assessing a greater educational function. As noted above, Student may have auditory processing deficits and may benefit from visual aids. However, these below average scores does not alone justify continued special education eligibility.

Student may become visibly frustrated when presented with auditory-centered tasks. Parents argue this is due to Student's relative educational deficits. District contends Student's frustration originates from Student's ambition and expectation of success. Regardless, Student was described as an intelligent, kind, cooperative, and outgoing Student who participates and completes work timely. (J-1 at 5; J-2 at 5; J-5 at 4; J-18 at 1; N.T. at 238, 375). It is unreasonable to expect any student to navigate their educational journey free of frustrations.

Parents also argue that substantive information was missing in the November 2025 and February 2026 evaluations, rendering them inappropriate. This included one MAZE Acadience data point, Student's 2017 EI evaluation report, an observation of Student in a specific general education setting, and a formal classroom observation of Student by the Speech and Language pathologist. The absence of one MAZE Acadience data point does not diminish the overwhelming data collected, indicating that Student does not require special education. Further, the absence of a

reference to a report completed in 2017 does not alter the measures in which Student's eligibility was determined. Student's needs [redacted]years ago bear little weight on Student's needs today.

Parents alleged that Student's November 2024 ER was predetermined by citing an email in which Student's Speech and Language Pathologist updated Parents regarding the testing in the November 2025 ER. (J-16). This argument also has no merit. This was a simple attempt to keep Parents appraised of the ongoing evaluation. Nothing more. Parents indicated a concern that Student's academic challenges will increase as Student progresses through grades. This is a reasonable concern, as Parents are thinking about the big picture. However, no one can predict how Student will react to educational material of graduating difficulty. A finding of continued eligibility cannot be determined on what may happen. The District has a continued child find obligation, and Parents may request evaluations in response to Student's changing needs. See §1412(a)(3); § 1414.

Overall, for the foregoing reasons, District's November 2025 and February 2026 evaluation reports, taken together, are legally sufficient, comprehensively assessed Student in all areas of suspected disability, and appropriately concluded that Student is no longer eligible for special education. Student has mastered all annual IEP goals from the October 2024 IEP, does not demonstrate an educational need for specially designed instruction, and continues to perform at or above expectations in all academic areas. Student may have a relative educational weakness in auditory processing and language fluency. However, this need does not amount to continued eligibility under the IDEA.

Parents Are Not Entitled to an IEE at Public Expense

For the reasons detailed in the above discussion, District's November 2025 and February 2026 evaluations, taken together, are legally sufficient and comprehensively assessed Student in all areas of suspected disability.

The November 2025 and February 2026 RRs contained a wide variety of testing that assessed Student's cognitive, academic, phonological processing, vocabulary acquisition, behavioral, executive functioning, language processing, expressive language, receptive language, articulation, language fluency, sensory, handwriting, and visual motor needs. (J-18; J-36). The evaluations also included record reviews, parent and teacher input, and direct observations. The school psychologist, speech and language pathologist, and occupational therapist demonstrated experience and knowledge in working with the Student, and all scores are considered valid.

Therefore, pursuant to 34 C.F.R. §300.502(b)(1), Parents are not entitled to an IEE at public expense. This includes a neuropsychological evaluation, speech and language evaluation, or an OT evaluation.

Student is Not Entitled To Compensatory Education

For the reasons detailed in the above discussion, District at no time denied Student a FAPE during the 2025-2026 school year. District implemented Student's October 2024 IEP exactly as written throughout the school year. District's two-week delay in starting Student's Speech and Language services is negligible. Considering the time of year, and Student's fresh transition to the District, this alleged delay in services was reasonable. District is afforded reasonable time to organize and implement Student's services.

Further, Parents have failed to prove, by preponderance of the evidence, that District failed to implement Student's October 2024 IEP. Therefore, Student is not entitled to compensatory education during the 2025-2026 school year.

Summary and Conclusions of Law

For the reasons set forth in the above Discussion and Application of Law and Fact, District provided comparable services to Student for the 2025-2026 school year. Student is not entitled to compensatory education,

because District provided Student a FAPE for all times relevant herein. District's November 2025 and February 2026 evaluations fully complied with the IDEA's procedural and substantive requirements. Parents are not entitled to an IEE at public expense. District's recommendation that Student is no longer eligible for special education is appropriate.

Nothing in this decision terminates District's ongoing obligation under the IDEA's FAPE requirements, including child find obligation, nor Parents' right to request evaluations in response to Student's changing needs. See 20 U.S.C. § 1414.

An appropriate order follows.

ORDER

AND NOW, this 14th day of August 2026 in accordance with the foregoing findings of fact and conclusions of law, it is hereby **ORDERED** as follows:

1. District provided Student with comparable services upon Student's transfer to District;
2. District provided FAPE to Student during the 2025-2026 school year;
3. District's November 2025 and February 2026 evaluation reports are legally sufficient and comprehensively evaluated Student in all areas of suspected disability;
4. Parents are not entitled to an IEE at public expense;
5. District's conclusion that Student is no longer eligible for special education is appropriate and;
6. Student is not entitled to compensatory education.

It is FURTHER ORDERED that any claim not specifically addressed in this Order is **DENIED** and **DISMISSED**. With issuance of this final decision, jurisdiction over this matter is hereby **RELINQUISHED**.



Savannah L. Murphy, Esquire.
Special Education Hearing Officer

ODR File Number 32845-25-26