

*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. 31448-24-25**

**Child's Name:**  
D.H.

**Date of Birth:**  
[redacted]

**Parent:**  
[redacted]

**Local Education Agency:**  
Pottsgrove School District  
1301 Kauffman Road  
Pottstown, PA 19464

**Counsel for the LEA:**  
Mark W. Cheramie Walz, Esquire  
331 E. Butler Avenue  
New Britain, PA 18901

**Hearing Officer:**  
Cathy A. Skidmore, Esquire

**Date of Decision:**  
09/22/2025

## **INTRODUCTION**

The student, D.H. (Student),<sup>1</sup> is [redacted] student residing with the Parent within the boundaries of the Pottsgrove School District (District). Student has been identified as eligible for special education pursuant to the Individuals with Disabilities Education Act (IDEA)<sup>2</sup> under the Specific Learning Disability and other disability classifications.

Toward the end of the 2024-25 school year, the Parent filed a Due Process Complaint under the IDEA, contending that the District denied Student a free, appropriate public education related to programming with which she disagreed. The matter proceeded to an anticipated single-day hearing with the presentation of witnesses and documentary evidence. Following review of the record and for all of the reasons set forth below, the claims of the Parent must be dismissed.

## **ISSUES**

1. Whether the District denied Student a free, appropriate public education at the end of the 2024-25 school year continuing through the present;
2. If the District did deprive Student of a free, appropriate public education, whether a remedy should be ordered for that denial?

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<sup>1</sup> 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).

<sup>2</sup> 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).

## **PROCEDURAL HISTORY**

1. The Parent filed her Complaint with the Office for Dispute Resolution on June 5, 2025. The matter was assigned to this hearing officer and scheduled for hearing.
2. Following assignment, the undersigned provided the standard initial information to the Parent and District counsel and later conducted a prehearing conference call for hearing planning.
3. On July 3, 2025, the District filed a Motion to Dismiss on the basis that the Parent had been offered the very relief that she demanded in the Complaint. In response, the Parent sought to amend her Complaint by proposing another remedy.
4. The District's Motion to Dismiss was denied on July 17, 2025, for the reasons set forth therein.<sup>3</sup>
5. The hearing convened as scheduled on August 25, 2025. Following opening statements and confirmation of the issues, the Parent called her first witness, the District Director of Pupil Services. (N.T. 23.)
6. Shortly after direct examination of that witness began, the undersigned sustained a District objection on relevancy grounds. (N.T. 34-36.) The Parent disagreed with that ruling and declined to ask the witness further questions. (N.T. 37.)
7. At the conclusion of cross-examination, the Parent was offered the opportunity to follow up and again declined, deciding instead to leave the hearing room. (N.T. 41.)
8. The Parent was offered the opportunity to schedule an additional session at the hearing (N.T. 45-48), and thereafter confirmed via

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<sup>3</sup> Hearing Officer Exhibit (HO-) 1, which is hereby admitted. Citations to the notes of testimony are to N.T.

email message that she intended to file an appeal rather than continue with the administrative hearing. (Email communication with this hearing officer and District counsel, 9/3/25, on file with this hearing officer.)

9. Neither party offered any exhibits for admission,<sup>4</sup> and the testimony presented was limited in scope. (N.T. 1-48.) Therefore, no factual findings can be made.
10. This hearing officer delayed filing this decision until the regulatory decision due date<sup>5</sup> to ensure that, had the Parent changed her mind on convening the hearing, she had maximum opportunity to do so.

## **DISCUSSION**

### **General Legal Principles**

The legal burden of proof is comprised of two elements: the burden of production and the burden of persuasion. The burden of persuasion 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). Here, the burden of persuasion in this case must rest with the Parent who filed the Complaint leading to this administrative hearing.

### **Discussion and Conclusion**

Under the IDEA, a parent or local education agency such as a school district may file an administrative Complaint with respect to any matter relating to a proposed or refused initiation of or change in the child's identification, evaluation, or educational placement of, or the provision of a free, appropriate public education (FAPE) to, a child under the IDEA. 20

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<sup>4</sup> The exhibits will be provided to the Office for Dispute Resolution in the event of an appeal.

<sup>5</sup> 34 C.F.R. § 300.512.

U.S.C. § 1415(f); 34 C.F.R. §§ 300.503, 300.507, 300.511; 22 Pa. Code §§ 14.101-14.163. Certain procedural rights are also afforded to parties when a Complaint has been filed, including the right to present evidence at a hearing. 20 U.S.C. § 1415(f); 34 C.F.R. § 300.512. Both parties in the case participated in a due process hearing in order to present evidence relating to the Parent's Complaint.

Unfortunately, based on the existing record, the Parent has failed to establish her entitlement to any procedural or substantive relief because she declined to proceed with the hearing. As the Parent stated at the single session, she intends to appeal this decision, which is her right. However, because she did not meet her burden of persuasion on her claims, this Complaint must be dismissed on that basis.

## **ORDER**

AND NOW, this 22<sup>nd</sup> day of September, 2025, in accordance with the foregoing findings of fact and conclusions of law, it is hereby **ORDERED** that the Parent's claims in this case are DENIED and DISMISSED.

/s/ Cathy A. Skidmore

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Cathy A. Skidmore, Esquire  
HEARING OFFICER  
ODR File No. 31448-24-25

Sent to both parties on the date of the above order as required by 34 C.F.R. § 300.515 via U.S. mail and electronic mail message consistent with 22 Pa. Code § 14.162(n), along with notice of the appeal timelines.