

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. 31388-24-25

Child's Name:

A.W.

Date of Birth:

[redacted]

Parent:

[redacted]

Counsel for Parent:

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Hearing Officer:

Joy Waters Fleming, Esq.

Date of Decision:

March 25, 2026

INFORMATION AND PROCEDURAL HISTORY

The Student¹ is a [redacted]-year-old child currently enrolled in the [redacted] grade at a District elementary school and eligible for special education and related services as a child with a specific learning disability, a speech and language impairment, and as other health impaired based on attention-deficit/hyperactivity disorder (ADHD). On May 28, 2025, the Parents filed a Due Process Complaint against the District under the IDEA², Section 504³, and the Americans with Disabilities Act (ADA)⁴, contending that the District denied Student a free, appropriate public education and seeks relief consistent with that claim. The District contends that no FAPE denial occurred and no relief is due.

With leave of the Hearing Officer, the Parents filed an amended complaint on July 28, 2025. The additional allegations arose from the same conduct, transactions, and occurrences set forth in the original filing. Although the filing of the amended complaint restarted certain procedural timelines, it did not alter the operative filing date for statute-of-limitations

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 42 U.S.C. §§ 12101 – 12213.

purposes. Accordingly, claims arising on or after May 28, 2023, were deemed timely under the IDEA's two-year limitations period.

This matter proceeded through multiple prehearing motions and procedural rulings. Written orders issued during the pendency of the case were marked as Hearing Officer exhibits and are incorporated into the record. The due process hearing occurred over numerous sessions spanning several months.⁵ Although the parties initially framed the issues as encompassing the period from May 28, 2023, through the conclusion of the 2024-2025 school year, the evidentiary record developed extensively regarding Student's educational programming during the 2025-2026 school year. Both parties addressed the adequacy of programming during that school year in testimony and post-hearing submissions. To avoid duplicative proceedings involving the same student and related claims, this decision addresses the adequacy of the District's programming through the date of the final January hearing session.

For the reasons set forth below, the Parents' claims are granted in part and denied in part.

ISSUES

- 1) Did the District deny the Student a FAPE from May 28, 2023, until the end of the 2024-2025 school year under the IDEA, Section 504 or the ADA by:

⁵ The decision due date (DDD) was extended only after a request from the parties.

- a. Performing an inadequate special education evaluation in October 2024?
 - b. Failing to develop and implement appropriate IEPs calculated to allow for meaningful educational progress?
- 2) Are the Parents' claims before July 28, 2023, barred by the statute of limitations?
 - 3) If the District denied the Student a FAPE, is an IEE and/or compensatory education or other remedy appropriate?

FINDINGS OF FACTS

1. The Student is an elementary school student eligible for special education as a child with a specific learning disability (SLD), a speech and language impairment (SLI), and as other health impaired (OHI) based on attention-deficit/hyperactivity disorder (ADHD). (P-45)
2. The Student is regarded as happy, kind, positive, social, hardworking, and conscientious. (P-45, p. 30; N.T. 345-348, 692, 784-789, 980-981)

Before [redacted]

3. An evaluation and subsequent reevaluation conducted before [redacted] determined that the Student did not meet the criteria for a developmental delay and did not require early intervention services. (P-2, P-15, p. 2)

4. In June 2021, a private Speech-Language Pathologist (SLP) evaluated the Student after the Parents expressed concerns about challenges with word-finding and dyslexia. Although the Student was in the average range, the SLP provided focused therapy. The following year, the private SLP diagnosed the Student with a language processing disorder, a specific language impairment, and a language-based learning disability (P-5, p. 2-7)

5. In March and November 2022, an assessment of early literacy skills indicated that the Student was at risk of developing difficulties with word reading and phonological awareness, including dyslexia. The evaluator became the family's educational/literacy consultant. (P-8, P-9, P-10, P-141; N.T. 212, 143, 169, 1198-1200, 1206, 1290-1304, 1344-1346)

6. In July 2022, a private certified school psychologist concluded that the Student had challenges with language processing/auditory memory, phonological and orthographic processing, rapid naming, and executive functioning. The evaluator determined that the Student should be eligible for special education as a child with a speech and language impairment (SLI), a specific learning disability (SLD)(dyslexia), and other health impairment (OHI)(ADHD). (P-2)

7. The summer before [redacted], the Parents expressed concerns to the District regarding the Student's reading, speech, and social-emotional functioning. The Parents provided the District with the private evaluations and advised that the Student received private reading tutoring and Speech services. The Parents consented to a District evaluation of the Student. (P-2, P-5, P-11, P-12, P-15, p. 2, P-28, p.

12, P-38, p.13, P-108, p.11,18, S-13, p. 102; N.T. 188-189, 212, 242-243)

2022-2023 [redacted]

8. During the 2022-2023 school year, the Student attended [redacted] in the District. (N.T. 180)
9. During [redacted], the Student received reading tutoring and speech therapy funded by the Parents. (P-38, P-108, p.11,18, P-109, p. 6; S-13, p. 102; N.T. 188-189, 212, 242-243)

October 2022 District Reevaluation

10. The District issued its evaluation report in October 2022, which relied in substantial part on the private psychoeducational evaluation for cognitive, achievement, and social-emotional data. The District's RR also included summaries of the privately obtained literacy screening, OT and speech data, parental and teacher input, and updated testing speech-language assessments. (P-15)
11. For inclusion in the ER, a District SLP administered assessments, including the LPT-3 and LCT-2, and conducted an observation of the Student. (P-15, p. 15)
12. The RR determined the Student needed specially designed instruction on the basis of a speech or language impairment (SLI) (primary) and a secondary disability of other health impairment (OHI) (ADHD). Because the Student was performing proficiently in the

[redacted] curriculum, the RR did not adopt the private evaluator's SLD eligibility determination. (P-15, p. 24; N.T. 1103, 1120-1122)

December 2022 IEP

13. In December 2022, the IEP team met to develop programming. The offered programming included three speech goals (answering questions, word identification, following directions), compatible SDI, and thirty minutes of weekly speech therapy. (P-16, P-18, S-82; N.T. 765)
14. In February 2023, the District held a team meeting to address the Parents' concerns about the Student's reading abilities. In addition to the Parent, the family's educational consultant, private educational psychologist, speech therapist, and tutor attended the meeting. Following the meeting, the Parents consented to a reevaluation of the Student. (P-22, S-6, S-13, p. 37)

April 2023 District Reevaluation

15. On April 28, 2023, the District issued its reevaluation report (RR) of the Student. The April RR included a records review of prior private and District evaluations, updated teacher input, observation, and data from previously conducted informal and formal speech-language assessments. (P-25, S-4, p. 6-9; N.T. 766, 1123)
16. The RR concluded the Student was academically proficient in reading decoding, reading comprehension, written expression and math; and meeting expectations in science and social studies.

Although speech assessments did not determine a word-finding disorder, the RR recommended that those skills be addressed informally to address parental concerns. (S-4, p. 18; N.T. 768)

17. The RR identified a need in listening comprehension and concluded the Student had a disability and needed specially designed instruction based on speech-language impairment (SLI) (primary) and other health impairment (OHI) (ADHD) (secondary). (P-25, p. 17)

May 2023 IEP

18. On May 24, 2023, the team met to revise the Student's IEP, including updated skills, informal goals, and a baseline for word finding.
19. The May IEP included a speech goal to address unknown-word identification and thirty minutes of weekly individual speech therapy. SDI included gaining eye contact, chunking, verbal repetition, wait time, P4 (pause, picture, plan, produce), and verbal cues. Although the Parents expressed concerns that the District's literacy programming did not address the Student's risk factors for dyslexia, they approved the team's recommendation for itinerant-level speech-language support. (P-28, S-7)

2023-2024-[redacted] Grade

20. During the 2023-2024 school year, the Student was enrolled in [redacted] grade in the District and initially received special education programming through the May 2023 IEP. (S-6; N.T. 285, 335)

21. Early in the school year, the Parents advised the [redacted]-grade teacher of the Student's diagnoses and of privately supplied speech therapy and reading tutoring. (S-31, p. 53, S-79; N.T. 89, 296-297, 335, 351)
22. Following October benchmark reading assessments, the Student received pull-out, small-group, Tier II, multi-tiered systems of support (MTSS) reading instruction from a District reading specialist. (P-76, S-26, N.T. 287-288, 336-337)
23. During Tier II support, a level 1 Wilson-certified District reading specialist provided the Student with thirty minutes of small-group, daily instruction. (S-85; N.T. 579-580, 610-611)
24. On October 5, 2023, the Parent contacted the classroom teacher with concerns regarding sight-word struggles, the Student's placement in Tier II reading, a dyslexia diagnosis, and advised of a change from Orton-Gillingham to Wilson tutoring. The Parents requested that the District provide Wilson reading instruction. (P-109, S-31, p. 53; N.T. 296)
25. Based on mid-year benchmark testing, the District moved the Student from Tier II to Tier I reading support. Although the Student's i-Ready score declined, performance measures through the DIBELS and F & P indicated progress. (P-76, S-26)

February 2024 IEP

26. On February 26, 2024, the District held an annual IEP meeting. (P-31, S-16, pp. 7-8, 19-24)

27. Present levels indicated the Student accessed regular education for all subject areas and was progressing toward expectations in reading decoding, reading comprehension, math, and meeting expectations in science and social studies. (P-31, p. 6)
28. Parents' concerns included the MTSS reading support and speech/communication issues at home. Teacher input indicated that the Student used age-appropriate vocabulary, grammar, and sentence structure; responded correctly to comprehension questions (oral and written); shared ideas in an organized and coherent manner; and remembered orally presented information. Teacher concerns included emerging narrative writing skills and sometimes omitted story elements. (P-31, p. 6, S-16; N.T. 371)
29. The Student's progress on speech-language goals was discussed; one goal was mastered. The February IEP offered three speech goals to address (two-step directions, answering WH questions, sequential task explanation). SDI included eye contact, chunking, oral repetition, wait time, and verbal cues. Offered related services included thirty minutes of individual speech therapy per cycle. (P-31, p. 25-26, S-16, p. 23; N.T. 775)
30. The February 2024 IEP continued itinerant speech-language support, direct individual speech-language therapy, consultative services, and monitoring of word-finding concerns. The team determined the Student ineligible for ESY. (S-16)

31. In March 2024, the District moved the Student back to Tier II reading support. However, by the end of [redacted] grade, reading data indicated the need for Tier III support. (S-74; N.T. 298, 359-361, 581)

32. During [redacted] grade, in addition to tiered reading support, the Student received 1.5 hours of reading instruction, 50 minutes of writing instruction, and 50 minutes of math instruction. Sight words were reviewed daily in school, and assessments for understanding were administered monthly. All delivered curriculum aligned with the Pennsylvania State standards (P-105, S-6, p. 42, S-16, p. 25-26, S-26, S-39, S-69, S-79; N.T. 349, 335-339, 341, 368, 373-374)

33. In [redacted] grade, the Student received final grades of P (progressing toward expectations) or M (met expectations). (P-70; N.T. 312-318)

[redacted] Grade Progress

34. At the beginning (September), middle (January) and end (May) of [redacted] grade, the Student received benchmark testing. (P-76, P-77, S-39, p. 4, S-59, p. 13, S-74; N.T. 641, 643)

35. In reading, according to the F & P, during [redacted] grade, the Student progressed from level D (end of [redacted]) to G (middle of [redacted] grade), but by the end of the school year, fell to H (February of [redacted] grade). On the DIBELS, at the beginning of [redacted] grade, the Student received a below benchmark score of (102), and by the middle of the year, the score rose to above benchmark (145). By the end of [redacted] grade, the Student's level

fell below the benchmark to the intensive range (99). (P-76, P-77, S-39, p. 4; N.T. 601)

36. In reading, on the iReady, at the beginning of [redacted] grade, the Student performed at the 61st percentile (below grade level). By the middle of the year, the Students' performance declined to the 31st percentile (below grade level). By the end of [redacted] grade, the Student performed at the 51st percentile (early [redacted] grade level). (P-76, S-25, S-26, S-39, p. 4; N.T. 322, 358, 363, 599, 620, 643)

37. According to iReady math assessments, the Student progressed from the 56th percentile (below grade level) to the 70th percentile (mid or above grade level). On Linkit testing, the Student performed in the fourth quartile (81.1%) but moved to the third quartile (89.2-97.2%) by the end of [redacted] grade. (S-39, p. 5)

38. In speech, the Student demonstrated emerging expressive language skills with partial progress in comprehension and narrative language. Speech therapy services ended on May 26, 2023, and informal word-finding goals were not introduced. Overall, The Student demonstrated limited but measurable progress in vocabulary identification and basic comprehension, with continued needs in higher-level language skills and direction-following. (P-61, P-97)

Summer 2024

39. On August 14, 2024, an informal meeting was held with the Parents, their education/literacy advocate, and District staff. Following

the meeting, the Parents requested that the Student receive intensive, one-on-one, structured literacy instruction with compatible strategies. (P-35, P-38, p. 6, 12)

40. On August 23, 2024, after the Parent requested a reevaluation, the District issued a NOREP that proposed a records review, cognitive and academic achievement testing, socio-emotional/behavioral rating scales, speech/language and occupational therapy evaluations, Parent/teacher input, and observations. Although the Parents consented, they requested "more psychometrically sound diagnostic assessments" and expressed "significant concerns about [Student's] extensive history of intervention". (S-33; N.T. 1126-1128)

2024-2025 School Year- [redacted] Grade

41. During the 2024-2025 school year, the Student was enrolled in the [redacted] grade in the District. (P-45; N.T. 689)

August 2024-IEP

42. On August 29, 2024, the IEP team met to clarify programming and evaluation parameters. The Parents requested the administration of a specific assessment (TILLS). (P-38, S-34, S-35; N.T. 623, 1132-1137, 1144-1147)
43. Following the meeting, the Parents requested a NOREP reflecting their previous request for a structured literacy intervention, the administration of the TILLS, and an evidence-aligned analysis of the

Student's response to intervention. (P-38, S-34, p. 6, 11-12, S-73, p. 106)

44. The NOREP issued by the District rejected daily individualized literacy as too restrictive, and the TILLS assessment due to concerns regarding administration, scoring, norm-referencing, and standardization, but invited the Parents and their advocate to suggest alternate specific assessments. (P-38)

45. At the end of September, the District's reading specialist administered placement testing to the Student. S-38; S-85; N.T. 535-536; 606-608, N.T. 624-625)

46. After testing, the Student received thirty minutes of daily Tier III (intensive reading intervention) with two other children. The reading specialist provided instruction using a research-based, multi-level program that focused on phonemic awareness, phonics, and blending. Progress monitoring occurred every two weeks. Administered benchmark testing did not necessitate math intervention. (P-45, p. 5, S-38, S-40; N.T. 581-582, 624, 627, 692)

October 2024 RR

47. On October 15, 2024, the District issued its RR concerning the Student. The RR included Parent and teacher input, assessments of cognitive, language, academic, and social-emotional, speech and OT functioning, classroom observations, and a summary of previous assessments. (P-45, S-39; N.T. 1148-1150, 1154-1155)

48. The assessments were administered by experienced, credentialed professionals who used valid, reliable measures administered in accordance with testing directions. (S-39, S-87; N.T. 1151)
49. On the WISC-V, the Student's overall intellectual functioning was within the low-average range, with a general ability index in the 23rd percentile. (P-45, S-39; N.T. 1159-1161)
50. Academic testing administered through the WIAT-4 indicated low-average basic reading skills, very low reading fluency, low-average reading comprehension, average math, low written expression, average listening comprehension, and low-average oral expression. (P-45, p. 12-13, S-39; N.T. 1165-1166)
51. Reading assessments reported in the RR indicated some levels well below benchmark and grade level. (P-45, p. 4)
52. The Student's math benchmark testing indicated performance between basic and proficient (44%-53.9%). On the i-Ready, the Student performed at the 57th percentile, one grade level below. (P-45, p. 4)
53. Parent input referenced the Student's diagnosis of dyslexia, reading struggles and language disorders. Teacher input indicated that the Student was kind and wanted to do well, proficient in reading consonant-short-vowel-consonant patterns, trying to sound out words, having difficulty remembering details, and needing redirection. (P-45, p. 3, 6)

54. On teacher completed BASC-3 rating scales, the Student's ratings fell within the at-risk range for learning problems and leadership. The Parents' rating indicated the Student was in the at-risk range for symptoms of atypicality, attention problems, leadership, and functional communication. (P-45, p. 15)
55. On the BRIEF-2, the Parents' ratings of the Student for inhibit, shift, initiate, working memory, planning and task monitoring fell within the clinically significant range. According to the teacher rating, the areas of shift and working memory fell within the clinically significant range. (P-45, p. 16)
56. For inclusion in the RR, the District's SLP conducted hours of speech assessments that included (TAPS-4, CELF-5, CASL-2, TNL-2, LCT-2, LPT3), a language sample, and a classroom observation. (S-39, p. 16-26; N.T. 766-768)
57. After testing, the SLP concluded the Student presented with fluency, voice, articulation, receptive and pragmatic language and listening comprehension within normal limits. (S-39, p. 26)
58. The Student's performance on the CELF-5 and the CASL-2 revealed clinically significant differences in the receptive and expressive indices. The SLP concluded the Student's ADHD more than likely impacted expressive language skills (P-45)
59. Although the Student's scores were within the range of average, the SLP concluded that continued parental concerns regarding expressive language skills, along with clinically significant differences,

indicated the Student would benefit from continued speech therapy to strengthen receptive and expressive language skills. The SLP recommended a continuation of speech therapy for thirty minutes per cycle with word-finding in discourse and informal monitoring. (S-39, p. 26; N.T. 777-778)

60. Assessments by a licensed occupational therapist of fine motor control, sensory processing, and fine motor skills indicated that the Student did not require intervention. (P-45, p. 26-29)

61. The RR concluded the Student exhibited a severe discrepancy between ability (nonverbal cognitive skills) and achievement in reading and was eligible and in need of special education services based upon a specific learning disability (SLD) in basic reading, reading fluency, reading comprehension, a Speech or Language Impairment (SLI) (expressive language) and OHI (ADHD). (P-45; N.T. 777, 1152-1153)

62. The October 2024 reevaluation identified the Student's needs in reading accuracy/phonics, reading fluency, reading comprehension, spelling, attention/focus/working memory, and expressive language, and made recommendations for the IEP team. (S-39, p. 30-32, S-43, p. 6-10)

November 2024 IEP

63. In November 2024, the Student was assessed through the WIST. The Students' reading scores, except for spelling, were at or below the 1st percentile. (P-86; N.T. 585)

64. On November 14, 2024, the IEP team met to develop programming. The IEP offered supplemental learning support and speech-language support, multiple measurable annual goals, SDIs and accommodations, 45 minutes of daily intensive, research-based, specialized direct phonics/ reading instruction, 20 minutes daily of special education reading /spelling instruction, and 30 minutes of group and 30 minutes of individual speech-language therapy per cycle. (S-43, p. 18-28, 32-33)
65. The Wilson Reading System, a research-based program, was selected as the Student's specialized program. (P-48, p. 3, 6, S-42, S-43, S-44; N.T. 447, 631-633)
66. The November IEP included two reading goals (decoding/ encoding), (oral reading fluency), and three speech goals (expressive vocabulary, grammar, inference). The IEP speech goals were developed collaboratively with the private SLP. (P-48, p. 20-22; N.T. 779-783)
67. SDI included chunking, oral repetition, verbal cues, preferential seating, monthly phonics progress updates to the parents, notification of changes to the student grouping in the specialized reading program, and testing accommodations. (P-48, S-43; N.T. 455, 464-467)
68. After specialized reading instruction began, the District replaced the original teacher for the Student with a Wilson-certified instructor.

District staff, including the reading specialist, Wilson instructor, and case manager, collected data and provided Parents with progress updates through a shared Google spreadsheet and through formal IEP progress reports.⁶ (P-101, S-58, S-73, p. 66, 78, 92; N.T. 584, 591, 635)

January 2025 IEP revision

69. On January 24, 2025, following a meeting between the District and a private SLP, the District revised the Student's IEP, including updated speech-language goals and baseline data. The Parents did not return the NOREP. (S-46, p. 1, 7, S-47, S-73)

70. On February 17, 2025, the Parents advised they would place the Student in a private school and seek tuition reimbursement from the District. (P-54, p. 13)

February 2025 IEP Revision

71. On February 25, 2025, the Student's IEP team met to address the Student's progress and the Parents' tuition reimbursement request. Expressed Parent concerns included sufficiency of Wilson instruction, data compilation, appropriateness of the second-grade reading program, and ESY. (P-53, P-54, P-130, p. 17, S-50, S-51, S-52; N.T. 475, 638)

⁶ Although the District created a live Google document with continuous updating of data of the students' decoding and encoding probes, the Parents were unable to access it. (S-58; N.T. 504)

72. At the meeting, the District offered ESY, added an additional oral reading fluency goal, scheduled a follow-up meeting, but declined to fund a private placement. (P-54, p. 7-8, 10, 14, 40, S-55)

March 2025 IEP Revision

73. On March 19, 2025, the IEP team updated the Student's IEP without a meeting in response to additional input from the Parents. The revision added concerns from the reading specialist about the impact of private Wilson reading instruction on the Student's progress. The Parents indicated that ESY may be beneficial, but it would not give the Student a break from school. (P-56, p. 7, P-110, p. 27, N.T. 478, 486, 518, 638-639, 1005)

74. On June 23, 2025, through a NOREP, the District removed speech and reading services from the offered ESY and proposed only Wilson instruction. The Parents did not return the NOREP but communicated that summer tutoring plans were already confirmed. (P-60, P-110, p. 41, S-55, S-73, p. 1-2; N.T. 154-155)

75. During [redacted] grade, the Student received daily small-group instruction in English Language Arts and Math. Although daily, individual Wilson instruction was slated to occur, some sessions were cancelled, then rescheduled for make-up. At the end of the school year, the District owed the Student 135 minutes of instruction. (P-48, P-56, P-137, p.2; N.T. 102-103, 690-692)

76. During speech therapy, the SLP used word webs, visuals on a smartboard, tactile cues, inferencing charts, and verb lists. Visual aids such as word webs, inference charts, and lists of irregular past-tense

verbs were used to support therapy. Strategies such as "P4" (Pause, Picture, Plan, Produce) and "Stay With It" were implemented to help the Student process and produce information (S-66, S-67, S-68, S-69; N.T. 785-787, 790-791).

[redacted] Grade Progress

77. According to a WADE assessment, from November to June of [redacted] grade, the Student progressed in correct responses in sounds from 53% to 65%, in reading from 13% to 28%, and in spelling from 9% to 23%. (P-99)

78. From December 2024 until June 2025 of the 2024-2025 school year, although still below benchmark, the Student made progress and met or exceeded the decoding, encoding and fluency goals. (P-68, S-58)

79. From February 2025 until June 2025, in [redacted] grade, the Student made progress in oral reading fluency (ORF), consistently improving WCPM and maintaining high accuracy. (P-68, S-58)

80. According to the DIBELS benchmark, the Student received a score of 311. By the middle of the year, the Students' scores rose to 362, and by the end of the year, it reached 407. (P-76, P-77)

81. In speech, the Student occasionally struggled to focus and attend but made some progress in expressive vocabulary, grammar and inferencing skills with increased accuracy and independence across the school year. (P-68, P-97)

82. On July 28, 2025, the Parents filed an amended due process complaint.

2025-2026 School Year - [redacted] Grade

83. During the 2025-2026 school year, the Student attended [redacted] grade in the District. (P-130)

84. At the start of [redacted] grade, benchmark data indicated Student's regression in foundational reading skills, including decreases in nonsense word fluency, oral reading rate, and overall reading placement level. (S-74, S-76)

85. In September 2025, Parents provided the District with a private psychoeducational evaluation identifying dyslexia and recommending substantially increased and specialized literacy intervention. (P-3)

November IEP

86. In November, the District convened an IEP meeting to review the private evaluation and update programming. (P-130, S-91)

87. The District proposed and conducted a reevaluation, including a functional behavioral assessment, with parental consent. (S-91)

88. The November 2025 IEP offered extensive SDI to address reading, writing, speaking and executive functioning needs including forty-five minutes of daily intensive research-based phonics reading

instruction and thirty minutes of daily direct reading instruction in fluency, comprehension, and spelling patterns. Thirty minutes of group and thirty minutes of individual speech therapy were also offered per cycle. (P-130)

89. The November IEP included updated reading goals (including oral reading fluency), speech-language goals, extensive accommodations, and eligibility for ESY services based on a history of regression. (P-130)

90. The Student received approximately 120 minutes of daily ELA instruction, primarily focused on decoding skills, and approximately 45 minutes per day of Wilson reading instruction. (P-137, p.2)

91. During [redacted] grade, some Wilson reading sessions were missed. As of December 2025, the District owed the Student 285 minutes of instruction. The District offered to extend certain sessions, to make up the missed time. (P-137, p. 2)

92. The District issued its reevaluation report in January 2026. At the time of the hearing, the IEP team was actively planning a meeting to review the reevaluation and develop a revised IEP. (N.T. 967)

DISCUSSION AND APPLICATION OF LAW

General Legal Principles

The Burden of Proof

The burden of proof consists of two elements: the burden of production and persuasion. In special education due process hearings, 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). The party seeking relief must prove entitlement to their demand by preponderant evidence and cannot prevail if the evidence rests in equipoise. See *N.M., ex rel. M.M. v. The School Dist. of Philadelphia*, 394 Fed.Appx. 920, 922 (3d Cir. 2010), citing *Shore Reg'l High Sch. Bd. of Educ. v. P.S.*, 381 F.3d 194, 199 (3d Cir. 2004).

In this case, the Parents are the party seeking relief and bear the burden of proof.

Witness Credibility

During a due process hearing, the hearing officer is charged with judging the credibility of witnesses and must make "express, qualitative determinations regarding the relative credibility and persuasiveness of the witnesses." *Blount v. Lancaster-Lebanon Intermediate Unit*, 2003 LEXIS 21639 at *28 (2003). One purpose of an explicit credibility determination is to give courts the information that they need in the event of judicial review. See, *D.K. v. Abington School District*, 696 F.3d 233, 243 (3d Cir. 2014) ("[Courts] must accept the state agency's credibility determinations unless the non-testimonial extrinsic evidence in the record would justify a contrary conclusion."). See also, generally *David G. v. Council Rock School District*, 2009 WL 3064732 (E.D. Pa. 2009); *T.E. v. Cumberland Valley School District*, 2014 U.S. Dist. LEXIS 1471 *11-12 (M.D. Pa. 2014); *A.S. v. Office for Dispute Resolution (Quakertown Community School District)*, 88 A.3d

256, 266 (Pa. Commw. 2014); *Rylan M. v. Dover Area Sch. Dist.*, No. 1:16-CV-1260, 2017 U.S. Dist. LEXIS 70265 (M.D. Pa. May 9, 2017).

In addition to the Parent, regular and special education teachers, for [redacted] grades, reading specialists, a District SLP, a special education administrator, and a school psychologist, the Parents presented testimony from three expert witnesses. The District called no witnesses. Greater weight was assigned to testimony grounded in direct instructional involvement, contemporaneous data, and demonstrated responsiveness to Student's changing educational needs. These credibility determinations inform the findings that the District's programming was generally appropriate during certain periods but partially insufficient during others.

The testimony from District staff was afforded substantial weight. These witnesses demonstrated direct involvement in Student's programming, familiarity with benchmark data and progress monitoring, and knowledge of instructional services delivered. Their testimony was largely consistent with contemporaneous educational records and reflected ongoing efforts to adjust programming in response to evolving performance data. Where minor inconsistencies arose, they were attributable to the passage of time or to differences in interpretation rather than to attempts to minimize Student's needs. Importantly, District witnesses acknowledged areas of difficulty, including regression, the need for increased instructional intensity, missed instructional sessions and record production challenges. Their candor enhanced credibility.

The Student's mother testified at length regarding her observations of Student's academic functioning, communication with the District, and efforts to secure private supports. Her testimony was generally credible, candid, consistent with the documentary record, and reflective of a parent actively

engaged in her child's education. She was credible with respect to descriptions of Student's struggles, her understanding of District communications, and her concerns regarding progress. Although her observations were afforded meaningful weight, her conclusions regarding the legal adequacy of the District's programming were considered alongside objective performance data and other testimony.

The Parents also presented testimony from a licensed clinical psychologist and certified school psychologist who conducted private psychoeducational evaluations of Student. This witness was properly qualified as an expert in school psychology and clinical psychology. Her testimony was detailed, grounded in standardized assessment results, and generally consistent with the documentary record concerning Student's cognitive profile, attention-related needs, and emerging reading disability. The psychologist's opinions are afforded significant weight with respect to the identification of the Student's disability profile and the severity of her reading difficulties. Her evaluations provided useful insight into phonological processing weaknesses, working memory concerns, and the need for intensive literacy intervention.

The testimony of the private speech-language pathologist is afforded moderate weight. The witness demonstrated extensive professional experience and longstanding familiarity with Student's language profile. Her opinions are credited regarding the presence of expressive language vulnerabilities and the need for continued intervention. However, the weight of her conclusions regarding the alleged inadequacy of District programming was reduced. The witness did not observe Student in the educational setting, could not produce all records, and relied in part on qualitative impressions and personal clinical experience rather than standardized comparative measures. Accordingly, her testimony was considered informative but not

controlling in determining whether the District's services met the IDEA standard.

The Parents called their advocate, an educational/literacy consultant, as a witness and offered her as an expert in evidence-based reading instruction, curriculum development, and literacy assessment and intervention. After consideration of her qualifications, testimony, and the totality of the record, the undersigned affords limited weight to her opinions. Although the witness has experience in literacy advocacy and has participated in educational consulting activities, the record reflects that she has not taught in public schools in recent years and has not worked within the Pennsylvania public school system. Although she obtained very recent credentials after she screened the Student, she lacks formal training or certification in special education, school psychology, or educational measurement. Notwithstanding these limitations, the witness offered opinions regarding the legal adequacy of the District's programming under the IDEA and the psychometric soundness of certain standardized assessments. These opinions exceed the scope of her demonstrated expertise and are therefore afforded diminished persuasive value. In addition, the witness acknowledged that she is not certified in specific structured literacy programs used by the District and that she did not observe Student in the classroom or in District-provided interventions. Moreover, her direct interaction with Student was limited.

General IDEA Principles: Substantive FAPE

The IDEA requires each of the states to provide a "free appropriate public education" (FAPE) to children who are eligible for special education services. 20 U.S.C. § 1412. FAPE consists of both special education and related services. 20 U.S.C. § 1401(9); 34 C.F.R. § 300.17. The United States

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

Individualization is, accordingly, the fundamental consideration for purposes of the IDEA. Nevertheless, an LEA is not obligated 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). 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). IEP development, of course, must follow and be based on an evaluation, as monitored and updated by interim changes. 20 U.S.C. § 1414(d); 34 C.F.R. §§ 300.320-300.324.

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). 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. 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[.]” 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).

If 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). Parents are entitled to an IEE funded by the LEA if the evaluation does not meet IDEA criteria.

General IDEA Principles: Procedural FAPE

From a procedural standpoint, the family plays “a significant role in the IEP process.” *Schaffer, supra*, at 53. This critical concept extends to placement decisions. 20 U.S.C. § 1414(e); 34 C.F.R. §§ 300.116(b), 300.501(b); *see also Letter to Veazey*, 37 IDELR 10 OSEP 2001 (confirming the position of OSEP that LEAs cannot unilaterally make placement decisions about eligible children to the exclusion of their parents). Consistent with

these principles, a denial of a FAPE may be found 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).

Full participation in the IEP process does not mean, however, that LEAs must defer to parents' wishes. *See, e.g., Blackmon v. Springfield R-XII School District*, 198 F.3d 648, 657-58 (8th Cir.1999)(noting that IDEA "does not require school districts simply to accede to parents' demands without considering any suitable alternatives," and that failure to agree on placement does not constitute a procedural violation of the IDEA).

General Section 504 and ADA Principles

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on 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).

The obligation to provide FAPE is substantively the same under Section 504 and the IDEA. *Ridgewood v. Board of Education*, 172 F.3d 238, 253 (3d Cir. 1995). Further, the substantive standards for evaluating claims under Section 504 and the ADA are essentially identical. *See, e.g., Ridley School District v. M.R.*, 680 F.3d 260, 282-283 (3d Cir. 2012). Courts have long recognized the similarity between claims made under those two statutes, particularly when considered together with claims under the IDEA. *See, e.g., Swope v. Central York School District*, 796 F. Supp. 2d 592 (M.D. Pa. 2011); *Taylor v. Altoona Area School District*, 737 F. Supp. 2d 474 (W.D. Pa. 2010); *Derrick F. v. Red Lion Area School District*, 586 F. Supp. 2d 282 (M.D. Pa.

2008). Thus, in this case, the coextensive Section 504 and ADA claims that challenge the obligation to provide FAPE on the same grounds as the issues under the IDEA will be addressed together.

Parents' Claims

The Parents contend that the District denied the Student a free appropriate public education (FAPE) beginning in May 2023 and continuing across multiple school years by implementing IEPs that failed to address established needs, providing insufficient speech-language services, omitting necessary specially designed instruction (SDI), and improperly denying extended school year (ESY) services. The Parents also challenge the sufficiency and timing of the District's October 2024 reevaluation of the Student.

This record established that the District had early notice of Student's vulnerability to reading difficulties, including privately obtained evaluations identifying risk factors associated with dyslexia, phonological processing deficits, auditory memory weaknesses, and executive functioning concerns. The Parents consistently communicated their concerns and provided documentation of privately funded tutoring and speech-language services. These facts required the District to remain vigilant in monitoring Student's literacy development and to adjust programming in response to emerging data.

The IDEA does not require a school district to adopt a private evaluator's diagnostic conclusions or recommended methodologies, nor does it obligate a district to provide the most intensive conceivable intervention in the absence of performance data demonstrating the necessity for such programming. However, eligibility and program design decisions must be

evaluated considering the information reasonably available to the IEP team at that time.

During [redacted] and spring 2023, the District conducted evaluations and reevaluations that incorporated private reports, teacher observations, updated speech-language testing, and classroom performance data. These evaluations consistently identified speech-language impairment as the primary disability and OHI (ADHD) as secondary, while concluding that the Student was performing proficiently within the [redacted] curriculum and did not meet criteria for a specific learning disability at that time. Although the presence of dyslexia risk factors warranted continued monitoring and instructional responsiveness, the record does not demonstrate that the data available during this period compelled immediate SLD identification or intensive specialized reading instruction within the IEP. Additionally, available data did not warrant ESY for the summer after [redacted].

The May 2023 IEP appropriately focused on the needs identified through District evaluation, including listening comprehension and expressive language skills, and provided speech-language goals, SDIs targeting processing and attentional functioning, and direct therapy services. On this hearing record, the May 2023 programming was reasonably calculated to enable Student to make appropriate progress in light of then demonstrated levels of performance. The Parents have not met their burden that a FAPE denial occurred from May 2023 through the summer of the 2022-2023 school year.

At the outset of [redacted] grade, Student's benchmark reading data reflected variability rather than a clear pattern of regression or stagnation. Some measures fell below the benchmark, while others indicated performance within the early -[redacted] grade range. The District responded by providing Tier II MTSS intervention consisting of daily small-

group instruction delivered by a Wilson-trained reading specialist. When mid-year data reflected improvement on certain indicators, Student was returned to Tier I core instruction with continued monitoring. Later declines in selected benchmark measures prompted renewed Tier II intervention and eventual recognition of the need for more intensive Tier III support.

This progression demonstrates that the District did not remain passive in the face of fluctuating literacy performance. Rather, the District employed a data-driven, escalating intervention framework consistent with permissible use of MTSS under the IDEA, as in this case, where the Student continued to access the general education curriculum and demonstrate some academic growth. Additionally, this Student earned report card grades reflecting progress toward or achievement of expectations and continued to receive daily core instruction in reading, writing, and mathematics.

Although the Parents persuasively argued that earlier embedding of intensive specialized reading instruction in the IEP may have been educationally beneficial, the IDEA does not require districts to maximize student potential or to select a parent-preferred instructional methodology so long as the implemented programming is reasonably calculated to enable appropriate progress. *A.B. ex rel. D.B. Lawson*, 354 F.3d 315, 325 (4th Cir. 2004); *T.L. v. Lower Merion School District*, 2016 WL 34053; *Kathryn F. v. West Chester Area School District*, 2013 WL 6667773." *In re K.F., a student in the North Pocono School District*, ODR File No. 29032-23-24 p. 38 (HO Waters Fleming, 09/26/2024

With respect to speech-language services, the District provided ongoing therapy aligned with identified needs, adjusted goals based on progress, and incorporated SDIs targeting processing and attentional functioning. Student mastered a speech-language goal and demonstrated functional classroom participation. Although private providers recommended

broader language-based intervention, the evidence does not compel the conclusion that the District's level of service was inappropriate under IDEA's adequacy standard.

Similarly, the absence of SDIs specifically targeting written expression does not establish a FAPE denial, given that present levels reflect age-appropriate vocabulary, organized expression of ideas, participation in daily writing instruction, and overall progress toward expectations. The IDEA requires responsiveness to demonstrated need, not anticipatory programming for potential future deficits.

The team's determination that ESY services were not required during [redacted] grade is also supported by the record. Despite fluctuating literacy performance, the evidence did not establish significant regression following instructional breaks or an inability to recoup skills within a reasonable period. The Student continued to access grade-level content and demonstrate progress in multiple domains, including mathematics. The record supports the conclusion that Student derived meaningful educational benefit during [redacted] grade. Based on the totality of this record, the Parents have failed to establish a FAPE denial for the 2023–2024 school year.

By contrast, the 2024–2025 school year presents a materially different evidentiary landscape. At the Parent's request, the District conducted a comprehensive reevaluation in October 2024. The reevaluation included cognitive and academic testing, behavioral rating scales, extensive speech-language assessments administered over several hours, classroom observation, review of prior data, and input from both parents and teachers. Testing was conducted by credentialed professionals using valid and reliable instruments administered in accordance with standard procedures. This evaluation marked the first time the District identified a specific learning

disability in reading and associated needs in fluency, comprehension, and spelling. The RR also confirmed ongoing executive functioning and expressive language deficits.

Although the Parents argue that the reevaluation was inadequate, they have not met their burden on this assertion. The record demonstrates that the District acted within a reasonable timeframe, given evolving performance data, and did not fail to evaluate once a clearer pattern of disability-related academic difficulty emerged. IDEA requires comprehensive identification of needs, not detailed program design within the evaluation report itself. Although the RR sought to effectively inform the expanded November 2024 IEP, aspects of the resultant programming were inadequate.

The post-evaluation November 2024 IEP increased services to include daily research-based literacy instruction using the Wilson Reading System, additional special education reading and spelling support, expanded speech-language therapy, measurable goals, accommodations, and systematic progress monitoring. Student demonstrated measurable gains in foundational literacy skills and improvement on several benchmark measures during [redacted] grade, although performance remained below grade level and continued to reflect difficulty generalizing emerging literacy skills to connected text and grade-level academic tasks.

Nevertheless, this record supports Parents' contention that the program was not fully sufficient in scope and intensity to address the breadth of Student's disability needs. Credited testimony established that Student required broader SDIs to generalize literacy skills across academic contexts and that certain significant needs, including reading comprehension strategies and executive functioning, were only partially reflected in the IEP goal framework. Although the IDEA does not require that an IEP contain a separate goal for every identified need, the record established that the

Student's executive functioning and reading comprehension deficits significantly affected the ability to generalize developing literacy skills and access grade-level content. Under these circumstances, the absence of sufficiently targeted goals or clearly articulated specially designed instruction addressing these needs contributed to the program's lack of full responsiveness. Additionally, implementation was inadequate, as several specialized reading sessions were cancelled and not consistently made up. Access-related supports in writing and mathematics were not comprehensively developed during portions of the school year.

Despite these deficiencies, the totality of the evidence does not support a finding that Student failed to derive any meaningful educational benefit. Student met multiple literacy goals, demonstrated steady growth in decoding and encoding skills, and improved benchmark scores over time. The District convened multiple IEP meetings, revised programming in response to new data and parental input and ultimately offered ESY services, which the Parents declined.

The Parents have established, by a preponderance of the evidence, that a limited denial of FAPE occurred during portions of the 2024–2025 school year, attributable primarily to insufficient intensity and breadth of literacy-related and executive functioning SDIs and to substantively insufficient implementation of specialized instruction. Although the implemented programming was not fully responsive to all identified needs, it remained reasonably calculated to enable progress in light of Student's circumstances in core foundational literacy skills.

The same deficiencies also support a finding of a limited denial of FAPE under Section 504 of the Rehabilitation Act. Section 504 requires that a student with a disability receive regular or special education and related aids and services designed to meet her individual educational needs as

adequately as the needs of nondisabled students are met. Here, the insufficient intensity of literacy intervention and gaps in implementation and access materially affected Student's ability to benefit from instruction and participate fully in the educational program during portions of the 2024–2025 school year. Accordingly, the Parents have established a limited denial of FAPE under Section 504 for that period.

To the extent the Parents assert claims arising under the Americans with Disabilities Act (ADA), those claims are outside the jurisdiction of this special education due process proceeding. Therefore, no findings or relief are awarded under the ADA.

At the outset of the 2025–2026 school year, Student, now in [redacted] grade, demonstrated some regression in foundational reading skills. Following receipt of a September 2025 private psychoeducational evaluation recommending substantially increased literacy intervention, the District convened an IEP meeting, increased direct reading instruction, added access supports, and initiated a comprehensive reevaluation that included a functional behavioral assessment.

The November 2025 IEP intensified the Student's programming. It provided daily literacy intervention consisting of forty-five minutes of intensive phonics instruction and an additional thirty minutes of direct reading instruction, along with supplemental learning support, updated reading and speech-language goals with extensive therapy, numerous SDI to address literacy and executive functioning needs, accommodations, and eligibility for extended school-year services based on documented regression. On this record, the November IEP was reasonably crafted to enable appropriate progress.

Because the hearing concluded in January 2026, the evidentiary record regarding the remainder of the school year is incomplete. Accordingly, this determination is limited to the program and student performance documented through the close of the hearing. The District's reevaluation conclusions and any subsequent IEP revisions were not yet implemented or available for review.

The Parents note that specialized reading sessions were missed, resulting in approximately 285 minutes of owed instruction as of December 2025. Insufficient implementation may constitute a denial of FAPE where it is material and results in a loss of educational benefit. Here, the missed Wilson instruction represented a limited portion of the overall daily specialized literacy programming provided across the school year. The evidence demonstrates that the District continued to provide daily intensive literacy instruction, offered make-up opportunities by extending sessions, and maintained systematic progress reporting. The missed minutes, while not insignificant, did not rise to the level of a systemic failure of implementation or deprive Student of a meaningful educational benefit. The District issued its reevaluation report in January 2026 and was actively preparing to convene an IEP meeting at the time of hearing. This prospective planning further supports the conclusion that the District remained responsive to Student's needs.

Considering the totality of the evidence, including prompt response to regression, increased instructional intensity, continued related services, and provision of ESY eligibility, the record does not establish a denial of FAPE for the 2025–2026 school year to the date the hearing record closed. However, the missed specialized reading sessions warrant a limited equitable remedy.

Compensatory Education

An IDEA hearing officer has broad equitable powers to issue appropriate remedies when a local education agency violates the Act. All relief under IDEA is equitable. *Forest Grove School District v. TA*, 557 U.S. 230, 129 S. Ct. 2484, 52 IDELR 151 (at n. 11) (2009); *Ferren C. v. Sch. Dist. of Philadelphia*, 612 F. 3d 712, 54 IDELR 274 (3d Cir. 2010); *CH by Hayes v. Cape Henlopen Sch. Dist.*, 606 F. 3d 59, 54 IDELR 212 (3d Cir 2010); *Sch. Dist. of Philadelphia v. Williams ex rel. LH*, 66 IDELR 214 (E.D. Penna. 2015); *Stapleton v. Penns Valley Area Sch. Dist.*, 71 IDELR 87 (E.D. Penna. 2017). See *Reid ex rel. Reid v. District of Columbia*, 401 F. 3d 516, 43 IDELR 32 (D.C. Cir. 2005); *Garcia v. Board of Ed., Albuquerque Public Schools*, 530 F. 3d 1116, 49 IDELR 241 (10th Cir. 2008); *In re Student with a Disability*, 52 IDELR 239 (SEA W.V. 2009).

Compensatory education is a remedy that is often awarded to parents when a local education agency violates the special education laws. In Pennsylvania, courts and hearing officers have frequently utilized the quantitative or “cookie cutter” method that utilizes one hour or one day of compensatory education for each day of denial of a free and appropriate public education. The “cookie cutter” or quantitative method has been approved by the courts, especially where there is an individualized analysis of the denial of FAPE or harm to the particular child. See, *Jana K. by Kim K. v. Annville Sch. Dist.*, 39 F. Supp. 3d 584, 53 IDELR 278 (M.D. Penna. 2014)

To remedy the FAPE denial during the 2024-2025 school year, the Student is entitled to compensatory education. Although the Student made measurable progress in some areas, the programming deficiencies resulted in a loss of educational opportunity in literacy generalization, independent academic functioning, and access to grade-level content. An award of fifty (50) hours of targeted compensatory literacy instruction is therefore appropriate. The Student should also receive an additional twenty (20) hours

of compensatory education to target executive functioning and academic access skills, including organization, task initiation, and strategies to support access to grade-level content.

ORDER

AND NOW, upon consideration of the entire evidentiary record, it is hereby ORDERED as follows:

1. The Parents have met their burden of proving that the District denied Student a FAPE in a limited respect under both the IDEA and Section 504 during portions of the 2024–2025 school year.
2. As an equitable remedy for the limited denial of a FAPE during the 2024–2025 school year, the District shall provide Student with fifty (50) hours of compensatory education consisting of evidence-based literacy instruction addressing decoding, encoding, reading fluency, and reading comprehension. These services shall be provided by appropriately trained personnel and shall occur outside Student’s regular instructional schedule unless the parties mutually agree otherwise. The services shall be available for use within two (2) years of the date of this Order.
3. The District shall also provide twenty (20) hours of compensatory education targeting executive functioning and academic access skills, including organization, task initiation, and strategies to support access to grade-level content.
4. The compensatory education awarded herein fully remedies the limited denial of FAPE established under both the IDEA and Section 504. No additional or duplicative relief is awarded under Section 504.

5. The Parents have not met their burden of proving that the District denied Student a FAPE under the IDEA or Section 504 during the 2025–2026 school year. However, the District shall provide compensatory specialized reading instruction equal to the net amount of Wilson Reading System instructional time not delivered, as documented in the record.
6. To the extent the Parents assert claims arising under the Americans with Disabilities Act (ADA), such claims are outside the jurisdiction of this due process proceeding and are therefore dismissed without findings.

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

Joy Waters Fleming, Esq.

Joy Waters Fleming, Esq.
Special Education Hearing Officer

March 25, 2026