

*This is a redacted version of the original decision. Select details have been removed from the decision to preserve anonymity of the student. The redactions do not affect the substance of the document.*

File No.: 8820/07-08 KE

**CT**

Date of Birth: xx/xx/xx  
Date of Hearing: June 9, 2008

Open Hearing

Parties to the Hearing:  
Parents:  
Mr. & Mrs.

District:  
Penn Hills School District

Date Transcript Received:  
June 12, 2008  
Date of Decision:  
June 17, 2008  
Gerald Dambach, Ed.D  
Hearing Officer

**BACKGROUND:**

Student is an early teen age, grade 8 (2008-09) student at [redacted] Middle School in the Penn Hills School District. Student has an educational diagnosis of Autism and is placed in an Autistic Support (AS) program. The parents requested this hearing and presented two areas of concern: (1) ESY for the summer of 2008; and (2) IEP for 2008-09.

This Hearing Officer determined that the ESY issue would be heard with an expedited decision. A second session was planned to hear testimony concerning the 2008-09 IEP. At this first session the parties reached an agreement concerning ESY, so testimony was taken concerning the 2008-09 IEP. The parents only concern for the 2008-09 IEP was relative to transition and the “Piano Lab/Piano Class”

### **FINDINGS OF FACT:**

1. Student is a teen age, grade 8 (2008-09) student at Middle School. Student is educationally diagnosed as Autistic and is placed in an AS program. (NT 3, D 2, D 3)
2. The parties reached an agreement concerning the ESY program for the summer of 2008. (NT 25-27)
3. The current IEP is dated May 1, 2007. (D 2)
4. The mother, -, signed a NOREP on May 1, 2007 agreeing with the May 1, 2007 IEP. (D 2)
5. The most recent Reevaluation Report (RR) is dated May 2, 2006. (D 3)
6. On the parent information input form for the May 2, 2006 RR the mother indicates that Student’s strengths are “personality, affectionality.” (D 3)
7. On the parent information input form for the May 2, 2006 RR the mother indicates that Student’s weaknesses are delays in speech and comprehension. (D 3)
8. The only unresolved issue concerning the 2008-09 IEP relates to transition and Student participating in the “Piano Lab/Piano Class.”
9. Student played several songs on the keyboard as Student’s part of the testimony. (NT 12-13)
10. The district offers a one semester Piano Lab for grade 9 students at Middle School. (D 1, NT 49, NT 57)
11. Grade 8 students are not permitted to take the grade 9 Piano Lab I course. (NT 50, NT 57)
12. During grade 8 Student will likely participate in music, art, and gym as part of Student’s regular education program. (NT 38-40)
13. In the AS classroom, Student has 45 minutes/day of prevocational activities that focus on working independently, to construct something, and to complete tasks. (NT 46-47)
14. The district provides prevocational activities beginning in the Middle School in grade 6 and possibly continuing until grade 12. (NT 76)
15. At age 14 the district begins transition planning and at age 16 the district develops transition outcomes for students. (NT 80-81)

**ISSUE:**

1. Is Student entitled to take the grade 9 regular education Piano Lab in grade 8?

**DISCUSSION AND CONCLUSIONS OF LAW:**

Student is a teen age, student at Middle School. Student is diagnosed as Autistic and placed in an AS program. There were two issues presented by the parent for this hearing.: ESY for the summer of 2008; and the IEP for 2008-09. After on-the-record discussion the parties reached an agreement concerning ESY for the summer of 2008.

The issue for this hearing was the IEP for 2008-09. The only concern for the 2008-09 IEP expressed by the parent was for Student to be able to take a regular education grade 9 one semester Piano Lab/Piano Class. The mother contended that the Piano Class should be part of Student's transition plan which she alleges starts at age 14. The mother contends that Student has a gift and talent in arts and music.(NT 14)

The regular education Piano Class is only available to grade 9 students. The class is not offered, or made available, to grade 8 students.

The district provides prevocational activities beginning at age 14 and develops transition outcomes for students at age 16. The district's age time lines are in accordance with state and federal regulations.

While Student may have skills for the Piano Lab Student is not entitled to take the grade 9 regular education Piano Class. If interested Student may enroll in the Piano Lab I class in grade 9 and then consider Piano Lab II for grade 10, or grade 11 or grade 12.

**ORDER:**

It is hereby determined that:

1. Student is not entitled to enroll in the grade 9 Piano Lab I course as a grade 8 student.
2. Since the remainder of the proposed IEP for 2008-09 was agreed upon by the parties, it is considered that the IEP for 2008-09 is appropriate.

Submitted by:

Gerald Dambach, Ed.D  
Hearing Officer

June 17, 2008