

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.

Pennsylvania Special Education Hearing Officer Final Decision and Order

Closed Hearing

ODR File Number

26474-21-22

Child's Name

E.C.

Date of Birth

[redacted]

Parents

[redacted]

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Hearing Officer

Michael J. McElligott, Esquire

Date of Decision

08/24/2022

Introduction

This special education due process hearing concerns the educational rights of E.C. ("student"), a student who resides in the Wissahickon School District ("District") and attends District schools.¹ The parties agree that the student qualifies under the terms of the Individuals with Disabilities in Education Improvement Act of 2004 ("IDEIA").² The student has been diagnosed with [redacted], intellectual disability, autism, expressive and receptive language disorder, and dysarthria.³ The student has been identified under the terms of the IDEIA as a student with intellectual disability, autism, and speech and language ("S&L") impairment.⁴ The parties disagree over the appropriate placement for, and the type of programming to be delivered to, the student.

Parents seek a special education placement in the student's neighborhood school, the school the student would attend if the student had no disability. Parents also seek a change in the type and amount of instruction the student receives, requesting that the student receive programming that, though modified, is geared toward academics in literacy and mathematics.

¹ The generic use of "student", and avoidance of personal pronouns, are employed to protect the confidentiality of the student.

² It is this hearing officer's preference to cite to the pertinent federal implementing regulations of the IDEIA at 34 C.F.R. §§300.1-300.818. See *generally* 22 PA Code §§14.101-14.162 ("Chapter 14").

³ School District Exhibit ("S")-39 at page 1. Dysarthria is a "neurological speech impairment marked by disturbances of speech muscles in speed strength, steadiness, coordination, precision, tone, and range of motion". The student's speech exhibits "imprecise articulation, weak articulatory contacts, sound distortions, decreased rate of speech, and decreased intonation". S-40 at page 17 (quoted material itself a direct quotation from a speech and language evaluation at a children's hospital).

⁴ S-39 at page 56.

The District counters that its autism support program, housed in a school that is not the student's neighborhood school, is the appropriate placement. The District also is resistant to increasing the focus on the student's programming in academics at the expense of an applied behavior analysis ("ABA") model and various teaching techniques (including discrete-trial training and intensive teaching) which the District argues have been appropriate for the student in establishing and deepening the foundations for more advanced learning.

For reasons set forth below, I make specific findings as to the student's programming and placement, including revisions to the student's individualized education program ("IEP") along with instructions to the student's IEP team.

Issues

1. What is the appropriate school-building placement for the student?
2. What is the appropriate instructional programming for the student?
3. What is the appropriate level of inclusion for delivery of instruction in regular education?

Findings of Fact

All evidence in the record, both exhibits and testimony, were considered. Specific evidentiary artifacts in findings of fact, however, are cited only as necessary to resolve the issue(s) presented. Consequently, all exhibits and all aspects of each witness's testimony are not explicitly referenced below.

1. The student's disability profile is complex and has been identified as a student with an intellectual disability, autism, and S&L impairment. (S-3, S-39, *generally*, and at page 56).
2. The student has not attended the neighborhood school. Instead, the student has attended a different school where the District's autism support program is located. For the upcoming 2022-2023 school year, the District is re-locating its autism support program to a new elementary school within the District; this new elementary school is also not the student's neighborhood school. (Notes of Testimony ["NT"] at 78, 733-734).
3. The student's pendent IEP was developed in December 2020. Since that time, it has served as the student's IEP. (S-40).
4. The December 2020 IEP identifies the student's needs as follows: improve expressive and receptive language skills, improve functional communication (requesting), increase identification of common objects, increase visual perceptual skills, increase reading and math skills, increase speech production skills, improve self-help and skills of daily living, decrease problem behaviors/improve appropriate school behaviors. (S-40 at page 43).⁵
5. The December 2020 IEP includes goals, in relevant part, in the following areas: letter identification, letter sound, reading comprehension ('show me' or 'find me' characters, settings, details from a text read to the student), labeling, requesting, number identification, counting, shapes, colors, speech sound identification,

⁵ The student also has occupational therapy needs (both gross and fine motor skills) and physical therapy needs. These needs, and programming to address those needs, are not an integral aspect of the dispute between the parties and do surface in the record in any meaningful way.

visual perceptual, self-help skills, appropriate school behavior (decreased refusals, elopement, and physical contact), behavior during transitions, and tolerating "no". (S-40 at pages 51-62, 65-67).

6. The specially-designed instruction and program modifications for instruction in the December 2020 IEP include: modification of general education curriculum in the general education classroom, incorporation of ABA principles with teaching techniques including intensive teaching, functional communication (requesting or "mand") training, natural environment teaching, differential reinforcement, task analysis and chaining, discrimination and generalization. (S-40 at pages 68-71, 74, 75).
7. The specially-designed instruction and program modifications for behavior in the December 2020 IEP include: reduction of escape/improve motivation, implementation of the student's positive behavior support plan, variable ratio of reinforcement, informal preference/reinforcer assessments, and movement and sensory breaks. (S-40 at page 69, 70, 74).
8. The December 2020 IEP provides two weekly 30-minute individual sessions of S&L services in the special education classroom, one weekly 30-minute individual session in the general education classroom, and one 30-minute group session in the special education classroom approximately twice per month. (S-40 at page 75; NT at 493-503).
9. The student utilizes a total communication approach for expressive speech, including vocalization, the use of an assistive communication device (a tablet computer with images for the student to select to

communicate wants and needs), and signs/approximations. (NT at 80, 87-88, 173, 224-225, 425-428, 448-452, 475-477, 677-678).

10. The December 2020 IEP provides the support of a 1:1 aide for the student in all settings across the school day, a support which the student has had as part of past programming. (S-40 at page 75; see S-5 at page 53).
11. The placement in the December 2020 IEP reflects that the student is in the general education setting for 65% of the school day. (S-40 at page 81).
12. The dynamic between the student's needs and special education or general education settings is laid out comprehensively in the placement considerations of the December 2020 IEP. Those considerations for the IEP team are quoted, in relevant part, in the findings of fact that follow. (S-40 at pages 78-79).
13. In explaining why the supplementary aids and services will, or will not, enable the student to make progress on IEP goals in the general education class, the December 2020 IEP notes, in relevant part: "The supplementary aids and services included in this IEP will support (the student) in the general education environment/curriculum; however, (the student) also continues to require intensive, direct, explicit, systematic instruction in the special education setting provided by a highly trained transdisciplinary team in order to increase skill acquisition and reduce barriers to learning in the areas of language; behavior, self-help skills including but not limited to toileting, dressing, hygiene, etc.,...and visual perceptual skills...in order to make progress on (the) IEP goals in the general education class." (S-40 at page 78).

14. In explaining what benefits are provided in the general education class with supplementary aids and services versus the benefits provided in the special education class, the December 2020 IEP notes:

“Benefits of the general education class include: access to the general education curriculum, participation with general education peers, peer models, socialization with peers, opportunities for generalization of learning in the natural environment, practice of group responding skills.”

“Benefits of the special education class include: one-to-one instruction delivered in a small group setting on individualized, targeted skills, instruction delivered in areas of identified areas of need with a high rate of daily repetition and using research based methodologies; less distractions (less students, movement, noise), opportunities to learn targeted behavior or social skills in a small group or 1:1 contrived setting and to provide multiple trials for practice (e.g., reverse inclusion, adapted encore class, occupational and physical therapy services) prior to instruction moving to the natural environment; ability to engage in activities with highly motivating items/activities in a play-based model, which results in higher levels of interaction/responding and a (sic) less exhibited escape behaviors.” (S-40 at page 78).

15. In explaining the potential beneficial and/or harmful effects on the student or other students in a class, even with supplementary aids and services, the December 2020 IEP notes:

“Beneficial effects on students with disabilities: access to the general education curriculum; access to peer behavioral and language models and opportunities for socialization and collaboration; opportunities for generalizing learning in the natural environment. Beneficial effects on student without disabilities: opportunities for other students to engage in reverse inclusion, learn about variability/learner differences and increase acceptance of other abilities.”

“Harmful effects on students with disabilities: fast-paced grade level instruction does not allow for mastery of skills in the allotted time provided; does not provide adequate density of intensive, research-based direct instruction in the areas of language, behavior, visual perceptual, (and) self-help....Not having programming in an intensive program with the support of a transdisciplinary team would affect the above along with the knowledge of staff to provide the required intensive programming required for acquisition, generalization, and maintenance of skills in goal areas and would affect successful participation in the general education setting.”

“Harmful effects on students without disabilities: intensive teaching session can be distracting to other students, exhibited behaviors can cause disruption to others’ learning.” (S-40 at page 78-79).

16. In the December 2020 IEP, the parents, and the professionals they have gathered for support, lobbied for more academic goals and instruction, geared to reading and mathematics. District-based

members of the IEP team did not feel that the student had the foundational learning skills to engage in instruction on those goals at the level the parent-based members of the IEP team felt the student could. District witnesses refer to these academic-based goals as “stretch goals”. Those goals included the letter identification, letter sound, number identification, counting, shapes, and colors. (Parents Exhibit [“P”]-5, P-14, P-15, P-18; S-40 at pages 8, 51-52, 56-59; NT at 103-106, 140-141, 199-213, 597-598, 653-657, 679-686, 695-701, 704, 708-711, 981-984, 1005-1012).

17. The parents and their support professionals also feel that the student’s instruction in the special education setting, based on an ABA model with attendant teaching techniques such as discrete-trial training and intensive teaching, should be reduced and the student should receive academically-based instruction where the student is included more in the general education setting, ostensibly to a level of 80% inclusion in general education. (P-15, P-18; NT at 84-87, 95-101, 126-130, 140-141, 150-151, 196-213, 225-226, 231-239, 985-999, 1005-1014).
18. The parents would like the student’s education to take place in the student’s neighborhood school with more time in the general education setting. (NT at 101-103, 128-131, 153-156, 163-167).
19. The District feels that its autism support program, housed in a school that is not the student’s neighborhood school, is appropriate and necessary to deliver the programming outlined in the student’s IEP, focusing primarily on foundational learning skills and functional communication repertoires. The District feels that the student has made progress in the ABA model and that discrete-trial training and intensive teaching techniques have been appropriate for the student.

(S-66, S-76; NT at 137-140, 341-358, 422-428, 441-465, 522-544, 648-687, 843-889).

20. In late November 2021, the student's IEP team began the process of revising the student's IEP. Over December 2021, January 2022, and February 2022, the student's IEP team met multiple times to work on revisions the December 2020 IEP. (S-40, S-63).⁶
21. The proposed November 2021 IEP includes goals, in relevant part, in the following areas: listening comprehension (word/phoneme recognition and the 'find me'/'show me' goal from the December 2020 IEP), letter sound, early numeracy (cardinality and quantity), labeling, requesting, sound production/vocalization, matching, self-help skills, appropriate school behavior (decreased refusals), and following directions. (S-63 at pages 48-57, 60-62, 66).
22. The specially-designed instruction and program modifications for instruction in the November 2021 IEP include: direct instruction in— early literacy skills, early numeracy skills, prewriting skills, language skills (through a verbal behavior model), functional communication (requesting or "mand") training, and self-help; modification of general education curriculum in the general education classroom, incorporation of ABA principles (with teaching techniques including intensive teaching, mand training, natural environment teaching, differential reinforcement, task analysis and chaining, discrimination and generalization). (S-63 at pages 67-69).
23. The specially-designed instruction and program modifications for behavior in the November 2021 IEP include: increase toleration of

⁶ This proposed IEP is dated for November 2021 with an implementation date, given the IEP team meetings, of February 2022. It will be referred to as "the November 2021 IEP". S-63.

tabletop items, implementation of the student's positive behavior support plan, variable ratio of reinforcement, informal preference/reinforcer assessments, and movement and sensory breaks. (S-63 at page 68-70).

24. The November 2021 IEP continues the two weekly 30-minute individual sessions of S&L services in the special education classroom, one weekly 30-minute individual session in the general education classroom, and one 30-minute group session in the special education classroom approximately twice per month. (S-63 at page 76).

25. The November 2021 IEP continues to provide the support of a 1:1 aide for the student in all settings across the school day. (S-63 at pages 71, 75).

26. The dynamic between the student's needs and special education or general education settings as laid out in the placement considerations of the November 2021 IEP are very similar to the same sections in the December 2020 IEP. Those considerations for the IEP team are quoted again in the findings of fact that follow, with any revision to the text indicated in bold so that the reader can easily parse out the revision. (S-40 at pages 78-79; S-63 at pages 80-81).

27. In explaining why the supplementary aids and services will, or will not, enable the student to make progress on IEP goals in the general education class, the November 2021 IEP notes, in relevant part: "The supplementary aids and services included in this IEP will support (the student) in the general education environment/curriculum; however, (the student) also continues to require intensive, direct, explicit, systematic instruction in the special education setting provided by a highly trained transdisciplinary team in

order to increase skill acquisition and reduce barriers to learning in the areas of **academic skills**, language, behavior, **and** self-help skills including but not limited to toileting, dressing, hygiene, etc.,...and visual perceptual skills...in order to make progress on (the) IEP goals in the general education class.” (S-63 at page 80).

28. In explaining what benefits are provided in the general education class with supplementary aids and services versus the benefits provided in the special education class, the November 2021 IEP notes:

“Benefits of the general education class include: access to the general education curriculum, participation with general education peers, peer models, socialization with peers, opportunities for generalization of learning in the natural environment, practice of group responding skills, **being part of a community, a sense of belonging, sense of community for safety.**”

“Benefits of the special education class include: **multiple opportunities to support acquisition of skills through direct, explicit instruction and repetition, opportunities to cue back and hear (the student’s) response for sound production**, opportunities to learn targeted behavior or social skills in a small group or 1:1 contrived setting and to provide multiple trials for practice (e.g., reverse inclusion, adapted encore class, occupational and physical therapy services) prior to instruction moving to the natural environment, one-to-one instruction delivered in a small group setting on individualized, targeted skills, instruction delivered in areas of identified areas of need with a high rate of daily repetition and using

research based methodologies; less distractions (less students, movement, noise), ability to engage in activities with highly motivating items/activities in a play-based model, which results in higher levels of interaction/responding and a (sic) less exhibited escape behaviors.”⁷ (S-63 at page 80).

29. In explaining the potential beneficial and/or harmful effects on the student or other students in a class, even with supplementary aids and services, the November 2021 IEP notes:

“Beneficial effects on students with disabilities: access to the general education curriculum, **participation with general education peers, peer models, socialization with peers, opportunities for generalizing learning in the natural environment, practice of group responding skills, being part of a community, a sense of belonging, sense of community for safety**. Beneficial effects on student without disabilities: opportunities for other students to engage in reverse inclusion, learn about variability/learner differences and increase acceptance of other abilities.”

“Harmful effects on students with disabilities: **higher rates of problem behavior in the large group setting due to increased wait time**, fast-paced instruction does not allow for mastery of skills in the allotted time provided, does not provide adequate **time for intensive, systematic, explicit** instruction in the areas of **academics**, language, behavior,

⁷ Here, the order of the quoted material is slightly altered and includes an accidental repetition of one element of content which has been deleted.

visual perceptual, (and) self-help....Not having programming in an intensive program with the support of **an interdisciplinary** team would affect the above along with the knowledge of staff to provide the required intensive programming required for acquisition, generalization, and maintenance of skills in goal areas and would affect successful participation in the general education setting.”

“Harmful effects on students without disabilities: **the type of play based instruction and reinforcement type (sic) can be distracting to other students**, exhibited behaviors can cause disruption to others’ learning.” (S-63 at page 80-81).

30. The placement in the November 2021 IEP reflects that the student is in the general education setting for 65% of the school day at the school building that houses the District’s autism support program. (S-63 at page 83).
31. After the evidentiary record had closed, in the evening hours of August 22, 2022, the District, through counsel, provided to this hearing officer and parents’ counsel an updated school-building schedule for the school building where the autism support program is housed. (Hearing Officer Exhibit – Updated Building Schedule - August 22, 2022 [the exhibit includes both the email and attachment]).⁸

⁸ Attached to the email was an affidavit of a District special education administrator, spelling out that the school-building schedule had only recently been changed, and the administrator had not been aware of it until August 22nd. The school-building schedule itself was part of the affidavit. This hearing officer takes no position on the statements in the affidavit, but the schedule spelled out in that document is utilized for findings of fact here as it appears to be the best evidence of the school-building schedule for the upcoming 2022-2023 school year. See NT at 736-749.

32. Utilizing the updated school-building schedule, the placement for the November 2021 IEP reflects that the student would be in the general education setting for 65% of the school day at the school building that houses the District's autism support program. (S-63 at page 83; Hearing Officer Exhibit – Updated Building Schedule - August 22, 2022).
33. The student's school day would last 6.75 hours. Approximately 4.25 hours would be spent in general education (homeroom/morning-meeting, English and language arts, specials [art, gym, music], lunch/recess, math, and science/social studies). Approximately 2.5 hours would be spent in special education (intensive teaching sessions, manding sessions, direct instruction in: reading, math, pre-writing, and self-help). (Hearing Officer Exhibit – Updated Building Schedule - August 22, 2022).
34. Over the period December 2020 through June 2022, the student has shown the most marked progress on the requesting, labeling, and behavior goals in the December 2020 IEP. The student made progress on the letter sound, and number identification, shapes, and colors goals. The student has shown more limited progress on the reading comprehension ('find me'/'show me') goal. The student has shown no progress in the counting goal. (S-66 at pages 3-7, S-76).

Witness Credibility

All witnesses testified credibly and a degree of weight was accorded to each witness's testimony. Where particular emphasis was accorded to a witness's testimony on a particular issue or event, that is pointed out above in a specific finding of fact, as applicable.

Legal Framework

The provision of special education to students with disabilities is governed by federal and Pennsylvania law. (34 C.F.R. §§300.1-300.818; 22 PA Code §§711.1-711.62). To assure that an eligible child receives FAPE (34 C.F.R. §300.17), an IEP must be reasonably calculated to yield meaningful educational benefit to the student. (Board of Education v. Rowley, 458 U.S. 176, 187-204 (1982)). 'Meaningful benefit' means that a student's program affords the student the opportunity for significant learning in light of his or her individual needs, not simply *de minimis* or minimal education progress. (Andrew F. ex rel. Joseph F. v. Douglas County School District, 580 U.S. , 137 S. Ct. 988, 197 L. Ed. 2d 335, (2017); Dunn v. Downingtown Area School District, 904 F.3d 208 (3d Cir. 2018)).

A necessary aspect of the provision of FAPE requires that the placement of a student with a disability take into account the least restrictive environment ("LRE") for a student. Educating a student in the LRE requires that the placement of a student with disabilities be supported, to the maximum extent appropriate, in an educational setting as close as possible to regular education, especially affording exposure to non-disabled peers. (34 C.F.R. §300.114(a)(2); 22 PA Code §14.102(a)(2)(xii); Oberti v. Board of Education, 995 F.2d 1204 (3d Cir. 1993)).

Discussion

The crux of the parties' dispute is how to reconcile the student's placement and programming such that the student is provided with FAPE in the LRE, where the parties have highly divergent views as to the appropriate placement and the specific type/amount of programming.

The issues between the parties fall into three areas of dispute: (1) the appropriate school-building placement for the student, (2) the appropriate instructional programming for the student [a program geared to academics rather than intensive teaching techniques in an ABA model], and (3) the appropriate level of inclusion for delivery of instruction in regular education. Each of these will be considered in turn.

School-Building Placement. The evidence in the record is preponderant that the student should receive programming at the school building where the District houses its autism support program. The constellation of testimony from the District witnesses, including the S&L therapist, special education supervisor, special education teacher, occupational therapist and behavior specialist, reveals the deep and far-reaching coordination of planning, instruction, services, and consultation that takes place around the student's programming.

All of these individuals are part of the team at the school-building where the District's autism support program is located, working closely together to provide services in a consistent and integrated way. Arguably, the instruction and services could be provided in the student's neighborhood school by simply tasking other educators with duties in the IEP. But this record supports a finding that an appropriate education for this student—one that yields meaningful education benefit in the form of significant learning—requires the cohesiveness of the autism support program.

Accordingly, the student's educational placement will be at the school building where the District's autism support program is located.

Instructional Programming. Again, the record is preponderant that the instruction being delivered as part of an ABA model, including intensive teaching and discrete-trial training, is helping the student to build

foundational language and learning skills to allow the student to engage in more advanced learning. Looking at the student's progress monitoring over the period December 2020 – June 2022, the most marked progress was in the areas where the student was working on the foundational skills that the District feels it needs to continue deepening and expanding. In the considered opinion of this hearing officer, abandoning that instruction would do the student a grave dis-service, and the evidentiary record supports that conclusion.

On the other hand, one heartily sympathizes with the parents in their quest to make academic programming an integral part of the student's learning. As every parent should, they refuse to define their child by what "can't happen" but embrace what might and should happen. They take to heart the guidance of Andrew F. that special education programming should be 'appropriately ambitious'. And there is evidence in the progress monitoring that the student can make progress, albeit slow and incremental, in areas of academic readiness and academic progression. To its credit, the District recognizes this; it would prefer a focus on the foundational language and learning skills but has not been absolutist in its views and, indeed, has accommodated the parents' programming requests for academic programming as far as it feels it can without jeopardizing the significant learning it has been providing.

The difficulty is striking the balance between the foundational language and learning skills which the District feels is necessary and the academics-based instruction that the parents seek. The District, in its proposed instruction in the special education setting as reflected in the updated school-building schedule, proposes to provide 1.5 hours of instruction through intensive teaching or manding spread throughout the school day; it proposes to provide 45 minutes of direct instruction in reading, math, and writing instruction at various times. Parents, in a mock schedule provided by

one of its expert team members, would propose 30 minutes through intensive teaching and manding, and 1 hour and 45 minutes of instruction in direct instruction in reading, math, and other areas. (P-15). The views of the parties, between teaching in the ABA model and academics, are nearly negative images of each other.

With slight adjustments, however, it seems a workable middle ground can, and in the considered opinion of this hearing officer, should be struck. It seems that with slightly less time with manding instruction and slightly less time in general education math (but equal to the amount of time that parents would have proposed for general education math), the student can be provided in the special education setting with more direct instruction in reading and math with only a slight reduction in intensive teaching/manding instruction.

Thus, based on the updated school-building schedule, the District would seek to provide an hour of instruction in the special education setting from 10-11 AM— 30 minutes of manding, 15 minutes of intensive teaching, and 15 minutes of direct reading instruction. This hour will be adjusted to reflect 15 minutes of manding, 15 minutes intensive teaching session, and 30 minutes of direct reading instruction.

And again, the District would also seek to provide 45 minutes of instruction in the general education math class from 12:30 – 1:15 PM, followed by 45 minutes in the special education setting (1:15 – 2 PM) for 15 minutes of manding, 15 minutes of intensive teaching, and 15 minutes of direct math instruction. These two blocks will be slightly adjusted, such that the student will be in the general education math class from 12:30 – 1 PM and will be in the special education setting for the full hour 1 – 2 PM for 15

minutes of manding, 15 minutes of intensive teaching, and 30 minutes of direct math instruction.⁹

Overall, this will increase the student's direct instruction in reading, math, and writing from 45 minutes to 1 hour and 15 minutes. But it only will decrease the student's time in intensive teaching/manding from 1.5 hours to 1 hour and 15 minutes. Both types of instruction will be co-equal.

Accordingly, the order below will address the student's instructional schedule as outlined above.

Level of Inclusion. One of the necessary adjustments, as indicated, will be a 15-minute reduction in the amount of time the student spends in the general education math class. This will necessarily reduce the student's time in general education, from 65% as proposed by the District, to 62%. While this is not ideal—and it is substantially less time than the parents seek for the student's inclusion in general education (80%)—it is a level of inclusion where the student can receive appropriate amounts of both the necessary ABA-model instruction and the aspirational academics instruction. But with both of those elements in place, the student will be in a space—as the student has been all along on this record—to receive a special education program that is reasonably calculated to yield meaningful education progress in the form of significant foundational language and learning skills with a component of academic learning.

The IEP team will be ordered to adjust the IEP accordingly.

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⁹ To reiterate, the parents' proposed schedule also included the student in general education math for 30 minutes. (P-15).

ORDER

In accord with the findings of fact and conclusions of law as set forth above, the student's educational placement shall be in the Wissahickon School District at the school district school building where the district's autism support program is located.

The November 2022 IEP shall form the basis of the student's special education program as drafted, although the following revisions shall be made part of the IEP:

- the IEP Implementation Date the document shall be revised to August 29, 2022 and the Anticipated Duration of Services and Program shall be revised to August 28, 2023
- the student's instructional schedule shall be implemented as outlined in the updated school-building schedule provided to the hearing officer on August 23rd with the revisions as outlined above, decreasing the amount of manding instruction and increasing the amount of direct academic instruction in reading and math
- for the reasons set forth above, the amount of time the student spends in the general education environment shall be reduced by 15 minutes, specifically with a 15-minutes reduction in the time the student spends in general education math class

- as a consequence of the bullet point directly above, the educational placement reporting calculation on page 83 of the IEP shall be revised and re-calculated to reflect 4.0 hours of total time the student spends in the general education setting.

Nothing in this decision should be read to limit the ability of the IEP team to revise the IEP otherwise, to the extent that such agreed-upon revisions are in writing.

Any claim not specifically addressed in this decision and order is denied and dismissed.

s/ Michael J. McElligott, Esquire

Michael J. McElligott, Esquire
Special Education Hearing Officer

08/24/2022