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Pennsylvania Special Education Due Process Hearing Officer Final Decision and Order

Closed Hearing

ODR File Number

23065-1920KE

Child's Name

Z.B.

Date of Birth

[redacted]

Parents

[redacted]

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Hearing Officer

Michael J. McElligott, Esquire

Date of Decision

09/15/2020

Introduction

This special education due process hearing concerns the educational rights of Z.B. ("student"), a student who resides in the Chambersburg Area School District ("District").¹ The student qualifies under the terms of the Individuals with Disabilities in Education Improvement Act of 2004 ("IDEIA")² as a student with an intellectual disability, autism, and health impairments.

The student received special education programming since the student was enrolled in the District but was not formally identified as a student with an intellectual disability until November 2018. The student's parents claim that the student should have been so identified earlier and, as a result of inappropriate programming, that the student was denied a free appropriate public education ("FAPE").

The District counters that the parents' claims are based on the formalism of an identification label and that, at all times, it met its obligations to the student under IDEIA and provided the student with FAPE. Accordingly, the District argues that the parent is not entitled to any remedy.

For reasons set forth below, I find in favor of the parents.

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 *also* 22 PA Code §§14.101-14.162 ("Chapter 14").

Issues

1. Should the District have identified the student as a student with an intellectual disability prior to November 2018?
2. If so, did this mis-identification deny the student FAPE?
3. Regardless of the answers to the foregoing questions, did the District provide FAPE to the student through its programming over the period from late August 2017 – November 2018?³
4. Is the student owed compensatory education for certain days of absence due to District transportation issues?

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.

³ The first evidentiary hearing on July 2, 2020 was related to fact-finding regarding whether parents "knew or should have known" (KOSHK) of the actions which formed the basis of their complaint at a point prior to August 2017, two years prior to the date preserving the parents' claim as the result of a tolling agreement between the parties. The undersigned hearing officer issued a KOSHK ruling, finding that the parents knew, prior to August 2017, of the actions/omissions which form the basis of their complaint. Therefore, a denial-of-FAPE evidentiary record was developed as of late August 2017. (Hearing Officer Exhibit ["HO"]-5).

Prior to August 2017

1. In April 2006, while still a preschooler, the student was evaluated as part of Student's early intervention programming by the intermediate unit providing services to the student at that time. The student was evaluated in multiple developmental areas, including the cognitive domain (play, imitation, problem solving, recall, and concept development). (HO-6).
2. There was no standardized cognitive assessment as part of the April 2006 early intervention evaluation report ("ER"). (HO-6).
3. The student's educational needs were heavily tied to developmental needs and speech and language needs (for both expressive and receptive language). The early intervention evaluation identified the student as a student with autism. (HO-6).
4. In May 2009, the District re-evaluated the student during the student's 2nd grade year. (Parents' Exhibit ["P"]-5).
5. The May 2009 re-evaluation report ("RR") contained, as part of the evaluation history, data from the April 2006 early intervention ER, as well as adaptive behavior scales (communication, activities of daily living, socialization, and motor skills) which were apparently developed in November/December 2006. (P-5).
6. The May 2009 RR contained nonverbal cognitive assessment, yielding a nonverbal IQ score of 42, in the 0.1% percentile. The evaluator opined that, given the student's needs in communication, motor abilities, frustration, and potential color blindness, the results should be interpreted with caution and that a better sense of the student's

performance would be isolating and understanding the student's skills in specific tasks. (P-5).

7. The May 2009 RR provided scores in tasks where the student was able to "successfully engage" and reported that the student should be regarded as "moderately impaired or delayed". Adaptive behavior assessment found that the student scored in the "extremely low" range across all eight scales. (P-5).
8. The May 2009 RR, identified the student as a student with autism with a secondary identification as a student with speech and language impairment. (P-5).
9. In February 2012, the student's 5th grade year, the student was re-evaluated. The February 2012 RR reiterated the scores from the student's cognitive and adaptive behavior assessments in the May 2009 RR. (HO-7).
10. The February 2012 RR indicated that the student's educational programming would include transition planning for the student's transition from elementary school to middle school. (HO-7).
11. The February 2012 RR continued to identify the student as a student with autism with a secondary identification as a student with speech and language impairment. (HO-7).
12. In January 2014, the student's 7th grade year, the student was re-evaluated, largely to incorporate behavioral information related to a functional behavior assessment process. In the January 2014 RR, the student continued to be identified as a student with autism with a secondary identification as a student with speech and language impairment. (HO-8).

13. In March 2015, the student's 8th grade year, the student was re-evaluated at the request of District personnel to, among other things, update cognitive assessments for the student. (P-6).
14. Nonverbal cognitive assessment was part of the March 2015 RR, yielding a nonverbal IQ score of 43, in the 0.1% percentile. The score was noted by the evaluator as falling in the moderately impaired/delayed range. (P-6).
15. The evaluator in the March 2015 RR again noted that the standardized results should be interpreted with caution as "teacher report indicates that (the student) is capable of completing some of the tasks required for this standardized test, however due to administration standards the examiner was limited in the use of prompts and assistance that (the student) requires". (P-6).
16. In the March 2015 RR, the student continued to be identified as a student with autism with a secondary identification as a student with speech and language impairment. (P-6).
17. In May 2016, the student's individualized program team ("IEP") met to revise the student's IEP. (P-9; S-9).
18. In September 2016, the parties engaged in special education due process based on the identification of, programming for, and placement of the student. The parties settled their dispute in November 2016, and the student was placed in a private school. (P-24, P-25, P-26, P-27; School District Exhibit ["S"]-34).
19. The student attended the private school for the remainder of the 2016-2017 school year. (P-9; S-9; Notes of Testimony ["NT"] at 231-301, 423-472).

20. The private school did not request to re-evaluate the student and implemented the May 2016 IEP. (P-9; S-9; NT at 231-301).
21. The private school administrator's testimony is accorded little weight as to the student's disability profile and programming at the private school prior to the change of the student's identification as a student with an intellectual disability in November 2018. The witness was unable to effectively delineate how the private school's programming for the student was impacted or affected by the student's then-current identification as a student with autism and speech/language impairment rather than an intellectual disability. (NT at 231-301).
22. The private school never contacted the District about, or indicated concern over, the student's identification status or IEPs. (NT at 231-301).
23. In May 2017, the student's IEP team met to revise the student's IEP. (P-10; S-10).
24. The May 2017 IEP was in place for the 2017-2018 school year. (P-10; S-10).

2017-2018 School Year

25. The May 2017 IEP included present levels of academic and functional performance, teacher observations and input, as well as the input of related services providers. (P-10; S-10).
26. The parents provided input and indicated they had no concerns at that time. (P-10; S-10).

27. The May 2017 IEP indicated that "(the student's) cognitive difficulties in the classroom impact (the ability) to acquire information, understand directions, and complete tasks within the academic setting" and that the student "requires specially designed instruction in a classroom that is appropriate for students who are on the autism spectrum". (P-10 at pages 17-18; S-10 at page 22-23).

28. The May 2017 IEP contained thirteen goals in the following areas, along with numerous short-term objectives for each goal:

- functional math (size and sorting, numbers 1 -10, shapes)
- functional reading (letter identification, common-object identification)
- independent living skills (bed-making, table setting/clearing, laundry folding, sweeping/vacuuuming, trash collection)
- following directions/response (academic requests, independent-living requests, reciprocal game-playing),
- communication to gain attention (use of augmentative communication device for "excuse me")
- communication of wants/needs (use of augmentative communication device to request a break and for "too hot", "too difficult", "headache")
- occupational therapy ["OT"] (activities of daily living),
- OT (basic keyboarding)
- expressive language (use of total communication [verbalization, sign, gesture, augmentative communication device], labeling/description of objects, relaying physical/emotional condition, oral motor activity, intelligibility)

- receptive language (following two-step directions)
 - safety awareness/problem-solving (increasing accuracy of task-management)
 - attention (increasing length-of-focus on non-preferred tasks)
 - attention (increasing length-of-focus on activity-of-daily-living tasks).
- (P-10 at pages 30-50; S-10 at pages 29-35).

29. The student received specially-designed instruction, related services, and multiple supports including a 3:1 professional ratio—teacher, behavior aide, health aide, along with a positive behavior support plan. (P-10 at pages 51-55; S-10 at pages 36-38; NT at 231-301, 353-415).

30. The student qualified for extended school year (“ESY”) services in the summer of 2017. (P-10 at pages 55-61; S-10 at pages 38-41).

31. Over the period June 2017 (as part of ESY) through January 2018, the student made progress on certain goals (activities of daily living, following directions/responding, shapes), did not make progress on certain goals (use of “excuse me”, communicating wants/needs) and exhibited inconsistent results in others (functional math, functional reading). (S-17).

32. The related services providers at the private school (speech and language, OT, physical therapy) reported progress in their areas of observation/goal-progress. (S-17).

33. In February 2018, the District re-evaluated the student, with the report finalized in March. (P-7; S-7).

34. Over the period January – March 2018, the student made progress on certain goals (activities of daily living, following directions/responding, shapes), did not make progress on certain goals (use of “excuse me”, communicating wants/needs, number recognition) and exhibited inconsistent results in others (functional math, functional reading, letter identification, following directions). (P-15; S-18).
35. The March 2018 RR included the student’s evaluation history and parental concerns. The RR did not include updated cognitive or adaptive assessments and referenced the cognitive testing results from both the March 2009 RR and the March 2015 RR. (P-7; S-7).⁴
36. The March 2018 RR included current present-levels information from the student’s progress monitoring data, as well as input from the student’s related services providers and private school teachers. (P-7; S-7).
37. The March 2018 RR contained the details of a functional behavior assessment of the student. (P-7; S-7).
38. The input from the teachers indicated that “no major changes to (the student’s) current programming are recommended at this time”. (P-7 at page 11; S-7 at page 10).

⁴ The March 2018 RR is confusing in this regard. It references the March 2009 cognitive testing results by date and result. It references the March 2015 testing results, however, only by copying-and-pasting that content from the March 2015 RR, without any reference to the date. The cognitive-assessment content of the March 2018 RR merges the two assessments—administered six years apart—in seemingly one section. A reader of the March 2018 RR, then, is unlikely to know from the face of the RR the course of understanding the student’s cognitive assessments since 2009. (Compare P-5 at pages 7-8, P-6 at pages 2, 9-10, and P-7/S-7 at pages 3-4).

39. In the March 2018 RR, the student continued to be identified as a student with autism with a secondary identification as a student with speech and language impairment. (P-7; S-7).
40. The March 2018 RR recommended that the student continue to attend the private school in an autism support classroom with similar programming, services, and supports as the student had been receiving over the course of the 2017-2018 school year. (P-7; S-7).
41. In April 2018, the student's IEP team, including a representative from the private school, gathered to consider the March 2018 RR and to revise the student's IEP. (P-7, P-11; S-7, S-12; NT at 231-301).
42. The April 2018 IEP included present levels of academic and functional performance, teacher observations and input, as well as the input of related services providers. (P-11; S-12).
43. The parents provided input, indicating that they felt the student was not making progress and needed new IEP goals. (P-11; S-12).
44. The April 2018 IEP indicated that the student has "a significant degree of need for specially designed instruction in academic, communication, social, and behavior areas" and continued to indicate that the student "requires specially designed instruction in a classroom that is appropriate for students who are on the autism spectrum". (P-11 at pages 15, 16; S-12 at pages 15, 16).
45. The April 2018 IEP contained nineteen goals in the following areas, along with numerous short-term objectives for each goal:
- communication to gain attention ("excuse me" as a sign or gesture)

- communication (combined use of sign/gesture and augmentative communication device)
- independent living skills (bed-making, cleaning, laundry folding, dish washing/dish sorting), functional math (size and sorting, numbers 1 -10, shapes)
- communication (use of total communication [verbalization, sign, gesture, augmentative communication device], to request objects, to label/describe objects, to label colors),
- receptive language (following one-step and two-step directions)
- road safety awareness (stop, look, wait)
- attention (increasing length-of-focus on non-preferred tasks)
- spatial understanding (shapes, on-top/next-to/behind, tower-building)
- number identification (1-5, 6-10, 1-10)
- pattern building (with increasing accuracy)
- vocational activities of daily living (with increasing accuracy)
- safety awareness (sign-recognition [stop, poison, hot], with increasing accuracy)
- following directions/responding (activities of daily living, with increasing accuracy)
- behavior (appropriately engaging in group settings, with increasing duration)
- behavior (reducing the occurrence of inappropriate behaviors, with decreasing frequency)
- personal hygiene (handwashing, teeth-brushing, deodorant use, with increasing frequency)

- functional literacy (recognizing first and last name, with increasing accuracy)
 - functional mathematics (“more” and “less”, with increasing accuracy)
 - community education (appropriate behavior in purchasing an item).
- (P-11 at pages 29-67; S-12 at pages 29-67).

46. The student received specially-designed instruction, related services, and multiple supports including a 2:1 professional ratio—teacher and school aide, along with a positive behavior support plan. (P-11 at pages 68-73; S-12 at pages 68-73).

47. The student qualified for ESY services in the summer of 2018. (P-11 at pages 73-80; S-12 at pages 73-80).

48. Over the period April – July 2018 (including ESY), the student made progress on certain goals (making requests, communicating wants/needs, object identification, hygiene, purchasing process, “more” and “less”, appropriate group behavior, communicating feelings/condition), did not make progress on one goal (use of “excuse me”) and exhibited inconsistent results in others (reducing inappropriate behavior, vocational skills, safety signage, identifying first/last name, number recognition, spatial tasks, patterns). (S-20).

49. In August 2018, an independent evaluator issued an independent educational evaluation (“IEE”). (P-4; NT at 353-415).

50. The August 2018 IEE included a summary of the student’s evaluation history, present levels of performance on the student’s IEP goals, observations, and formal assessments. (P-4).

51. The August 2018 IEE included updated cognitive and adaptive behavior assessments. Those assessments indicated, respectively, that the student has a full-scale IQ of 30 (the extremely low range) and adaptive behavior in the extremely low range. (P-4).
52. The August 2018 IEE also included a wide-ranging language and social skills assessment (performed by a speech and language therapist as adjunct content within the IEE report) to gauge the student's language and related skills across multiple areas at foundational levels (0-18 months, 18-30 months, and 30-48 months). (P-4; NT at 305-350).
53. The results of the language and social skills assessment indicated that the student is a "Level I" learner and that instruction should focus on requesting, labeling, imitating (motor imitation and echoics), sound discrimination, visual perception, and matching. Mirroring this finding, the assessment indicated that the student exhibits behaviors that serve as barriers to instruction in these areas, barriers which themselves need to be addressed in the student's programming. (P-4; NT at 305-350).
54. In terms of the August 2018 IEE recommendations by the speech and language therapist, the evaluator opined that the student should receive instruction in expressive and receptive language skills utilizing a range of communication modalities and addressing the areas of broad deficit indicated by the assessment (requesting, labeling, imitating, sound discrimination, visual perception, and matching). (P-4).
55. The August 2018 IEE recommended that the student continue to receive special education and related services as a student identified

with an intellectual disability, autism, speech and language impairment, and health impairments. (P-4).

Fall of 2018 & Missed Days of Schooling

56. Over the period August – October 2018 (including ESY), the student made progress on certain goals (use of “excuse me”, reducing inappropriate behaviors, vocational skills, hygiene, purchasing process, road safety), did not make progress on certain goals (object identification, number recognition) and exhibited inconsistent results in others (making requests, communicating wants/needs, safety signage, identifying first/last name, “more” and “less”, spatial tasks, patterns, appropriate group behavior). (P-16).
57. In the fall of 2018, the parents shared the August 2018 IEE with the District. In October 2018, the District requested permission to issue its own evaluation, performing certain assessments and incorporating the results of the IEE. Parents consented to the incorporation of the results of the IEE in a District RR but did not consent to further assessments. (P-28).
58. In October 2018, the District issued its RR. (P-8).
59. The October 2018 RR was a comprehensive compilation of the student’s evaluation history at the District and included significant content from the August 2018 IEE. (P-8).
60. The October 2018 RR recommended that the student be as a student in accord with the identification conclusions of the August 2018 IEE, namely that the student be identified with an intellectual

disability, autism, speech and language impairment, and health impairments. (P-8).

61. In November 2018, the student's IEP was revised and parents agreed to the identification profile of the student and the November 2018 IEP. (P-12; S-13).

62. The student receives daily transportation by the District to the private school. In the summer of 2019, during ESY-2019 programming, the bus aide was unavailable and the District could not transport the student on four days. In the 2019-2020 school year, the student could not be transported on one school day. (P-21 at pages 14, 17; NT at 423-472, 567-607).

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 emphasis is pointed out above in a specific finding of fact, as applicable.

Discussion

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 §§14.101-14.162). 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)).

Before any provision of special education through an IEP, however, a student must be identified as a “child with a disability” under the terms of IDEIA and Chapter 14. A child with a disability is a child who, as the result of an evaluation process, has one or more of an array of identified disabilities “and who, by reason thereof, needs special education and related services.” (34 C.F.R. §300.8(a)(1); 22 PA Code §14.102(a)(2)(ii)). Among the identified disabilities are, among others, intellectual disability, autism, speech and language impairment, and health impairment(s). Specifically, an intellectual disability is defined as having “significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.” (34 C.F.R. §300.8(c)(6); 22 PA Code §14.102(a)(2)(ii)).

Here, parents’ complaint rests on the assertion that the District failed to identify accurately the student’s intellectual disability until October 2018, at a point in young adulthood for a student who enrolled in the District as a kindergartner. Based on this mis-identification, the parents claim that the student was denied FAPE due to inappropriate IEPs. The District claims that while it may have mis-identified the student, denial-of-FAPE based merely on the semantics of identification is unwarranted formalism. There is merit in the position of both parties.

As to parents’ argument, the entire edifice of special education programming is erected on the foundation of a comprehensive evaluation process to identify (1) if the student has one or more of the disability(ies) provided for in 34 C.F.R. §300.8(c) and (2) whether the student requires

special education and related services as a result of that disability. (34 C.F.R. §§300.300 – 300.306; 22 PA Code §§14.102(a)(2)(xxiv-xxv)). If the evaluation process/report is flawed or problematic, the IEP team may not understand a student's needs or the necessary contours of programming and the IEP based on that evaluation process/report runs the risk of failing to provide FAPE. It is a situation potentially fraught with educational disaster.

But that is not the case here. Even given the undeniable flaw that the District did not appropriately identify the student as a student with an intellectual disability, the District has consistently recognized that the student exhibited global cognitive difficulties (in addition to the challenges posed by the student's autism and speech/language impairment) and crafted IEPs that accounted for those difficulties. The student's IEPs—indeed, on this record, the student's educational programming taken as a whole—were entirely appropriate to meet the student's needs: The District understood the student's strengths and needs, crafted goals that addressed those needs, provided specially-designed instruction, modifications, and supports, and a full range of related services, all in a private school placement fully supported by the District. Indeed, the student received, and still receives, entirely 1:1 instruction, with the support of a full-time aide. And the progress monitoring bears out the fact that, over the course of late August 2017 through November 2018, the student made meaningful education progress and gained from significant learning across multiple IEP goals. Not to put too fine a point on the matter, but if the District had identified the student with an intellectual disability—in the view of the District, had it spoken or written those words—there would be no basis for a finding of denial of FAPE on any level. To stop at this point would appear to support fully the District's position.

As to the District's argument, however, there is not only a flaw, but a fatal flaw. To not identify a student with an intellectual disability is, on its

face, almost always a denial of FAPE because it circumvents the heightened awareness, and added protections, in Pennsylvania special education regulations for students with intellectual disability. One example of this heightened awareness/added protection is found in IDEIA and adopted in Pennsylvania law—the necessity to include short-term objectives as part of any IEP goal where a student with an intellectual disability (more precisely, a student who qualifies for alternative state-level assessment). (34 C.F.R. §300.320(a)(2)(ii); 22 PA Code §14.102(a)(2)(xxvii)).

But in Pennsylvania, a student with an intellectual disability must be evaluated at least every two years, rather than every three years. Ostensibly, this is to confirm that an understanding of the student has not changed or does not need to be addressed on a, by definition, more regular basis. (22 PA Code §14.124(c)). Likewise, any disciplinary removal from school— regardless of type or length and excluding only the weapons, drugs, and inflicting serious bodily injury provisions of 34 C.F.R. §300.530(g)(1-3)—of a student with an intellectual disability is considered to be a disciplinary change-in-placement, requiring that a manifestation determination process be undertaken. (22 PA Code §14.143(b)).

The latter of these two points does not apply in this case, although it is included to illustrate the heightened awareness/added protection in Pennsylvania for students with an intellectual disability. The former of these two points, however, has been a downfall of the District due to the mis-identification. The District engaged in a triennial evaluation schedule instead of a biennial evaluation schedule.⁵ This is a denial of FAPE.

In sum, then, the District provided FAPE to the student in the design and implementation of its IEPs, but it failed to meet its necessary re-evaluation obligations to the student as a result of its mis-identification. The

⁵ The District's evaluation schedule ran every three years in February or March of 2009, 2012, 2015, 2018. See P-5, HO-7, P-6, P-7/S-8.

parents are correct that the student should have been identified earlier as a student with an intellectual disability and, while compensatory education will be awarded, the overall weight of this record does not provide the basis for a finding of deep or egregious denial of FAPE.

Compensatory Education

Where a school district has denied FAPE to a student under the terms of IDEIA, compensatory education is an equitable remedy that is available to a student. (Lester H. v. Gilhool, 916 F.2d 865 (3d Cir. 1990); Big Beaver Falls Area Sch. Dist. v. Jackson, 615 A.2d 910 (Pa. Commonw. 1992)).

In this case, the District has denied the student FAPE for failing to identify the student as a student with an intellectual disability. This denial-of-FAPE, as set forth above, is grounded in the District's failure to re-evaluate the student on the required biennial, rather than triennial, re-evaluation schedule. But there is no denial-of-FAPE in terms of the design and implementation of the student's IEP—the District has met its FAPE obligation by affording the student the opportunity for significant learning in light of the student's individual needs and, indeed, delivering on that opportunity in providing significant learning.

Therefore, as a matter of equitable consideration and taking into account these cross-currents of remedy, the student is awarded 100 hours of compensatory education on the issue of mis-identification. It is the considered opinion of this hearing officer that this award of compensatory education is large enough for the family to be equitably remedied and for the District to take into its future counsels a keen eye for students who exhibit intellectual disabilities, yet not outsized in a situation where the student, as a matter of special education programming, was provided with FAPE.

Additionally, the District, through its lack of providing transportation when the student was available for instruction at the private school in the

summer of 2019 and for one day of schooling, is also responsible for the student missing that instruction. Therefore, the student is awarded an additional 15 hours of compensatory education as an equitable award.

As for the nature of the compensatory education award, the parents may decide in their sole discretion how the hours should be spent so long as those hours take the form of appropriate developmental, remedial, or enriching instruction or services that further the goals of the student's current or future IEPs, or identified educational needs. These hours must be in addition to any then-current IEP and may not be used to supplant an IEP. These hours may be employed after school, on weekends and/or during the summer months, at a time and place convenient for, and through providers who are convenient to, the student and the family. Nothing in this paragraph, however, should be read to limit the parties' ability to agree mutually and otherwise as to any use of the compensatory education hours.

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ORDER

In accord with the findings of fact and conclusions of law as set forth above, the student is awarded 115 hours of compensatory education.

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

09/15/2020