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. 32986-25-26

Child's Name:
C.M.

Date of Birth:
[redacted]

Parent(s):
[redacted]

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Hearing Officer:
James Gerl, CHO

Date of Decision:
July 20, 2026

BACKGROUND

The parents filed a due process complaint alleging that the school district denied a free and appropriate public education to the student. The school district contends that it provided FAPE to the student. I find in favor of the school district on this issue.

PROCEDURAL HISTORY

The lawyers in this case did an excellent job of stipulating to twenty-nine stipulations of fact. The large number of stipulations narrowed and simplified the issues and shortened the amount of time necessary for both the hearing and the decisional process.

The due process hearing was completed in one efficient in-person session. Four witnesses testified at the hearing. Joint exhibits J-1 through J-43 were admitted into evidence. School district exhibit S-1 and parent exhibits P-1 through P-3 were admitted into evidence.

After the hearing, counsel for both parties filed written closing arguments/post-hearing briefs and proposed findings of fact. All arguments submitted by the parties have been considered. To the extent that the arguments made by the parties are in accordance with the findings, conclusions and views stated below, they have been accepted, and to the extent that they are inconsistent therewith, they have been rejected. Certain arguments and proposed findings have been omitted as not relevant or not necessary to a proper determination of the material issues as presented. To the extent that the testimony of various witnesses is not in accordance with the findings as stated below, it is not credited.

To the extent possible, personally identifiable information, including the names of the parties and similar information, has been omitted from the text of the decision that follows. FERPA 20 U.S.C. § 1232(g); and IDEA § 617(c).

ISSUE PRESENTED

The due process complaint, as explained and clarified at the prehearing conference, presents the following issue:

Whether the parents have proven that the school district denied a free and appropriate public education to the student for the 2025-2026 school year?

FINDINGS OF FACT

Based upon the parties' stipulations of fact, I have made the following findings of fact:

1. The student is [redacted] years old. The student's birth date is [redacted]

2. The student lives within the … School District ….

3. The student is eligible for special education under the Individuals with Disabilities Education Act and is a student with a disability under Section 504 of the Rehabilitation Act.

4. During the 2024-25 school year, the student was a high school [redacted]. The parents elected to defer the student's diploma until age of majority under IDEA.

5. The student's primary disability is Intellectual Disability and secondary disability is Speech and Language Impairment.

6. The student has an IEP with goals in reading, writing, math, speech-language, [occupational therapy], and executive functioning.

7. The student receives transition services as part of the student's IEP. The student has post-secondary goals of: (1) participating in job coaching/training; (2) competitive employment with possible supports; and (3) living independently with friends.

8. In July 2023, [a neuropsychologist] conducted an … evaluation of the student funded by the school district. A copy of the IEE was provided to the school district in late October 2023.

9. [The neuropsychologist] is qualified to testify as an expert in the field of neuropsychology in this proceeding. [Her] curriculum vitae accurately reflects her education, training, licensure, and professional experience. [The neuropsychologist] is accepted as an expert witness in neuropsychology and her CV is a joint exhibit.

10. An IEP meeting was held on November 14, 2023 with the IEP team and [the neuropsychologist].

11. In July 2024, a Qualitative Reading Inventory (QRI) was administered to the student by the school district.

12. For the 2024 - 2025 school year, the student received private reading instruction in ReAD.IT … [The] reading coach … provided instruction once a week for a three-hour session.

13. In March 2025, the QRI was administered again to the student.

14. The parents requested that the school district [continue to] use the …[Read.it] reading program during the 2025 - 2026 school year but the school district declined. The student received reading instruction from the school district as outlined in …[the] IEP.

15. For the 2025 - 2026 school year, the student has blended schedule with academic instruction and transition programming. The student's current schedule includes: Transition Activities; Intensive Reading; Functional English; Practical Math; Community Based Instruction; Intro to Engineering; IL Social Studies; Adaptive Health; Adaptive PE; IL Science.

16. The student receives daily direct instruction in reading, writing, and math. These classes are small group [and are] taught by a special education teacher.

17. The student receives direct instruction in adaptive health.

18. The student receives related services … [of] group [occupational therapy] (30 minutes/week), group speech and language (25 minutes/week), and individual speech and language (25 minutes per week).

19. The student also receives consultant services for vision support.

20. The student also completed the assessment for travel training through the …IU and it is anticipated the student will receive four lessons over the next school year.

21. The student is enrolled in the Transitions class which meets first period, for 41 minutes a day. It is taught by a certified special education teacher and the …HS transition coordinator. The curriculum includes teaching of "soft skills" for job training; handling a routine and schedule; hands-on experiences to build up to independent working with assigned tasks. It also includes the Ori curriculum which is an evidence-based transition curriculum for students with disabilities. Ori Transition is a vertically aligned program for grades 9–12 and adult transition (18–22+) that builds employment skills, independent living, self-determination, and postsecondary readiness.

22. The student was enrolled in the Transitions class last year 2024 - 2025 and is enrolled in the class this school year 2025 - 2026.

23. Transition programming … includes Community Based Instruction (CBI). CBI is taught by a … special education teacher. CBI includes cross-curricular instruction and then generalization of skills and content covered by course material. These opportunities also focus on community integration and access to events and resources. Experiences include planning projects to build furniture that require working from a budget, pricing out materials, purchasing materials, and creating the furniture. The students plan, contact, and organize trips to local businesses like [a] Pizza [restaurant] or [a] Potato Chip Factory. CBI also incorporates opportunities for hands on learning by visiting historical sites such as [a] National Park and the USS New Jersey. Student's also gain access to the community through supported leisure activities like the Philadelphia Phillies game and the … Boy's State Championship Soccer game.

24. Part of Transition Program also includes opportunities through the district-run SOARS (Secondary Opportunities Adult Readiness Skills) program. In SOARS, students are fully supported as they build skills working toward competitive employment. Students rotate with district programming and community job sites. The current community job sites include: [a] (skin care company whose founders are committed supporters of persons with disabilities), [a] Food Pantry, [the] Fair Grounds (Horse show …), a Zoo, and (upcoming) [a] YMCA.

25. The student does not fully participate in SOARS. The student has participated occasionally at the … Zoo.

26. Part of the student's transition programming also includes services through the … Intermediate Unit … "Options" program. At present, the student is currently scheduled to work at [a college] on Mondays from 11:30 a.m. to 2:30 p.m. (until the … semester ends).

27. The school [district] also put in a referral for the …IU Options apartment program. The student is scheduled to participate one day/week for

the remainder of the 2025 - 2026 school year, and it is anticipated that the student will increase to four days per week during ESY 2026.

28. For the 2026 - 2027 school year, the student is expected to participate in the …IU Options employability program a half day each week and increase to another half day (total of two half days). Although the IEP team discussed the student's participating two days per week in the apartment program, the parents have not agreed to this option.

29. The overall goal in the … Transition program and …IU Options programming is to increase independence and prepare for post-secondary life.

Based upon the evidence in the record compiled at the due process hearing, I have made the following findings of fact: [1]

30. The student loves to play [sports] and loves [outdoor activity]. (NT 261 – 262)

31. In May of 2023, the school district requested that an independent educational evaluation be performed on the student. The purpose of the request was to obtain more information to inform the IEP team so that it could "come together collaboratively" in order to determine the student's educational program. (J-39)

32. The independent neuropsychologist evaluator conducted an evaluation from May 26 to July 28, 2023 and issued a report. The evaluator

[1] (Exhibits shall hereafter be referred to as "J-1," etc. for joint exhibits, "P-1," etc. for the parents' exhibits; "S-1," etc. for the school district's exhibits; references to page numbers of the transcript of testimony taken at the hearing is hereafter designated as "NT___").

observed the student in the school district's reading program in 2023.The evaluator did not review the student's 2025 – 2026 IEP or the student's progress at the school district. The evaluator did not speak with any of the student's teachers or other school district staff or conduct any testing of the student during the 2025 – 2026 school year. (J-1, J-43; NT 198 – 200, 203)

33. The evaluator performed cognitive testing that showed that the student's overall cognitive ability is in the extremely low range (less than first percentile). The conclusion is consistent with the school district's reevaluation that found that the student's full-scale IQ is 50. The evaluator concluded that the student has a severe intellectual disability and cognitive deficits, as well as severe anxiety. In assessing the student's reading skills, the evaluator concluded that the student had a number of "barriers to reading," including: language, vocabulary – chronological processing and decoding, memory, attention/working memory, mental/visual fatigue and anxiety. (J-1, J-9; NT 189 – 190, 202 – 203)

34. The evaluator recommended that the student should receive instruction "provided 1:1 by a special education teacher who has received the requisite training and who has a depth and breadth of experience in instructing students with complex reading needs." The evaluator also noted that the evaluator's recommendations should be implemented in conjunction with a strong post-secondary transition plan. (J-1; NT 200, 189 – 190, 202 - 203)

35. The parties agreed to a settlement for the 2024 – 2025 school year. The settlement included the school district funding the parents' outside private reading program for the 2024 – 2025 school year. (NT 40, 57, 86-87; 215-218)

36. The student told the special education teacher that the student didn't like going to the private reading tutoring program that is the subject of this hearing. Being pulled out for a three-hour session for the private reading

program on Friday afternoons severely disrupted the student's learning and the learning of other students in the student's class. (NT 118 – 122)

37. The student's learning profile includes that the student has difficulty with long instructional sessions. The student needs shorter sessions with multiple breaks. (NT 124-126)

38. The school district declined the parents' request to continue funding the private reading tutor program for the 2025 – 2026 school year because it was not appropriate and did not allow adequate programming for the student's need for transition skills. (NT 69, 124 – 125)

39. The science of reading, or structured literacy, requires instruction in the following areas: phonology, phonics, decoding, and language comprehension. The school district used Readtopia, among other strategies, for the student's reading instruction. Readtopia is a reading methodology that incorporates all of the elements of structured literacy. (J-36; NT 42 – 44, 74 – 76, 88 – 89)

40. The parents' private reading tutoring program focuses only upon decoding skills. (J-41; NT 249, 201 – 202, 194, 73 – 76)

41. During the 2025 – 2026 school year, the student received reading instruction from the school district provided by a certified special education teacher, who is also a certified reading specialist. The school district reading specialist holds a master's degree with a specialization in reading and has completed a three-year training in structured literacy, or the science of reading. The teacher is qualified to train other teachers in structured literacy methodology. The school district reading specialist who worked with the student is a "phenomenal educator." (NT 39 – 41, 59, 166)

42. The certified special education teacher who provided reading instruction to the student during the 2025 – 2026 school year provided a daily

intensive reading class for 41 minutes per day, for eight days out of a 10-day cycle. The class had seven students and three additional adults. The reading methodology used by the special education teacher was Readtopia, in addition to individualized practices that address phonics and decoding, as well as reading comprehension, text comprehension and language acquisition, which are all components of structure literacy, which is the research-based science of reading. (NT 50 – 52, 59, 74 – 76; J-36)

43. An IEP was developed for the student on March 26, 2025. The IEP included a postsecondary transition plan and transition goals. The IEP also includes goals in writing, math, social/emotional, memory, speech–language, physical therapy, executive functioning, and five reading goals. The IEP includes numerous accommodations and specially designed instruction. The IEP provides for related services, including occupational therapy (30 minutes per week), speech - language therapy individual (25 minutes per week), speech - language therapy group (25 minutes per week), and a vision support consultation (60 minutes per month). The IEP notes that the student is eligible for extended school year services and describes the extended school year program. The IEP places the student in a full-time special education life skills program. The student is in the regular education classroom approximately 18% of the school day. (J-10)

44. The March 26, 2025 IEP includes annual reading goals. The reading goals addressed the student's needs identified in the reevaluation report, including goals for comprehension and oral reading fluency. The IEP also had reading goals that were part of the post-secondary transition programming. (J-10, J-11; NT 151 – 152)

45. In March of 2026, an IEP team meeting was convened for the student. The IEP team revised the student's reading goals because of the student's status as a deferred diploma student and because of the

incorporation of post-secondary transition goals. The student continued to have reading goals tied to the student's transition program, as well as an oral reading fluency goal. The oral reading fluency goal was included in response to the parents' concerns about the student's reading ability. (J-29; NT 178 – 179)

46. The student made progress in reading during the 2025 – 2026 school year. The student's mother agrees that the student made progress in reading during the 2025 – 2026 school year. (NT 62 – 66, 251; J-36)

47. During the 2025 – 2026 school year, the student made progress working to reduce the effects of the student's anxiety. The special education teacher arranged for the student to become a [redacted]. At first, the student stayed with the teacher before the [event]. After three years of the special education teacher working with the student, the student was eventually able to stay for the entire [event]. The special education teacher also developed a process that took place over three years to have the student participate in school [activities]. The process developed by the special education teacher included the use of best buddies, encouraging participation, securing a sensory room for the [activity], encouraging the student to stay longer at [the activity]. As a result, the student was able to participate in the [activity] despite the student's anxiety. (NT 97 – 111)

CONCLUSIONS OF LAW

Based upon the arguments of the parties, all of the evidence in the record, as well as my own legal research, I have made the following conclusions of law:

1. A parent or a local education agency may file a due process complaint alleging one or more of following four types of violations of the

Individuals with Disabilities Education Act, 20 U.S.C. § 1400, et seq, (hereafter sometimes referred to as "IDEA"): an identification violation, an evaluation violation, a placement violation or a failure to provide a free and appropriate public education. IDEA §615(f)(A); 34 C.F.R. § 300.507(a); 22 Pa. Code § 14.162.

2. 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 circumstances. Endrew F by Joseph F v. Douglass County School District RE-1, 580 U.S. 386, 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).

3. In order to provide FAPE, an IEP must be reasonable, not ideal. KD by Dunn v. Downingtown Area School District, supra; LB by RB and MB v Radnor Twp Sch Dist, 78 IDELR 186 (ED Penna 2021).

4. The appropriateness of an IEP in terms of whether it has provided a free appropriate public education must be determined at the time that it was made. The law does not require a school district to maximize the potential of a student with a disability or to provide the best possible education; instead, it requires an educational plan that provides the basic floor of educational opportunity. Ridley School District v. MR and JR ex rel. ER, 680 F.3d 260, 58 IDELR 281 (3d Cir. 2012); DS v. Bayonne Board of Education, 602 F.3d 553,

54 IDELR 141 (3d Cir. 2010); Mary Courtney T. v. School District of Philadelphia, 575 F.3d 235, 251, 52 IDELR 211 (3d Cir. 2009).

5. For a procedural violation to be actionable under IDEA, the parent must show that the violation results in a loss of educational opportunity for the student, seriously deprives the parents of their participation rights, or causes a deprivation of educational benefit. Ridley School District v. MR and JR ex rel. ER, supra; IDEA § 615(f)(3)(E); 34 C.F.R. § 300.513(a).

6. IDEA does not require a school district to guarantee a particular result or to close the gap between children with disabilities and their non-disabled peers. JN and JN ex rel. JN v. Southwest School District, 56 IDELR 102 (N.D. Penna. 2015); see, Kline Independent School District v. Hovem, 690 F. 3d 390, 59 IDELR 121 (5th Cir. 2012); HC and JC ex rel. MC v. Katonah – Lewisboro Union Free School District, 59 IDELR 108 (S.D. NY 2012); District of Columbia Public Schools, 111 L.R.P 77405 (SEA D.C. 2011). Progress toward FAPE is measured according to the unique individual circumstances of the individual student and not in comparison to other students. See, GD by Jeffrey and Melissa D v. Swampscott Public Schs, 122 LRP 6305 (1st Cir. 2022). The Third Circuit has specifically ruled that IDEA does not require that all (or even most) disabled children advance at a grade-level pace. KD by Dunn v. Downingtown Area School District, 904 F. 3d 248, 72 IDELR 261 (3d Cir. 2018).

7. A parent cannot compel a school district to use a specific educational methodology. A school district is afforded the discretion to select from among various methodologies in implementing a student's IEP. Ridley School District v. MR and JR ex rel. ER, 680 F. 3d 260, 58 IDELR 271 (3d Cir. 2012); AM by AJ and JM v Interboro Sch Dist, 126 LRP 2503 (E.D. Penna. 2026); see, Crofts v. Issaquah Sch. Dist. No. 411, 80 IDELR 61 (9th Cir. 2022); EL by Lorsson v. Chapel Hill – Carrboro Board of Education, 773 F. 3d

509, 64 IDELR 192 (4th Cir. 2014); Lessard v. Wilton – Lyndborough Coop School District, 592 F. 3d 267, 53 IDELR 279 (1st Cir. 2010); In re Student With A Disability, 51 IDELR 87 (SEA WVa. 2008).

8. There is a strong public policy favoring settlement, or amicable resolution, of special education disputes. Congress emphasized the importance of settlement when it added the resolution session to the hearing process and when it expanded the availability of mediation that state education agencies are required to provide. IDEA § 615(f)(1)(b); 34 C.F.R. § 300.510; IDEA § 615(e); 34 C.F.R. § 300.506. The U.S. Supreme Court has also recognized the importance of the collaborative nature of the special education system established by Congress. Schaffer v. Weast, 546 U.S. 49, 44 IDELR 150 (2005).

9. The parents have not proven that the school district denied a free and appropriate public education to the student.

DISCUSSION

Whether the parents have proven that the school district denied a free and appropriate public education to the student for the 2025-2026 school year?

The parents contend that the school district denied a free and appropriate public education to the student. The school district argues that it provided a free and appropriate public education. The parents have not proven that the school district denied FAPE to the student.

At the heart of this dispute is the parents' contention that the school district is legally obligated to employ their preferred reading methodology in order for the student to receive a FAPE. The parents believe that the

methodology used by their private reading program is better than the methodology used by the school district, and, therefore, that the school district is legally required to implement their preferred methodology. The case law, however, establishes that the choice of educational methodology is within the discretion of school district personnel. The parents' argument is rejected.

Also, it is clear that the parents seek to require the school district to provide an ideal education for the student. The parents' desire for their child to receive an ideal education is understandable; every parent wants the best for their child. As the Supreme Court has indicated, however, a school district is not required to provide the best possible education. Instead, the legal standard for FAPE is whether a student's IEP is reasonably calculated to confer educational benefit in view of the student's unique individual circumstances.

Moreover, it is significant to note that the parents concede that all components of the IEP developed by the school district for the student are appropriate with the exception of reading instruction. The parents' argument misunderstands the FAPE mandate of IDEA. There is no legal requirement that a school district provide FAPE with regard to each component of an IEP, such as reading. Instead, an IEP must be judged as a whole. The correct legal standard is whether an IEP **as a whole** is reasonably calculated to confer meaningful educational benefit in view of the student's unique circumstances. Although there might be cases where a reading program, or some other IEP component, may be so inadequate as to render the entire IEP inappropriate, that is not the case here.

When applying the correct legal standard to the facts of this case, it is clear that the IEP developed by the school district for the student is reasonably calculated to confer meaningful educational benefit in view of the student's unique circumstances. In this case, the unique individual circumstances of

this particular student, as described by the testimony of the independent evaluator called as an expert witness by the parents, as well as by school district staff, reveal that the student has a very severe intellectual disability compounded by anxiety and a need for strong postsecondary transition programming. The student's IEP addresses the student's reading deficits by providing a reading program implementing a reading methodology that is reasonably calculated to confer meaningful educational benefit and is consistent with practices of structured literacy, or the science of reading. Moreover, the student's educational program as a whole also clearly addresses the student's difficulties with anxiety, including goals and specially designed instruction, as well as the extraordinary efforts over a three-year period by the student's special education teacher/case manager to combat the student's anxiety with a three-year program gradually incorporating the student as a [redacted] and a separate three-year program designed to gradually reduce the student's anxiety at school [activities]. The IEP also includes a robust postsecondary transition program.

The parents offered the testimony of the independent evaluator. The testimony of the evaluator, however, is entitled to little weight. The evaluator's recommendation that the student pursue the private reading program selected by the parents, rather than the reading program offered by the school district, is inconsistent with the recommendations in the written report issued by the evaluator that reading instruction should be provided by a special education teacher who has received the requisite training and who has a depth and breadth of experience in instructing students with complex reading needs. The school district reading program is provided by a special education teacher with extensive training and expertise in the science of reading. The parents' program is not provided by a trained special education teacher. In addition, the evaluator’s testimony is not based upon knowledge

of the student’s current reading program. The evaluator had not observed the student's program at the school district for three years prior to her testimony at the due process hearing. The evaluator also did not review the student's 2025 – 2026 IEP or speak with any of the student's teachers or conduct any testing during the 2025 – 2026 school year. Accordingly, the testimony of the evaluator concerning the student’s reding program is entitled to little weight.

Moreover, although a school district is not required to show that a student has made actual progress under the student's IEP, in this case the student did make actual progress. The student made progress in reading under the school district's program under the instruction of the school district's extremely well-trained and experienced reading specialist. The student also made progress in the school district's robust transition program, and the student made progress combatting the student's anxiety, including the gradual and elaborate three-year efforts by the student's special education teacher/case manager to allay the student's anxiety through [activities]. It is significant to note that the student's mother testified that the student did make progress during the 2025 – 2026 school year although she did not attribute the progress to the efforts of the school district reading teacher. Given the student's unique circumstances and the student's educational needs, which include a severe intellectual disability, compounded by severe anxiety and a need for a strong postsecondary transition program, the progress made by the student is clearly meaningful.

One additional argument raised by the parents' post-hearing brief must be addressed. In their proposed findings of fact, the parents' post-hearing brief implies that the school district adopting the Readtopia program, rather than the parents' private tutoring program, which was used the previous year, was not based upon any data, and therefore was in an inappropriate change

of the student's reading program. This argument ignores the fact that the 2024–2025 reading program for the student was the result of a settlement of a dispute agreed to by the parties. The parents' argument ignores the strong public policy established by the U.S. Congress that amicable resolution, or settlement, is the preferred method for resolving special education disputes. The argument implied by the parents' brief, if adopted, would cause parents and school districts to be less likely to agree to settlements in the future, particularly those that involve trial of a preferred methodology that a parent is advancing. Indeed, few, if any, school districts would agree to a settlement if at the end of the period specified in the settlement agreement, the school district would have to justify any change back to the status quo after the period of the agreed settlement. The parents' implied argument, if adopted, would likely have a chilling effect upon settlement of IDEA disputes. Clearly, that result is not acceptable. The argument is rejected.

The testimony of school district staff was more credible and persuasive than the testimony of the student's mother and the independent educational evaluator called by the parents. This conclusion is made because of the demeanor of the witnesses, as well as the following factors: the discussion regarding the credibility of the independent evaluator set forth above is incorporated herein by reference. The credibility of the student's mother is impaired by the fact that she testified that the school district staff working with the student are well-meaning but unqualified. This testimony is inherently unbelievable. The school district's reading specialist who works with the student is highly trained and experienced as a reading instructor and is not only able to apply the evidence-based concepts of structured literacy, or the science of reading, in implementing the educational program, but also is qualified to instruct other teachers on utilizing structured literacy. The testimony of the mother was also evasive, especially in response to a question

on direct examination concerning whether the student was stressed about going to the parents' private reading program.

It is concluded that the parents have not proven that the school district denied a free and appropriate public education to the student.

ORDER

Based upon the foregoing, it is **HEREBY ORDERED** that all relief requested in the due process complaint is hereby denied. The complaint is dismissed.

IT IS SO ORDERED.

ENTERED: July 20, 2026

James Gerl

James Gerl, CHO
Hearing Officer