

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. 32729-25-26

Child's Name:

L.G.

Date of Birth:

[redacted]

Parent(s):

[redacted]

Counsel for Parent(s):

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Hearing Officer:

Savannah L. Murphy, Esq.

Date of Decision:

07/06/2026

Introduction

The present matter concerns L.G. (hereinafter referred to as “Student¹”), a [redacted] Student currently enrolled within the Wallingford-Swarthmore School District (hereinafter referred to as “District”). Parents brought forth claims under the Individuals with Disabilities Education Act² (IDEA). Student is eligible for special education services under the disability category of Autism and Speech and Language Impairment. Student currently receives supplemental Autistic Support, which is implemented as Student’s pendant placement³.

Student’s initial school aged IEP was drafted in May of 2025, prior to the start of the 2025-2026 school year. Per Parent Request, Student was evaluated by District on January 10, 2026 (2026 ER). Using the information and data collected in the 2026 ER, and after a meeting was held with the IEP team, District issued an IEP on February 6, 2026, recommending supplemental Autistic Support. A subsequent IEP Meeting was held on March 2, 2026.

On March 8, 2026, Parents filed a Due Process Complaint, rejected District’s February 6, 2026 IEP and recommendation for supplemental Autistic Support. Parents’ Complaint requested an order requiring District to develop an IEP that provides an appropriate program and placement for Student, and an award of compensatory education for the time Student was denied FAPE. District filed an Answer to Due Process Complaint on March 18, 2026 defending their program offered to Student, and asserted that Student has been provided FAPE for all times relevant herein. District

¹ This Decision will be made available to the public. Therefore, the final published version of this decision has been redacted for the purpose of concealing the Student’s personally identifiable information. 34 C.F.R § 1513(d). 20 U.S.C. § 1415 (h)(4)(A); 34 C.F.R § 300.513(d)(2).

² 20 U.S.C. §§ 1400-1482, implementing federal regulations 34 C.F.R. §§ 300.1-300.818, and applicable Pennsylvania regulations in 22 Pa. Code §§14.101-14.163.

³ When a Parent disagrees with an educational change in placement, then the student must remain in the “then-current educational placement”. 20 U.S.C. §1415(j).

requested that Parent's request for a revision of District's proposed IEP and award for compensatory education be denied.

Following three hearing sessions, a complete review of the record, and for all reasons set forth below, I find in favor of the District.

Issues Presented

The issues presented for adjudication in this matter are:

1. Whether District denied Student a Free and Appropriate Public Education (FAPE) for the 2025-2026 school year.
2. If so, whether Student is entitled to compensatory education for the 2025-2026 school year.

Findings of Fact

I have reviewed the record in its entirety. The following Findings of Fact and subsequent Discussion and Application of Law and Fact will only address that which is relevant to the instant matter.

Background Facts

1. Student has been diagnosed with Autism Spectrum Disorder (ASD), Childhood Apraxia of Speech, Mixed Receptive-Expressive Disorder, Developmental Delay, and Behavioral Insomnia of Childhood. (S-30 at 2, 10; P-4 at 5; P-6 at 1,5; N.T. at 48).
2. Student is described as a friendly, personable, imaginative, caring and affectionate student who enjoys the presence of others. (S-29 at 1; S-30 at 3, 5, 26; N.T. at 49).
3. Student is eligible for special education under the disability categories of Autism and Speech or Language Impairment. (*passim*).
4. Student demonstrates significant behavioral and communication deficits. Student's behaviors escalate quickly when denied a preferred

item or activity. Further, Student has difficulty starting and maintaining a conversation. (N.T. at 49).

5. Student receives private ABA therapy through[company]. (P-4; P-5; P-6; N.T. at 53). Student began receiving private ABA therapy in June of 2023. (N.T. at 119). Currently, Student only receives private ABA support in the home and community (N.T. at 53, 102, 122).
6. Student received Early Intervention Services via the Delaware County Intermediate Unit (DCIU) which included special instruction and speech and language therapy twice a week for 30 minutes, occupational therapy (OT) once a week for 30 minutes, and a monthly behavior consultation. (S-11 at 6; S-20 at 2; P-4; N.T. at 52). Student also attended [redacted] three days a week with support from Parent and Student's private ABA service provider. (*Id.*).
7. A transition meeting was held for Student with the DCIU, District, and Parents in January of 2025. (N.T. at 199).
8. Student was observed by District in the preschool environment in March of 2025. Student was observed coming in from the playground, participating in circle time, and a craft activity. Student's behavior health technician (BHT) was observed to implement proximity control. Student required close attention and consistent prompting. (N.T. at 201-04). Student was not observed in the EI setting. (N.T. at 249).
9. District issued an initial school aged IEP for Student on May 22, 2026. (See S-11).
10. According to Teacher input provided by EI, Student could follow two-step directions. However, Student significantly struggled with following classroom routines and non-preferred task completion. Student can complete tasks with persistence, and repeated modeling. (S-11 at 7).
11. Student's private BCBA provided input in the May 2025 IEP regarding Student's behaviors. District added an SDI guaranteeing a

complete review of Student's behavioral needs after the first 60-Days of school. (S-11 at 8, 44).

12. Student's behaviors of concern were defined as verbal protest (any vocalization above normal conversation level), elopement (engaging in or attempting to leave the designated area, room, or building without permission), aggression, hitting, kicking, biting, pushing, noncompliance, crying, throwing, tantrum, dumping, and swiping. (S-11 at 8-9). These behaviors of concern were adopted into Student's Positive Behavior Support Plan (PBSP) (S-11 at 20-21).
13. Student was observed to engage in behaviors for 91% of sessions with an average of 3.7 problem behaviors per session. (S-11 at 10).
14. According to Speech and Language input from EI, Student has received Speech and Language Therapy since February of 2023. (S-11 at 13).
15. Student has an Augmentative and Alternative Communication (AAC) device. (S-11 at 13; N.T. at 51, 401-02). Student uses the AAC device in the home, particularly for behaviors, and in school to assist in peer or adult interaction. (N.T. at 51, 401-02). However, Student's preferred mode of communication is verbal speech. (N.T. at 403).
16. Student benefits from interaction and exposure to peers. Student is motivated and will attempt to imitate peers. (N.T. at 132; 399-400; 477-78).
17. Student's Speech and Language goals measured Student's ability to produce at least eight phrases consisting of two words in length and Student's ability to initiate communication using symbolic language. (S-11 at 13).
18. Student is able to produce spontaneous speech in 1 to 2 word utterances. Student's AAC device was often modeled, but Student preferred to attempt to use verbal expression. (S-11 at 14, N.T. at 404).

Overall, Student required specially designed instruction to support Student's speech and language delays. (S-11 at 17).

19. According to Occupational Therapy input from EI, Student demonstrated fine and visual motor deficits. Further, Student displayed sensory processing deficits, specifically regarding vision, hearing, touch, body awareness, planning and ideas, and social participation. (S-11 at 17).
20. Student's May 2025 IEP identified Student's areas of need as participating in adult directed structured learning activities; social exchanges in play; accepting denied or delayed access to preferred items; improve use of symbolic language to socialize with others; improve use of symbolic language to gain information; mix of preferred and nonpreferred games at the table; continue to practice grasping written utensils; and copy/trace shapes, letters, and numbers. (S-11 at 18-19).
21. Students annual IEP goals were as follows:
 - a. PBSP goal assessed Student's ability to attend a preferred adult directed learning activity for a minimum of three minutes with no more than one additional prompt in 80% of opportunities. Baseline was 53-66%. (S-11 at 31).
 - b. PBSP goal assessed Student's ability to transition from a preferred activity to a non-preferred activity for 80% of opportunities. Baseline was 56% of opportunities. (S-11 at 32).
 - c. Speech and Language goal assessed Student's use symbolic language to produce at least 10 phrases containing a total of 3 different sentence structures describing pictures, objects, or Student's environment across 30-minute period. Baseline indicated that Student produced one-to-two-word phrases. (S-11 at 33).

- d. Speech and Language goal assessed Student's ability to produce target CVC or CVCV words in 4 of 5 opportunities. Baseline was 1 of 5 trials after therapist model. (S-11 at 34).
 - e. Speech and Language goal assessed Student's ability to respond to a communication partner's initiated social questions or request at least 5 times per observation over 3 data collection sessions during a 15-minute social participation activity. Baseline was 2 times per social communication opportunity. (S-11 at 35).
 - f. Social Skills goal assessed Student's ability to participate in relationship building with 1 to 2 peers in 80% of opportunities. (S-11 at 36).
 - g. Occupational Therapy goal assessed Student's motor imitation and participation by imitating 2 prewriting strokes in 4 of 5 opportunities. (S-11 at 37).
 - h. Occupational Therapy goal assessing Student's ability to paint a complete multi-step adult directed activity for 5 minutes until natural completion using age-appropriate school supplies in 4 consecutive data collection points. (S-11 at 38).
22. Student's PBSP listed antecedent strategies that included follow through, visual supports, auditory warnings, functional communication training, redirection, planned ignoring, systematic surrender with delayed denial of a reinforcer, and differential reinforcement. (S-11 at 39-40).
23. Student's SDIs included an opportunity to go to a quiet or safe alternative place, modeling of appropriate social interactions, use of social stories, encouragement of routines for social interaction, facilitate resolution of typically occurring social conflicts, encourage use of feeling vocabulary to express feelings, frustrations, and needs, use of high interest reinforcers, use of timers and visual cue cards. (S-11 at 42-44).

24. Student received 1,920 minutes of individual Speech and Language Support per IEP term; 1:1 Personal Care Assistance for 165 minutes a day; and 960 minutes of group OT per IEP term. (S-11 at 45). Student also received 30 minutes of OT consult per month, 30 minutes of social skills instruction per week, and BCBA consult twice a month for 30 minutes. (S-12 at 2).
25. The District recommended Student receive itinerant Autistic Support, and Student would participate in the general education setting for 85% of the day. (S-11 at 49-50; S-12; S-20 at 3; N.T. at 53-54). Parent signed the Notice of Recommended Educational Placement (NOREP) approving District's recommendation on May 30, 2025, the same day the NOREP was issued. (S-12 at 1, 6, 9).

2025-2026 School Year: First Semester

26. Student attended [redacted] within District, which is customary for all [redacted] students. (S-20 at 2; N.T. at 110). District utilized Foundations for ELA general education curriculum and Reveal Math for math general education curriculum. (N.T. at 509-510).
27. Student's daily schedule or routine consisted of getting off the bus and greeting the regular education teachers. Student would transition to the special education classroom where a break, morning work, and accommodated academics would be completed. Student transitioned to the general education classroom for snack, story time, and recess. Student would participate in math class with general education peers. Student received related services in the special education classroom but would join the general education setting for specials. (N.T. at 472-74; 482).
28. Student's BCBA from [company] assisted Student's transition to school for the first few weeks. (P-1 at 1; P-4 at 6; P-6 at 6; N.T. at 55, 64, 122). Student's private BCBA and District's BCBA discussed interventions for

Student such as modeling, target behaviors, skill goals, and use of the AAC device. (N.T. at 317-18).

29. On August 29, 2025, Parent emailed District with a list of concerns regarding the implantation of Student's PCA support. Parent also formally requested Student be evaluated. (P-1 at 3; N.T. at 64, 66, 265).
30. District and Parent engaged in a discussion regarding Student's evaluation in early September of 2025. (P-1 at 6-7; N.T. at 66-67, 206). Due to Student's current behaviors, and transition to school, it was determined that an evaluation would not functionally assess Student's needs at that time. (N.T. at 207-08, 265). The District recommended to wait six weeks. (N.T. at 209, 269). Parent agreed to an IEP revision and that an evaluation would be considered thereafter. (N.T. at 68; 104-05, 209-10).
31. District's BCBA began working with Student by the second day of school. District's BCBA consulted and instructed Student's PCA on behavioral management and implementation of the PBSP. (P-1 at 6; N.T. at 316, 320-21).
32. Student utilized the special education classroom for breaks, when Student eloped from the classroom, and to support classwork. (N.T. at 57).
33. In the beginning of the year, Student engaged in a significant amount of elopement, which included hiding behind doors, escaping to another room, bathroom or the stairs. Student also displayed noncompliance by screaming or crying or pushing work away. (N.T. at 313).
34. On days when Student displayed significant behavior, Student would spend less time in the general education setting and more time in the special education classroom. (N.T. at 531).

35. IEP meetings convened in October of 2025 to discuss Student's behavioral needs. (S-20 at 7). Student had demonstrated increased elopement from the classroom. (S-20 at 7; N.T. at 70).
36. Student's social skills instruction increased to 5 times per week. (S-20 at 7, N.T. at 75, 476). In addition to individualized sessions District pushed-in social skills instruction in the general education setting. (N.T. at 475-76).
37. Parent expressed concerns regarding Student's current placement in itinerant Autistic Support. In response, Student's IEP was revised to include three observations with District's Autistic Support teacher and structured time throughout the day in the learning support room to complete academic tasks. (S-20 at 7; N.T. at 74, 75; N.T. at 537-38).
38. The District collected behavioral data using partial interval recording across observations over a 9 week period. (S-20 at 10; N.T. at 325).
39. Student engaged in verbal protest in 41.38% of intervals; elopement in 34.48% of intervals; aggression in 4.89% of intervals; and non-compliance in 43.1% of intervals. (S-20 at 10-12).
40. Student's behaviors of concern were revised to define elopement as leaving the designated area, room or building. Task avoidance was defined as sustained refusal with following adult provided directive. Non-compliance was defined as any instance in which Student does not initiate or complete an adult-directed non-academic task. (S-20 at 12-13; N.T. at 71, 328).
41. Student's made limited progress in Student's three speech and language goals. Student continued to struggle with using symbolic language, struggled to produce target CVC or CVCV words, and struggled to respond to a communication partner's initiated social question or request. (S-20 at 13-14; N.T. at 413-16).

42. Student had been receiving one push-in and one direct pull-out speech and language session per week. After the October 2025 IEP meetings, Student began to receive two direct pull-out sessions to specifically target IEP goals. (S-20 at 7; N.T. at 76, 417-18).
43. Student was provided with additional structured time in the learning support classroom in a small-group or 1:1 setting for 20 minutes a day. (S-20 at 52; N.T. at 77, 479). Student was also provided with opportunities to receive small group or 1:1 support in the learning support classroom for additional reading instruction. (S-20 at 7, 52; N.T. at 479).
44. Specifically, Student received additional support in ELA. District utilized the SRA Language for Learning program, which supplemented the Arts and Letters curriculum used in the general education setting. (N.T. at 479-80).
45. Student's placement increased from itinerant Autistic Support to supplemental Autistic Support, and Student participated in the general education setting for 61% of the day. (S-20 at 57-58; S-21).
46. District issued a NOREP on October 31, 2026 recommending supplemental Autistic Support with the related services listed in the October 2025 Revision of the May 2025 IEP. Parent requested an informal meeting to discuss the recommendation citing continued concerns regarding breaks, modified instruction, daily communication log, and Parent's request that Student be placed in a full-time Autistic Support classroom. (S-21 at 1-2, 5; N.T. at 80-81).
47. On November 7, 2025, District issued a Prior Written Notice for Initial Evaluation and Request for Consent Form. (S-22; N.T. at 75, 210-11). The recommended testing included a record review, review of Parent provided documents, if applicable, classroom observation, teacher and parent input, cognitive ability measures, academic skill assessments,

behavior rating scales, speech and language evaluation, OT evaluation with sensory processing measures, Verbal Behavior Milestones Assessment and Placement Program (VB-MAPP), and a Functional Behavior Assessment (FBA). (S-22 at 2).

48. In December of 2025, District issued a NOREP declining Parents' request to place Student in a full-time Autistic Support classroom because an evaluation was pending, and further data was necessary to further inform Student's needs. (S-27 at 2; N.T. at 80).
49. As a result of the December 2025 IEP meeting, an IEP revision was issued. Student's daily home-school communication chart was revised to include information regarding Student's behavior, related services, daily routines and significant concerns. (S-28 at 61).
50. Two SDIs were also added to Student's May 2025 IEP, revised in December of 2025, modifying Student's classwork and assignments to target instructional level work that focused on essential skills. (S-28 at 61). Student was also provided three breaks per day, upon request, in a designated quiet area (S-28 at 62).

January 10, 2026 Evaluation Report

51. District issued an Evaluation Report for Student on January 10, 2026. (see S-30).
52. Per Parent input, Student displays significant communication and behavioral deficits. In the home, behavioral strategies implemented includes timers for transitions, telling Student to apologize, using "first-then", and providing advanced explanation of expectations and routines. (S-30 at 3; N.T. at 218). Parent's primary concern regarded Student's communication deficits, which impact Student's behaviors. Parent requested an educational change in Student's placement, increased speech and language services, and information regarding Student's academic needs. (S-30 at 3).

53. A classroom observation was completed by the School Psychologist in December of 2025. Student was observed frequently engage in task avoidance. Student transitioned from the learning support classroom to the general education classroom with no issues. When Student was redirected by his PCA, Student typically responded appropriately. (S-30 at 4; N.T. at 219-21).
54. Student received 1:1 instruction for a majority of the observation within the learning support setting. (N.T. at 273).
55. Per teacher input, Student benefited from 1:1 support, modified assignments, structure, predictable routines, and positive encouragement and support. (S-30 at 5).
56. The Differential Ability Scales, Second Edition (DAS-II) was used to assess Student's cognitive ability. Student received a General Conceptual Ability (GCA) score of 91, and the Special Nonverbal Composite (SNC) score of 108, both in the average range. Overall Student's cognitive profile was highly variable. Student received a very low score in verbal comprehension and naming vocabulary; average scores in picture similarities and pattern construction; and very high score in matrices. (S-30 at 7-8; N.T. at 228). The DAS-II was selected because it provides a better indicator of cognitive ability for students with functional language delays. (N.T. at 226-227).
57. Student's academic skills were assessed using the Kaufman Test of Educational Achievement- Third Edition (KTEA-III). Student scored in the extremely low range in Letter and Word Recognition (60), Math Concepts and Applications (64), and Written Expression (57). Raw scores were unable to be reported in Spelling and Math Computation. (S-30 at 9; N.T. at 229-33).
58. A Speech and Language Evaluation was completed as part of the 2025 RR. (S-30 at 10-17).

- a. Student's progress monitoring for Speech and Language IEP goals were included. Student was able to produce a variety of phrases with 3-word utterances in 4 of 5, 5 of 5, and 3 of 5 opportunities; Student was able to produce CVC words in 4 of 5 opportunities across 3 probes; CVCV words in 2 of 5, 4 of 5, and 4 of 5 opportunities; and actively responded to a communication partner in 2 of 5, 5 of 5, and 3 of 5 opportunities. (S-28 at 43-46; S-30 at 11).
- b. The Arizona Articulation and Phonology Scale, Fourth Revision (Arizona-4) was used to assess Student's articulation needs. Student's Word Articulation Standard Score was <50, which is in the .1 percentile. Student's speech was largely unintelligible, demonstrating severe articulation needs. (S-30 at 12-13; N.T at 425-26).
- c. The Oral and Written Language Scales, Second Edition (OWLS-II) was used to assess Student's expressive and receptive language needs. Student scored in the .1 or first percentile in all areas assessed. Specifically, Student's identified weaknesses in this area included identifying and labeling objective pronouns, irregular verbs, plurals and complex prepositions. (S-30 at 13; N.T at 428-29).
- d. Parent completed a Functional Communication Profile for Student. Student displays receptive language, expressive, and pragmatic language deficits. (S-30 at 13-16; N.T. at 430-32).
- e. The Speech and Language Evaluation concluded that Student continues to require speech and language therapy targeting expressive language, receptive language, articulation, and pragmatic language skills. (S-30 at 16). Specific areas of need included expanding utterances, following directives, initiating and

reciprocating conversation, and improving language intelligibility.
(S-30 at 17).

59. An Occupational Therapy Evaluation was included as part of the 2025 ER. (S-30 at 17-21).
- a. According to the Beery-Buktenica Developmental Test of Motor Integration (VMI), Student's visual motor skills were considered average. However, Student scored in the low performance range in visual perception and motor coordination. (S-30 at 17).
 - b. According to the Sensory Processing Measure (SPM), Student displayed sensory needs in vision, hearing, touch, balance and motion, planning and ideas, and social participation. (S-30 at 18).
 - c. Student demonstrated difficulty with handwriting and cutting but was able to complete the tasks with 1:1 assistance. (S-30 at 20).
 - d. The OT evaluation recommended that Student receive 30 minutes of direct OT support weekly, and 30 minutes of OT consultation monthly. (S-30 at 20).
 - e. Student's progress in OT IEP goals was reported. Student was able to appropriately initiate 4 of 9 prewriting strokes and was observed to appropriately utilize glue. Student required additional support to appropriately use scissors and crayons. (S-28 at 50-52; S-30 at 21).
60. Parent and Student's special education teacher completed Autism Spectrum Rating Scales to assess Student's behaviors similar to those with ASD. Overall, Parent and special education teacher's scores were consistent. Student displayed elevated behaviors in most areas assessed, except for sensory activity, where both Parent and special education teacher rated Student in the average range. (S-30 at 21-22; N.T at 235-37).

61. Parent and Student's special education teacher completed the Adaptive Behavior Assessment System- Third Edition (ABAS-3) to assess Student's adaptive behavior needs. Student's Global Adaptive Composite score was in the low average to very low range. (S-30 at 22). Student demonstrated relative strengths in school living, home living, self-care and social. Student demonstrated elevated scores in communication and functional academics. (S-30 at 24; N.T. at 237-40).
62. An FBA was completed as part of the 2025 RR. (S-29; S-30 at 24-32).
- a. Behaviors of concern were identified as verbal protest, elopement, aggression, task avoidance, and non-compliance. (S-29 at 2-3) Specifically, elopement was defined as engaging in or attempting to engage in leaving the designated area, room, or building without permission. (S-29 at 2; S-30 at 25-26).
 - b. Behaviors targeted for increase were identified as functional communication and task completion. (S-29 at 3; S-30 at 26).
 - c. Per Parent input, Student displays a variety of behaviors from verbal outbursts to elopement, which can be mild or severe. (S-29 at 3; S-30 at 27). Student's behaviors often occur when Student is presented with a non-preferred task. (*Id.*). Other triggers for behaviors include transitions, change in routine, and unwanted social interactions. (*Id.*).
 - d. Student continued to receive private ABA therapy after school. (S-29 at 3; S-30 at 27).
 - e. Per Teacher input, Student engages in behaviors across all settings in the school environment. Antecedents to behaviors included task demand, peer interaction, redirections or reprimands, or arriving to school in a state of hunger, fatigue, or high emotion. (S-29 at 4; S-30 at 27-30).

- f. The VBMAPP was completed as part of the FBA. Student received a total score of 120 of 170. Student displayed significant weakness in impaired articulation, behavior problems, instructional control, impaired tact, impaired VP-MTS, impaired intraverbal, prompt dependency, impaired conditional discrimination, and reinforce dependency. (S-29 at 6; S-30 at 28-29; N.T. at 343-48).
 - g. According to Antecedent Behavior Consequence (ABC) data, the antecedents for Student's behavior of concern was demand and peer interaction, and the consequence to the target behavior was always to escape. (S-29 at 7; S-30 at 29; N.T. at 332-33).
 - h. A variety of recommendations were proposed in the FBA including environmental modifications, premack principle, transition warnings, presets, countdowns, modeling, chunking, functional communication training, and escape/delay functioning. Premack principle includes providing a high-probability behavior before a known-probability behavior to increase motivation, providing Student with options, and providing behavior-specific reinforcement. (S-29 at 9-10; S-30 at 29-31; N.T at 335-39).
 - i. Recommended consequence strategies included positive reinforcement, Differential Reinforcement of Alternative Behaviors (DRA), and behavior specific praise. (S-29 at 10; S-30 at 31-32).
 - j. The FBA recommended that data be reviewed by at least monthly to monitor effectiveness of the interventions. Further, continued Parental involvement and staff training by a BCBA was recommended. (S-29 at 11; S-30 at 32).
63. The 2026 ER concluded that Student is eligible for special education under the disability categories of Autism and Speech or Language Impairment. (S-30 at 32-33).

64. Student's needs were identified as the following: improve participation in adult-directed learning activities; improve transition time from preferred to non-preferred activities; individual or small group instruction to improve reading, math, and written expression skills; direct speech and language therapy to improve expressive, receptive, and pragmatic language skills and articulation; direct OT services, OT consultation services; direct, individualized behavior support in alignment with the FBA/VBMAPP using positive reinforcement systems; social skills support to increase peer interactions; strategies to improve sustained attention and effort/stamina during academic tasks; frequent pre-teaching, review, and practice of academic skills; and supports to Student's academic skill development across content areas. (S-30 at 33).
65. It was recommended that Student receive a flexible and balanced approach to learning where individual instruction and instruction with the general education classroom are integrated within the school day. (N.T. at 282, 287).

2025-2026 School Year: Second Semester

66. District issued an IEP on February 6, 2026 adopting the findings in the 2026 ER. (S-33).
67. Student's IEP annual goals were proposed or as follows:
- a. PBSP goal assessing Student's ability to attend to a nonpreferred adult-directed learning activity for a minimum of three minutes with no more than one additional prompt with 80% accuracy. Student's baseline was 81.55% of recorded opportunities. (S-33 at 54).

- b. PBSP goal assessing Student's ability transition from a preferred to a nonpreferred activity and setting with 80% accuracy. Student's baseline was 73.02% of recorded opportunities. (S-33 at 55).
- c. Speech and Language goal assessing Student's motor speech production by producing combined words at the word and phrase level with 80% accuracy. Student's baseline was 20% accuracy. (S-33 at 56).
- d. An articulation Speech and Language goal assessing Student's ability to produce /k and /g at the isolation, word, and phrase level with 80% accuracy. Student's baseline was 0% in isolation for /k/ and 20% in isolation for /g/. (S-33 at 57; N.T at 428).
- e. A Speech and Language goal assessing Student's ability to follow 1 to 2 step directions with embedded concepts in 4 of 5 opportunities when provided with 1 to 2 verbal repetitions. Student's baseline was 40% for 1-step and 20% for 2-step. (S-33 at 58).
- f. A Speech and Language goal assessing Student's ability to produce 3+ word utterances when initiating and reciprocating conversation with an adult or peer in 4 of 5 opportunities. Student's baseline was 0 of 5 opportunities. (S-33 at 59).
- g. An OT goal assessing Student's ability to print Student's first name using identifiable formation, appropriate letter sizing, and line placement for 3 consecutive months. Student's baseline represents inconsistent ability to spell Student's name, but Student can bring 2 to 3 letters. (S-33 at 60).
- h. An OT goal assessing student's ability to manipulate and cut paper and to open and close scissors in a sequential manor to smoothly cut within ¼ inch of the desired cutting line of a circle and square for 3 consecutive months. Student's baseline indicates an inability to complete this task. (S-33 at 62).

- i. An OT goal assessing Student's ability to print numbers 1-10 using identifiable number formation, correct orientation, and appropriate number size with 70% accuracy. Student's baseline is 0 of 10 numbers. (S-33 at 63).
 - j. A Reading goal assessing Student's letter identification and ability to identify uppercase and lowercase letters in a field of 2 to 4 letters with 80% accuracy. Student's baseline is 10 of 26 uppercase letters and 13 of 26 lowercase letters. (S-33 at 64).
 - k. A Math goal assessing Student's number identification and labeling and ability to identify and label a quantity between 1 and 10 with 80% accuracy. Student's baseline is 55% accuracy. (S-33 at 65).
 - l. A Social Skills goal assessing Student's ability to initiate interaction with a peer using appropriate communication method in 4 of 5 opportunities. Student's baseline indicates inconsistent use of appropriate social boundaries or cues. (S-33 at 66).
68. Student's PBSP adopted the results and recommendations from the 2026 RR and FBA emphasizing use of environmental modifications, premack principle, transition warnings, presets and countdowns, modeling, chunking, functional communication training, positive reinforcement, DRA, behavior-specific praise, redirection, and escape extinction. (S-33 at 68-72; N.T. at 342).
69. Student's Speech and Language SDIs included modeling of clear production of target sounds, proper verbal and gestural cues for tongue and lip placement, extended wait-time, sentence starters, model grade level vocabulary, modeling of the AAC device, verbal and gestural prompts for articulation, articulation hierarchy, and opportunities to increase motor speech production. (S-33 at 74; N.T at 438-439).

70. OT SDIs included modifications for writing instruments, use of an alphabet strip, trial of a slant board, use of a variety of sensory materials and use sensory breaks (S-33 at 75-76).
71. Student's IEP also included social-emotional and classroom SDIs including modeling appropriate social interactions, use of social stories, use of games and activities, facilitation of social conflicts, daily home to school log, daily paraprofessional support, modification of assessments and instruction, flexible pacing of instruction, reducing quantity of work while maintaining instructional intent, incorporating hands-on learning, preferential seating, frequent breaks, transitional prompting, use of a timer, and a visual schedule. (S-33 at 76-78).
72. Student was offered individual Speech and Language therapy 3 times a week for 20-minute sessions and once a week for a 15-minute session; OT once a week for 30 minute sessions, and 1:1 Personal Care Assistance for the school day. (S-33 at 79; N.T. at 441-42, 448-49). In addition, Student would receive ELA and Math support for 30 minutes daily and Social Skills instruction twice a week for 30 minutes. (S-33 at 85).
73. It was recommended that Student receive supplemental Autistic Support, and would participate in the general education setting for 32% of the school day. (S-33 at 87).
74. On February 17, 2026, District issued a NOREP recommending supplemental Autistic Support. (S-35). The NOREP was reissued on February 27, 2026. Parent rejected the NOREP on March 9, 2026 and filed the Due Process Complaint. (S-36).
75. In a second IEP meeting held in February of 2026, District's teacher assigned to the full-time Autistic Support classroom attended and offered an overview of the classroom. It was determined that a full-time Autistic Support classroom was not appropriate for Student because it would not offer the least restrictive environment. (N.T. at 85, 105-06).

76. On March 2, 2026, an IEP meeting convened to discuss Student's daily school schedule. The IEP team proposed an extended school day for Student. (S-37 at 8; N.T. at 86, 522, 543-44). The extended school day schedule allowed Student to receive additional speech and language support as well as maintain Student's general education exposure. (N.T. at 522).
77. According to the proposed extended school day schedule, Student would have been in the general education setting during morning meeting, ELA Foundations instruction, snack, Math, specials, lunch, and recess. (S-37 at 8; N.T. at 523).
78. When Student was in the learning support classroom, Student was either provided 1:1 instruction or another student was present. (N.T. at 87).
79. According to Student's MAP math academic benchmark testing, Student scored 124 in the Fall of 2025 and 151 in the Spring of 2026, demonstrating a growth rate in the 97th percentile. In the area of Reading, Student scored a 133 in the Fall of 2025 and a 154 in the Spring of 2026, demonstrating a growth rate in the 92nd percentile. (S-46; N.T. at 513-17).
80. According to Student's Daily Reflection Sheets from January 2026 to May 2026, Student's day was rated using a sad, neutral, and happy face. Student eloped from the classroom for a maximum of 5 times on a few occasions. On most days, Student was able to return quickly. Student's behaviors were always in the neutral to happy face range. (P-2; N.T. at 90-91).
81. Student's behaviors have increased in the home. Student's verbal protest and elopement behaviors have increased, which is a new trend. (N.T. at 134). [Company] uses frequency data to track Student's behaviors. (See P-6; N.T. at 140).

82. Student's behaviors in school have decreased. When Student elopes, Student will leave to go to a designated area. Student's task avoidance has decreased in duration, and Student responds quickly to redirection. (N.T. at 314-15; 328-29, 349-50, 363; 486-87).

Witness Credibility

Special education hearing officers must make credibility determinations of witnesses called to testify before them. I find that all witnesses called to testify did so credibly. Parent and Student's private BCBA at [company] testified honestly to the best of their knowledge. Specifically, Student's private BCBA had been working with the student since June of 2023 in the home, community and preschool/EI setting. Student's private BCBA demonstrated a strong understanding of Student's behaviors, and treatment plan. However, diminished weight was afforded to Student's private BCBA regarding what has occurred during the school day. Student's private BCBA observed Student in the school setting for the first few weeks of school, but has not provided ABA therapy in the school setting since. Whereas she attended IEP meetings with Parent, firsthand knowledge of Student's schedule, daily behaviors, and programming was not established.

I find that all District employees testified truthfully with specificity regarding their observations of Student in the school setting. Particularly, I afforded the testimony of District's BCBA, Speech and Language Pathologist, and Student's Case Manager additional weight. The District's BCBA carefully detailed Student's observed behaviors and explained data collection and decision making throughout the IEP year. Student's Speech and Language Pathologist testified in detail regarding Student's communication deficits and understanding of how apraxia impact's Student's education. Finally, Student's Case manager demonstrated knowledge of Student's schedule, behaviors, social skills, and academic achievement throughout the year. *These witnesses worked consistently with Student throughout the year in the*

school environment. Therefore, where there were factual inconsistencies in the testimony, weight was afforded to District staff working directly with Student.

Legal Principles

The Burden of Proof

In an administrative due process hearing, the burden of proof encompasses the burden of production and the burden of persuasion. The party seeking relief bears the burden of persuasion. *Schaffer v. Weast*, 546 U.S. 49, 62 (2005); *L.E. v. Ramsey Bd. of Educ*, 435 F.3d, 384, 392 (3rd Cir. 2006). Accordingly, the burden of persuasion rests with the filing party, in this case the Parents. For reasons set forth below, I find that Parents have not met their burden of persuasion. Parents have established a history of strong involvement and fierce advocacy. However, Parent has not offered evidence in the form of testimony or documentation that proves that District denied Student a free and appropriate public education for the 2025-2026 school year. District has actively responded to Student's academic, behavioral, communication, social-emotional, social skills, and sensory needs, which was evidenced by Student's educational record, and the wealth of testimony from the District witnesses. Parents have failed to substantiate their claim that Student's programming was inappropriate, and that Student was educated in a restrictive environment that did not meet Student's needs.

Free Appropriate Public Education (FAPE)

Children with disabilities are entitled a free and appropriate public education which provides them with special education and related services "designed to meet their unique needs and prepare them for further education, employment, and independent living." 20 USC § 1400(d)(1)(A).

Generally, FAPE must be afforded to all children with disabilities “between the ages of 3 and 21 inclusive.” 20 U.S.C. §1412(a)(1)(A).

The IDEA requires the state to provide FAPE “to all children residing in the State.” 20 U.S.C. § 1412(a)(1)(A). FAPE requires an educational program that is “reasonably calculated to enable the child to receive educational benefits.” *Endrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist.*, 137 S.Ct. 988, 995-96 (2017) (quoting *Bd. of Educ., Etc. v. Rowley*, 458 U.S. 176, 207). (1982). Further, a student receives FAPE when “personalized instruction is being provided with sufficient supportive services to permit the child to benefit from the instruction” the student is receiving FAPE. *Rowley*, 458 U.S. at 189.

FAPE requires specially designed instruction (SDI) that will assist the child. *Id.* at 201. The student’s Individualized Education Program (IEP) must be designed to “enable the child to be involved in and make progress in the general education curriculum and meet each of the child’s other educational needs...” 20 U.S.C § 1414(d)(1)(A)(i)(II). *Endrew* emphasized that the IEP “must be ‘specially designed’ to meet a child’s ‘unique needs’ through an individualized education program.” 137 S.Ct. at 999. *Endrew* rejected the “more than de minimis” test and instead requires the student to “have the chance to meet challenging objectives.” *Id.* at 1000. Applying a “more than de minimis” standard to students with disabilities does not provide “education for all.” *Id.* at 1001.

The IEP process is the “central vehicle” for collaboration regarding Student’s needs and programming. *Schaffer*, 546 U.S. at 53. The IDEA’s procedural safeguards protect and empower the parent in the IEP process. *Id.* The IDEA strongly supports and encourages parent participation in the IEP process. 22 U.S.C § 1400(c)(5)B,(d)(3); 22 U.S.C §1414(d); 34 C.F.R. § 300.322; *Endrew* 137 S.Ct. at 994, 999; *Rowley*, 458 U.S. a 208. Specific to

this matter, when a Parent disagrees with an educational change in placement, then the student must remain in the “then-current educational placement”. § 1415(j).

Least Restrictive Environment (LRE)

There is “a ‘strong congressional preference’ for integrating children with disabilities in regular education classrooms.” *Oberti v. Bd. of Ed. of Clementon Sch. Dist.*, 995 F.2d 1204, 1214 (3rd Cir., 1993) (internal citations omitted). Specifically, the Local Education Agency must ensure “to the maximum extent appropriate” a student with a disability be included and educated with nondisabled students. 20 U.S.C §1412(5); 34 C.F.R § 300.114(2)(i). Special education classes or “separate schooling” is deemed appropriate and can occur “only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.” § 1412(5); § 300.114(2)(ii). Further, the Local Education Agency must “ensure a continuum of alternative placements is available to meet the needs” of the student for special education and related services. 34 C.F.R § 300.115.

To determine whether District’s mainstreaming requirement has been satisfied, it must be determined: (1) whether education in the regular classroom with supplementary aids and services can be achieved satisfactorily; and (2) whether the school district has mainstreamed the student to the maximum extent appropriate. *Oberti*, 995 F.2d at 1215. The first question takes into consideration three factors: (a) the steps taken by the school district to include the student in the general education setting; (b) a comparison of the benefits the student will receive in the general education setting with supplemental aids and services with benefits of a special education class; and (c) negative implications of a student’s inclusion with the general education setting. *Id.* at 1216-18.

Evaluation Reports

To be appropriate, the evaluation must assess the student in “all areas of suspected disability.” §1414(b)(1)(3)(C). In assessing the student’s areas of suspected need, the evaluation report must contain

- (A) a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent that may assist in determining (i) whether the child is a child with a disability, and (ii) the content of the child’s [IEP], including information related to enabling the child to be involved and progress in the general education curriculum...
- (B) not a single procedure or assessment as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and
- (C) use of technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.” § 1414(b)(2).

The assessments and evaluation materials must be administered by trained and knowledgeable personnel who administer the materials in accordance with instructions provided, must address all areas of suspected disability in a student, and must provide relevant information that directly contributes to the determination of the student’s educational need. § 1414(b)(3).

A reevaluation report must also include existing data of the student, present levels of academic performance, identify additional data, if needed, and must assess whether the student continues to qualify for special education services, and whether the student’s special education services require additions or modifications. §1414(c)(1). In cases where additional

data is not required, the reevaluation must identify the reason and the right of the parent to request an assessment. §1414(c)(4).

Compensatory Education

When a district “knows or should know” that their student has an insufficient IEP or is not receiving FAPE, that student is entitled to compensatory education. *M.C. v. Central Regional Sch. Dist.*, 81 F.3d 389, 391-92 (1996). When there is a finding that a student has been denied FAPE, compensatory education is owed “for a period equal to the period of deprivation, excluding only the time reasonably required for the school district to rectify the problem.” *Id.* at 392. Compensatory education stands for the principal that districts must “belatedly pay expenses that [they] should have paid all along.” *Id.* at 395 (*quoting Sch. Comm. Of Town of Burlington, Mass. v. Dep’t of Educ. Of Mass.*, 471 U.S. 359, 370-71 (1985)). A parent is not responsible for supporting the cost of FAPE. *M.C.*, 81 F.3d at 395.

Discussion

Parent contends that Student was denied FAPE for the 2025-2026 school year because Student’s May 2025 IEP, recommending itinerant Autistic Support failed to meet Student’s unique needs without appropriate individualized support, but Student’s programming offered in the October and December 2025 IEP revisions and the February 2026 IEP, recommending supplemental Autistic Support was inappropriate because Student did not receive instruction in the least restrictive environment. (S-11 at 49-50; S-20 at 57-58; S-33 at 87). Throughout the year, Parent continuously raised concerns that Student was educated alone in the special education environment; that Student’s behaviors significantly impacted Student’s ability to receive academic instruction, particularly in the general education environment; and that Student should be placed in a full-time

Autistic Support setting and/or receive instruction with increased Speech and Language and OT services. (*passim*).

Parents may have had a reasonable basis to raise these concerns, because Student demonstrated significant behaviors during the transition into school-aged learning. However, the record is more than preponderant that District has been actively engaged with Student needs, and highly responsive to Parents' concerns. Further, District has prioritized individualized learning, supports, and services over a traditional full-time classroom. Parents have failed to prove that Student was educated alone for an inappropriate portion of the day. District has offered a continuum of services specifically tailored to enable Student to make meaningful educational progress.

Further, the proposed programming in Student's February 2026 IEP directly responded to the information and data collected in the 2026 ER. The District had considered multiple placement options and determined that Student required supplemental Autistic Support that prioritized Student's individualized need for specific and modified instruction and participation with general education peers. Further, Student's IEP offers appropriate accommodations addressing Student's speech and language, social skills, OT, academic, sensory and behavioral needs. Therefore, District has provided Student a FAPE for the 2025-2026 school year. District's proposed February 2026 IEP is appropriate and reasonably enables Student to make meaningful educational progress.

District provided Student a FAPE for the 2025-2026 School Year

First, Parents argue that Student's programming in the beginning of the 2025-2026 school year did not provide Student appropriate supports and services to enable meaningful educational progress. Student's May 2025 IEP offered itinerant Autistic Support, and Student participated in the general

education setting for 85% of the school day. (S-11 at 49-50; S-12; S-20 at 3; N.T. at 53-54). Student also received 1,920 minutes of individual Speech and Language therapy per IEP term, 1:1 PCA for the entire school day, 960 minutes of group OT per IEP term, 30 minutes of OT consult per month, 30 minutes of social skills instruction per week, and BCBA consult twice a month for 30 minutes. (S-11 at 45, 49-50; S-12 at 1, 6, 9). District, in collaboration with Parents, created Student's May 2025 IEP after meeting with Student's EI team and Parents in January 2025, after completing a direct observation of Student in the preschool environment in March of 2025, and after reviewing Student's current records. (N.T. at 199, 201-04, 249).

Student's IEP included present level information from the DCIU and Student's PBSP was taken directly from Student's private BCBA, who had been working with Student since June of 2023. (S-11 at 8, 44). Student demonstrated behaviors of concern that included verbal protest, elopement, and aggression. (S-11 at 8-9). Student's May 2025 IEP included a PBSP directly created with the input from Student's EI programming and private ABA treatment plan. Student's PBSP listed antecedent strategies that included follow through, visual supports, auditory warnings, functional communication training, redirection, planned ignoring, systematic surrender with delayed denial of a reinforcer, and differential reinforcement. (S-11 at 39-40). In addition, Student was monitored via two PBSP goals assessing Student's ability to attend to task, and transition from a preferred to a non-preferred activity. (S-11 at 32-33).

Student's communication needs were also specifically addressed in the May 2025 IEP. Student had an AAC device, but Student's mode of communication was verbal speech. Whereas the IEP included modeling of Student's AAC device, specific emphasis was placed in developing Student's verbal speech and Student's receptive and expressive language skills. (S-11 at 13, 33-35; N.T. at 51, 401-02). Student's SDIs included an opportunity to

go to a quiet or safe alternative place, modeling of appropriate social interactions, use of social stories, encouragement of routines for social interaction, facilitating resolution of typically occurring social conflicts, encourage use of feeling vocabulary to express feelings, frustrations, and needs, use of high interest reinforcers, use of timers and visual cue cards. (S-11 at 42-44). Student's IEP also addressed Student's OT and social skills needs by providing direct instruction and goals in these areas. (S-11 at 17, 36-7).

Student benefits from interaction and exposure to general education peers. (N.T. at 132; 399-400; 477-78). Student's IEP was detailed and offered a program designed to prioritize Student's exposure to the general education environment, while also providing Student with close proximal support via a PCA, and direct Speech and Language, Social Skills, OT, and behavioral support.

Student attended a [redacted] schedule upon enrollment within District. (S-20 at 2; N.T. at 110). Parents assert that Student spent most of the day in the special education classroom, where Student was the only student. Therefore, Student's programming was not in the least restrictive environment, and Student was denied FAPE. The evidence does not support this conclusion. Student's daily schedule and routine included participating with the general education peers during morning transition off the bus. Student transitioned to the special education classroom for break, morning work, and individualized ELA or academic work. Student transitioned back to the general education classroom for snacks, story time, recess, and math. Student received related services in the special education classroom but joined the general education classroom for specials. (N.T. at 472-74; 482).

Student had a difficult transition from EI/preschool to the school-aged educational environment. Student eloped from the classroom often. (N.T. at 313). Student also displayed noncompliance by refusing to complete work.

(*Id.*). The special education classroom was used as a safe space where academic work was completed. (N.T. at 57). The May 2025 IEP implemented an SDI requiring the District to review Student's behavioral needs within the first 60-Days of school. (S-11 at 8, 44). That review timely occurred in October of 2025. At that time, District had collected behavioral data over a nine-week period using partial interval data collection. (S-20 at 10; N.T. at 325). The behavioral data informed Student's programming, and a revision was made to the definition of elopement to split Student's behavioral data collection between physically leaving a designated area, and task refusal. (S-20 at 12-13; N.T. at 71, 328).

At the October 2025 IEP meetings, District also increased Student's social skills instruction to 5 times a week, included push-in social skills services in the general education setting, included observations by a full-time Autistic Support teacher, increased direct and individualized Speech and Language support, and structured time in the learning support setting for additional reading instruction. (S-20 at 7, 13-14, 52; N.T. at 75-77, 413, 416-18, 476, 479). District recommended Student receive supplemental Autistic Support with the offered related services. (S-21 at 1-2, 5). These revisions were recommended after District had time to work with Student, collect data, and in consideration of Parents' concerns.

Given this data, Parent's concerns were correct. Itinerant Autistic Support was not appropriate for Student. However, this did not amount to a denial of FAPE to Student because District timely responded to Student's needs. It is important to note that the 2025-2026 school year was Student's first exposure to a school-age setting, and District's first exposure to Student. District has been afforded time to assess and address Student's needs. The evidence suggests they did just that.

Parents further argue that District erred by failing to appropriately and timely evaluate Student, because Parent issued a request for an evaluation

on August 29, 2025, but the PTE was not issued until November of 2025. (P-1 at 3; N.T. at 64, 66, 265). However, District engaged in a conversation with Parents regarding the practical limitations of evaluating Student during a transition period, and the parties agreed to wait six weeks. (N.T. at 68; 104-05, 209-10). After the October 2025 IEP meetings, District issued a PTE, that recommended record review, review of Parent provided documents, if applicable, classroom observation, teacher and parent input, cognitive ability measures, academic skill assessments, behavior rating scales, speech and language evaluation, OT evaluation with sensory processing measures, Verbal Behavior Milestones Assessment and Placement Program (VB-MAPP), and an FBA. (S-22 at 2).

The IEP team met again in December of 2025 to review updated data, and Student's programming. By December of 2025, Student had begun to progress in behaviors, academics, social skills, and Speech and Language skills. (S-28). District issued the Evaluation Report on January 10, 2026 which provided a detailed and comprehensive review of Student's unique needs. (S-30). The classroom observation completed by the School Psychologist evidenced that Student continued to engage in behaviors, but Student was able to be redirected. Student also easily transitioned from the learning support classroom to the general education setting with no issues. (S-30 at 4; N.T. at 219-21). Student's cognitive ability, and academic achievement was assessed, which informed District's academic programming for Student. (S-30 at 7-9; N.T. at 226-33).

The 2026 ER contained a thorough Speech and Language assessment that identified Student's articulation, receptive, expressive and pragmatic language needs. (S-30 at 13-16; N.T. at 430-32). The Speech and Language report also evidenced Student's progress in Speech and Language goals. Student made progress in production of 3-word utterances, production of CVC and CVCV words, and in communicating with peers and adults. (S-28 at

43-46; S-30 at 11). The 2026 ER also contained an OT evaluation assessing Student's motor integration, and sensory processing needs. (S-30 at 17-21). Further, Student's behavioral and adaptive behavioral needs were assessed. (S-30 at 21-24).

As part of the ER, a detailed and comprehensive FBA was completed. Student's behaviors of concern were clearly defined. Behaviors of concern were identified as verbal protest, elopement, aggression, task avoidance, and non-compliance. (S-29 at 2-3). ABC data indicated that Student's behaviors of concern was demand and peer interaction, and the consequence of the target behavior was always to escape. (S-29 at 7; S-30 at 29; N.T. at 332-33). In addition, the FBA included VBMAPP assessment which Student received a total score of 120 out of 170. Student displayed foundational skills, but VBMAPP identified specific weaknesses which District used in creating Student's February 2026 IEP. (S-29 at 6; S-30 at 28-29; N.T. at 343-48).

The FBA provided a comprehensive list of specific recommendations that included environmental modifications, premack principle, transition warnings, presets, countdowns, modeling, chunking, functional communication training, escape/delay functioning, providing behavior-specific reinforcement, positive reinforcement, differential reinforcement of alternative behaviors, and behavior specific praise. (S-29 at 9-10; S-30 at 29-32; N.T at 335-39).

District's January 2026 ER was appropriate and provided District and Parents with specific information regarding Student's strengths and needs. District, then, used this comprehensive ER to design a program for Student that would, if implemented, enable Student to achieve meaningful educational progress.

District's February 6, 2026 IEP is appropriate

Parents argue that Student's February 2026 IEP is inappropriate because Student is not educated in the least restrictive environment. Parents argument, again, fails because Parents have failed to prove that Student receives education alone for a majority of the school day, and District's IEP offers Student a highly individualized program that directly responded to the needs identified in the 2026 ER.

The February 2026 IEP adopted the data and present level information directly from the 2026 ER. (S-33). Further, Student's annual IEP goals were revised to specifically address Student's academic, Speech and Language, OT, social-skills, and behavioral needs. (S-33 at 54-66). Student's PBSP goal addressing Student's ability to attend a non-preferred task remained largely unchanged, but Student's baseline was 81.55%, evidencing progress. (S-33 at 54). Regarding Speech and Language, Student began to receive an articulation goal, and Student's remaining goals were revised to assess Student's receptive, expressive, pragmatic language, and motor speech production. (S-33 at 56-59). Student also received three OT goals assessing Student's ability to cut and manipulate paper, and to print numbers and letters. (S-33 at 62-64). Student's academic achievement was addressed by two goals assessing Student's letter and number identification. (S-33 at 64-66). Finally, Student's social skills goal continued to assess Student's ability to initiate interactions. (S-33 at 66). Therefore, the February 2026 IEP and the detailed goals therein would enable District and Parent to maintain accurate, consistent, and specific data regarding Student's educational progress.

The February 2026 IEP included all the recommendations from the 2026 ER. Student's PBSP detailed a plan using transition warnings presets and countdowns, functional communication training, positive reinforcement, DRA, behavior-specific praise, redirection, and escape extinction. (S-33 at

68-72; N.T. at 342). Student also received specific Speech and Language SDIs including modeling of clear production of target sounds, proper verbal and gestural cues for tongue and lip placement, extended wait-time, sentence starters, model grade level vocabulary, modeling of the AAC device, verbal and gestural prompts for articulation, articulation hierarchy, and opportunities to increase motor speech production. (S-33 at 74; N.T. at 438-439). Finally, Student's SDIs included social-emotional and classroom SDIs including modeling appropriate social interactions, use of social stories, use of games and activities, facilitation of social conflicts, daily home to school log, daily paraprofessional support, modification of assessments and instruction, flexible pacing of instruction, reducing quantity of work while maintaining instructional intent, incorporating hands-on learning, preferential seating, frequent breaks, transitional prompting, use of a timer, and a visual schedule. (S-33 at 76-78).

Student's February 2026 IEP offered Speech and Language therapy 3 times a week for 20 minutes and one 15-minute session once a week. (S-3 at 79). This was specifically recommended because Student had a short attention span, and this schedule optimized Student's attention to task and learning. (N.T. at 441-42; 448-49). Further, Student would continue to receive 1:1 support from the PCA, 30 minutes of daily ELA and Math support, 30 minutes of OT a week, and Social Skills instruction twice a week. (S-33 at 85). Student would continue to receive supplemental Autistic Support. (S-35).

In attempt to respond to Parents' concerns that Student would not be educated in the least restrictive environment, an IEP meeting was held in March of 2026, where an extended schedule was offered. (S-37 at 8; N.T. at 86, 522, 543-44). The extended school day schedule allowed Student to receive additional Speech and Language support as well as maintain Student's general education exposure. (N.T. at 522). Of the roughly 4.5

hours in the typical school day, Student was integrated into the general education setting for 1 hour and 40 minutes to 2 hours daily. (S- 37 at 8, 89). According to the proposed extended school day schedule, Student would have been in the general education setting during morning meeting, ELA Foundations instruction, snack, Math, specials, lunch, and recess. (S-37 at 8; N.T. at 523).

Parents requested Student be placed in full-time Autistic Support. Following the *Oberti* analysis, full-time Autistic Support would not be appropriate as Student would not be educated in the least restrictive environment. District had an obligation to ensure a continuum of alternative placements available to ensure Student received FAPE. 34 C.F.R. § 300.115. As noted above, that is exactly what the District did. Student began in itinerant Autistic Support, and as the year progressed District did not just push Student into full-time Support, but rather changed Student's programming to meet Student's needs, which resulted in supplemental Autistic Support.

Students February 2026 IEP also offers supplemental Autistic Support, which enables Student to benefit from individualized instruction and general education peers. This is exactly the type of programming that the IDEA encourages. Student's February 2026 IEP weighs both Student's ability to participate in the general education setting with supplementary aids and services and Student's need for a quiet, individualized, and 1:1 environment. See *Oberti*, 995 F.2d at 1215-18.

Even though District has not implemented the February 2026 IEP, because Parents' Complaint invoked pendency⁴, it has not been disputed that Student has made meaningful educational progress. Academically, Student's MAP benchmark testing has yielded a growth rate in the 97th

⁴ When a Parent disagrees with an educational change in placement, then the student must remain in the "then-current educational placement". 20 U.S.C. §1415(j).

percentile in math, and 92nd percentile in reading (S-46; N.T at 513-17). Further, Student's Daily Reflection Sheets and anecdotal observations by District Staff indicated that Student's behaviors have significantly decreased. Student has adjusted to the school environment and performs well during the day. When Student elopes or engages in task refusal, Student is easily redirected. (P-2; N.T. at 90-91; 314-15; 328-29, 349-50, 363; 486-87).

Student's February 2026 IEP offers more individualized support with detailed time in the general education classroom. It is impossible to predict how much more or less progress Student would have made had the February 2026 IEP been implemented. However, the addition of the specific, highly individuated supports and services offered in the February 2026 IEP would have only improved Student's education.

For the foregoing reasons, Student's February 2026 IEP is appropriate, identifies, assesses and addresses all areas of Student's unique needs, considers Student's need for individualized supports and services and Student's needs to be educated with general education peers, and would enable Student to make meaningful educational progress.

Student is not entitled to compensatory education

As discussed in detail above Student's program during the 2025-2026 school year was appropriate at all times. Whereas Student's original programming of itinerant Learning Support was inappropriate District rapidly responded to Student's needs and offered supplemental Autistic Support by October of 2025. The District has been afforded time to get to know Student and respond to Student's needs. Further, District has demonstrated detailed data collection, which identified Student's areas of need. District at all times provided Student education in the least restrictive environment. Student's February 2026 IEP, which directly adopts the comprehensive information collected in the 2026 ER, offers an individualized program that meets Student's unique needs and would enable Student to make meaningful

educational progress. Therefore, the February 2026 IEP is appropriate, and Student has received FAPE for the entire 2025-2026 School year. As there has been no procedural or substantive denial of FAPE to Student, Student is not entitled to compensatory education.

Summary and Conclusions of Law

For the reasons set forth in the above Discussion and Application of Law and Fact, Parents have failed to prove by preponderance of the evidence that District denied Student FAPE for the 2025-2026 school year; that Student was not educated in the least restrictive environment; that District's proposed February 2026 IEP year was inappropriate; or that Student is entitled to compensatory education. For all times relevant, Student has made meaningful educational progress, and Student's needs were adequately assessed and addressed. Nothing in this decision terminates District's ongoing obligation under the IDEA's FAPE requirements, nor the Parents right to request evaluations in response to Student's changing needs. See 20 U.S.C. § 1414.

An appropriate Order follows.

ORDER

AND NOW, this 6th day of July, 2026 in accordance with the foregoing findings of fact and conclusions of law, it is hereby **ORDERED** as follows:

1. District provided Student a FAPE for the 2025-2026 School Year;
2. District's proposed programming outlined in the February 2026 IEP and March 2025 revision is appropriate and provides Student FAPE in the least restrictive environment and;
3. Student is not entitled to compensatory education.

It is FURTHER ORDERED that any claim not specifically addressed in this Order is **DENIED** and **DISMISSED**. With issuance of this final decision, jurisdiction over this matter is hereby **RELINQUISHED**.



Savannah L. Murphy, Esquire.
Special Education Hearing Officer
ODR File Number 32729-25-26