

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

Open Hearing

ODR No. 31374-24-25

Child's Name:

D.L.

Date of Birth:

[redacted]

Parent:

[redacted]

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Hearing Officer:

Michael J. McElligott, Esquire

Date of Decision:

11/21/2025

Introduction

This special education due process hearing concerns past special education programming for [redacted] ("student"), a student who resides in the Pleasant Valley School District ("District").¹ The student qualifies under the terms of the Individuals with Disabilities in Education Improvement Act of 2004 ("IDEA")² as a student who requires special education. Parent claims that the District failed to identify the student, in a timely way, for eligibility under IDEA.

Specifically, the parent claims that the student should have been identified as eligible under IDEA prior to April 2025, when the student qualified for special education. As a result, parent has requested compensatory education.

The District counters that the student's affect and performance in school, and its evaluation history, did not support eligibility under IDEA until the student's affect and performance in school markedly changed over the course of the 2024-2025 school year. Therefore, the District argues that it met its child-find obligations in a timely manner.

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

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

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

Issues

1. Prior to April 2025, should the student have been found eligible under IDEA for special education services?
2. If so, when, and is the student entitled to compensatory education?

Findings of Fact

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

[redacted] / 2022-2023 School Year

1. The student began schooling at the District in the [redacted] year. Prior to the [redacted] year, the student had not received early intervention services. (Notes of Testimony ["NT"] at 57-87, 157-192).
2. In mid-February 2023, in response to parent's concerns regarding the student's academic performance, the District requested permission to evaluate the student. Parent provided consent in mid-March 2023. (P-1 at pages 1-5, P-2; School District Exhibit 2).

3. The District issued its evaluation report ("ER") in early May 2023. (P-1 at page 6).
4. The May 2023 ER contained parent input, teacher input, cognitive testing, academic achievement testing, and curriculum-based assessments in reading, writing, and mathematics. (P-1).
5. Academically, parent's input indicated concerns with information processing, speech and language (S&L), and "day to day learning". Behaviorally and socially, parent's input indicated concerns with anger, anxiety, and socialization. (P-1; NT at 57-87).
6. The [redacted] teacher's input indicated that the student, as the [redacted] year came to its end, the student had been successful in meeting all benchmarks in reading, writing, and mathematics, and in the regular education [redacted] curriculum. The teacher indicated that the student followed directions, completed tasks, and timely submitted classwork and homework. The teacher indicated that the student did not exhibit problematic behaviors with adults or peers. (P-1; NT at 157-192).
7. Based on cognitive testing, the student full-scale IQ was 83. (P-1).
8. Based on academic achievement testing, scores on sub-tests and composites ranged between 89-115 (the reading comprehension sub-

test being the lowest, at 89, and the written expression composite being the highest at 115). The student's reading, written expression, and mathematics composite scores were, respectively, 92, 115, and 98. The total academic battery score was 102. (P-1).

9. On the reading assessments, the student was reading on grade level (end of [redacted]), with appropriate reading accuracy, fluency, and comprehension. The student reached proficiency in the fall, winter, and spring reading curriculum-based reading assessments. (P-1, P-3, P-15).
10. Additional reading assessments indicated reading performance that accelerated in the spring of 2023. (P-16 at page 5).
11. On the writing assessment, the student exhibited appropriate writing skills. (P-1, P-3, P-15).
12. On the mathematics assessment, the student exhibited appropriate color and shape identification, number-identification, number-writing, and counting skills. The student scored 84-96% on mathematics curriculum-based assessments. (P-1, P-3, P-15).
13. The May 2023 ER indicated that the student did not have a qualifying disability identification and therefore was not eligible for special education services. (P-1).

14. The student's [redacted] teacher testified credibly that the student did not exhibit any behaviors or academic deficiencies that caused her concern for the student's education. (NT at 157-192).

[redacted] Grade / 2023-2024 School Year

15. In late August 2023, the parent received a report from a community-based mental health agency, diagnosing the student with autism. (P-9; NT at 57-87).³

16. The August 2023 report was largely based on information provided by the parent and centered entirely on the student's affect and behavior in the home environment, although certain content came from the May 2023 ER. (P-9; NT at 57-87, 157-192).

17. During her interview, the evaluator observed in the student awkwardness, need for prompting, staring off, and lack of eye contact. (P-9).

18. The evaluator related that the parent reported anger, problems with socialization, sensory issues, perseveration, academic struggles, crying at school, and echolalia. (P-9).

19. The evaluator did not perform any assessments. (P-9).

³ The evaluator interviewed the student and parent in late July 2023. The report is dated, and is signed by the evaluator, in late August 2023. (P-9 at pages 1, 5).

20. In the fall of 2023, the parent shared concerns about the student's S&L abilities. A District S&L therapist performed a screening. Following the screening, in early October 2023, the District requested permission to perform a S&L evaluation, and the parent provided permission. (P-4 at pages 1-4, P-8, P-18, P-19; NT at 271-332).
21. In late November 2023, the District issued its ER. (P-4).
22. The November 2023 ER contained parent input, teacher input, observation by the S&L therapist, updated curriculum-based assessments, content from the May 2023 ER, and S&L assessments. (P-4).
23. Parent's academic concerns in the November 2023 ER included "cognition/vocabulary skills" and a need for prompting. (P-4).
24. Parent's S&L concerns in the November 2023 ER included lack of vocabulary, incorrect grammar/speech, and the need for repetition. (P-4).
25. The student's teacher reported that "participation seems to be impacted more from shyness than speech related concerns" and "takes extra time to formulate thoughts when (the student) feels it is taking too long, (the student) will shy away from giving the answer". (P-4).

26. Neither the parent nor the teacher reported articulation concerns. (P-4).
27. The District S&L therapist observed the student in class. She observed the student to follow directions, to be attentive, and to interact appropriately with peers during small group work. The student was attentive and followed directions during the S&L assessments. (P-4).
28. The November 2023 ER included updated curriculum-based assessments in reading and mathematics from fall administrations. (P-4, P-16).
29. The S&L evaluation in the November 2023 ER included expressive and receptive oral language testing. (P-4).
30. On the oral language sub-tests, the student scored in the average range, except in oral vocabulary (defining/describing words), which was in the below average range. (P-4).
31. The oral language composite scores (listening, organizing, speaking, grammar, semantics), including the overall spoken language composite, were all in the average range. (P-4).
32. The S&L evaluation in the November 2023 ER included spoken-language assessment to assess expressive language. (P-4).

33. On the spoken-language sub-tests, the student scored in the average range across all sub-tests (associations, categorization, similarities, differences). (P-4).
34. The S&L evaluation in the November 2023 ER included a language-concepts assessment to assess opposites and related concepts. (P-4).
35. The student showed a marked weakness (69) in receptive concepts (semantics of distance/speed/time), although scores in expressive concepts (93) and total composite (88) were in the average range. (P-4).
36. The S&L evaluation in the November 2023 ER included a screening, but not a formal assessment, of auditory functioning. (P-4).
37. The screening showed no difficulty with processing background noise but competing noise (processing two sounds presented in each ear at the same time) showed a deficiency. (P-4).
38. The S&L evaluation in the November 2023 ER included an assessment of pragmatic language. (P-4).
39. The student's score on the pragmatic language sub-test (103) fell within the average range. (P-4).

40. The November 2023 ER concluded that the student did not have a S&L impairment. (P-4).
41. In the days prior to the issuance of the November 2023 ER, the S&L therapist sent an email to District personnel regarding the apparent conflicting view of the content of the August 2023 mental health evaluation and the results of the evaluation assessments. The evaluator voiced that she saw or found none of the behavior/deficits elicited in the private report and was flummoxed by the disparate views. (P-4, P-18).
42. Given the student's performance on the auditory processing screening, the S&L evaluator recommended a formal evaluation for potential central auditory processing disorder (CAPD). (P-18; NT at 271-332).
43. In January 2024, the local intermediate unit issued a CAPD evaluation. (P-5).
44. The January 2024 CAPD evaluation found that the student exhibited certain auditory processing deficits. The educational impacts of the deficits might lead the student to take longer to make meaning of auditory content and to have difficulty "fusing" what the student hears to what the student sees. (P-5).

45. The January 2024 CAPD identified, with specificity, potential educational impacts and provided recommendations to address the central auditory processing deficits. (P-5).
46. In February 2024, based on the January 2024 CAPD evaluation, the District proposed a Section 504 plan to address the student's central auditory processing deficits. (P-6).
47. The February 2024 Section 504 plan indicated that the student's central auditory processing deficits interfered with processing, communicating, and learning. The plan included certain modifications and supports in the regular education environment. (P-6).
48. In March 2024, the parent approved implementation of the Section 504 plan. (P-6).
49. As part of the District's efforts to understand potential modifications given the student's central auditory processing deficits, in the spring of 2024 an FM system (teacher use of a wireless microphone device linked to an earpiece unit worn by the student) was trialed by the intermediate unit.(P-7).
50. In May 2024, the FM system trial found some teacher-reported benefit, but the evaluator indicated that trial data did not show that the FM system improved the student's ability to access verbal

information. The evaluator recommended a re-trial in the fall of the student's [redacted] grade year. (P-7).

51. The student's [redacted] grade teacher testified credibly that the student did not exhibit any behaviors or academic deficiencies that caused her concern for the student's education. (P-15; NT at 337-370).

52. Curriculum-based assessments over the course of [redacted] grade showed a uneven results. (P-16 at pages 3-4).

53. In July 2024, the student's parent obtained a medical diagnosis of attention deficit hyperactivity disorder (ADHD). (P-17).

[redacted] Grade / 2024-2025 School Year

54. In September 2024, the intermediate unit audiologist contacted the District about re-trialing the FM system. (P-14).

55. In October 2024, the parent contacted the District regarding academic concerns about the student. (P-14).

56. In the fall of 2024, the FM system was re-trialed by the intermediate unit.(P-10).

57. The intermediate unit evaluator found that the FM system was beneficial for the student in addressing central auditory processing deficits and recommended use of the FM system in school. (P-10).
58. In January 2025, the student's Section 504 plan was revised to reflect the use of the student's FM system in school. (P-11).
59. In February 2025, the parent requested that the District perform an evaluation given her ongoing concerns with the student's education. The District requested permission for the evaluation, and the parent provided permission. (P-12 at pages 1-5).
60. In April 2025, the District issued its ER. (P-12).
61. The April 2025 ER identified the student as eligible under IDEA as a student with a specific learning disability in written expression, a S&L impairment, autism, and an other health impairment (as a result of the ADHD diagnosis). (P-12).
62. The April 2025 ER contained parent input, teacher input, results from prior evaluations (both the District evaluations, the August 2023 private evaluation, and the auditory processing evaluations), observations by the District school psychologist and S&L therapist, an updated S&L evaluation, updated academic achievement testing,

curriculum-based assessments in reading and mathematics, and autism rating scales. (P-12).

63. The April 2025 ER utilized the cognitive testing and full-scale IQ score (83) from the May 2023 ER. (P-12).

64. Based on updated academic achievement testing in the April 2025 ER, the student exhibited a statistically significant discrepancy in achievement in written expression. (P-12).

65. The April 2025 ER included curriculum-based assessments in reading and mathematics. In the winter administration of the reading assessment, the student was at or above benchmark in all areas except for oral reading fluency, which was well-below-benchmark. In the winter administration of the mathematics assessment, the student was at the 1st grade level in most sub-content areas, as well as for the total score. (P-12).

66. The S&L assessments in the April 2025 ER showed more pronounced deficits in listening comprehension (recalling details, expressing main ideas, recalling details, and inferring meaning) and semantics (associations, synonyms, antonyms). (P-12).

67. The S&L therapist recommended S&L supports for the student. (P-12).

68. The autism rating scales showed dramatically disparate results. The student's parent rated the student at the very-elevated level in all scales except for ratings at the elevated level on the stereotypy and behavior rigidity scales; the parent's total score was at the very-elevated level. The student's teacher rated the student at the average level in all scales except for ratings at the slightly-elevated level on the social/communication and attention scales; the teacher's total score was at the average level. (P-12).
69. The student's [redacted] grade teacher testified credibly that the student did not exhibit any behaviors or academic deficiencies that caused her concern for the student's education. (P-15; NT at 337-370).
70. The April 2025 ER identified the student's strengths as writing simple sentences, correct spelling of simple words, some knowledge of sight words in writing, reading skill, and math computation skills. The ER identified student needs in consistent writing in complete sentences, correct mechanics with independent writing, increasing sight-word knowledge in writing, and strengthening math computation skills with time and money. (P-12).
71. The District evaluator determined that the student was a student with a specific learning disability in written expression. The evaluator

adopted the S&L therapist's determination that the student had a S&L impairment that required S&L support. The evaluator determined that the student was a student with autism based on the diagnosis, slight elevation in social/communication and attention abilities in the education setting, and the very elevated behaviors exhibited outside of the education environment. The evaluator determined that the student was a student with an other health impairment as a result of the ADHD diagnosis and the slight elevation in attention ability in the education setting. (P-12).

72. In May 2025, the student's individualized education program (IEP) team met to craft an IEP based on the April 2025 ER. (P-13)

73. The May 2025 IEP included two goals in mathematics problem-solving, two goals in reading accuracy, one goal in reading comprehension, one goal in receptive language (retell, listening comprehension), and expressive language (synonyms/antonyms). (P-13).

Witness Credibility

All witnesses testified credibly and a degree of weight was accorded to each witness's testimony. In general, no one witness's testimony was accorded materially more weight than any other witness. In that way, the documentary evidence was generally more persuasive in understanding the

factual mosaic of the evidence, although any specific fact-finding based on the weight accorded to testimony is specified in the findings of fact below.

Legal Framework

Child-Find & Evaluation. A determination of eligibility under IDEA, and identifying a student’s individual need for special education, is the initial step in the provision of services under IDEA. A local education agency’s duty to locate, evaluate, and identify students who might require special education is commonly referred to as an agency’s “child find” obligation. (34 C.F.R. §300.111; 22 PA Code §14.121). In meeting its child-find obligation, once a school district receives parental consent, it initiates an evaluation process to determine whether or not the student qualifies for special education. (34 C.F.R. §§300.300-300.311; 22 PA Code §14.123). If the student qualifies for special education through the evaluation process, the student receives an individualized education program (“IEP”) for goal-driven, individualized services required as a result of the needs related to the student’s disabilities.

Qualifying for eligibility under IDEA has two distinct aspects: (1) A student must have one or more of the qualifying disability profiles under IDEA/Chapter 14 and (2) as a result of that disability, the student requires specially-designed instruction (i.e., special education). (34 C.F.R. §§300.8,

300.39; 22 PA Code §14.101(a)(2)(ii, viii)). A student without a qualifying disability is not eligible for services under IDEA. A student with a qualifying disability who does not require specially-designed instruction as a result of the disability is not eligible for services under IDEA. Both aspects of a student's needs must be present.

As for a school district evaluation process, an evaluation must "use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining" an understanding of the student's potential disability and, if eligible, the content of the student's IEP. (34 C.F.R. 300.304(b)(1); 22 PA Code §14.102(a)(2)(xxv)). Furthermore, the school district may not use "any single measure or assessment as the sole criterion for...determining an appropriate educational program for the child". (34 C.F.R. 300.304(b)(2); 22 PA Code §14.102(a)(2)(xxv)).

Discussion

Here, the record taken as a whole supports a conclusion that the District should not be faulted for not identifying the student prior to April 2025.

As an initial matter, the substance of the evaluations undertaken by the District were comprehensive and appropriate. All three evaluations-- May 2023, November 2023, and April 2025-- addressed the parent's concerns

regarding academic performance, S&L, and/or affect and behavior. In terms of the District evaluations, as undertaken and issued, those evaluations are appropriate.

Likewise, with the evaluation processes and reports have been found to be appropriate, the analysis and conclusions of those reports, namely that the student was not eligible under IDEA prior to April 2025, are supported by this record. On the surface, one might be tempted to look at an identification of the student in April 2025 in four different areas and be tempted to conclude that the District somehow failed in its child-find obligation. But a granular consideration of the District's evaluation processes over time supports the finding that the student's academic and behavioral presentation in [redacted] and [redacted] grade did not overlook or mis-interpret the student's needs, or more accurately lack of needs, for special education support in the educational environment.

The May 2023 ER fully supported the conclusion that the student did not, at that time, exhibit a disability that required special education. The November 2023 ER fully supported the conclusion that the student continued to progress academically and did not, at that time, exhibit a S&L impairment that required special education. Teacher input, progress within the curriculum, observation, formal assessment—all of these factors pointed to a young student who was not exhibiting academic and/or behavioral needs in school.

In the latter half of [redacted] grade, the student was being supported in regular education through a Section 504 plan, which continued into [redacted] grade. The auditory processing evaluation recommended an FM system in the fall of [redacted] grade, and this was implemented.

But with the evaluation process in the spring of [redacted] grade, some of the academic and behavioral factors had changed. There were growing academic concerns that had a more concrete aspect, especially as the student was moving from foundational reading, writing, and mathematics skill-building to more advance deployment of those skills; there were more behavioral factors that aligned with the student's diagnosis of autism—not deeply problematic but things that had not been present in earlier grades; there were S&L needs that, again, were emerging in a more pronounced way as literacy/linguistic instruction was intensifying; and there was an emerging sense of attention and organization in the educational setting presenting more of a challenge to the student. In short, as the student moved into and through [redacted] grade, the educational picture being painted through the April 2025 ER had changed.

Thus, just as the May 2023 and November 2023 ERs do not support a finding that the student failed in its child-find obligation, the April 2025 ER supports a finding that, with that process and report, the District appropriately met its child-find obligation.

Accordingly, on this record, the District met its obligations, and reached appropriate conclusions in May 2023, November 2023, and April 2025 as to the student's eligibility for special education under IDEA.

ORDER

In accord with the findings of fact and conclusions of law as set forth above, the Pleasant Valley School District met its obligations to the student under the Individuals with Disabilities in Education Improvement Act of 2004 in the evaluation processes which yielded evaluation reports in May 2023, November 2023, and April 2025.

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

s/ Michael J. McElligott, Esquire

Michael J. McElligott, Esquire
Special Education Hearing Officer

11/21/2025