

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. 31927-25-26

Child's Name:

C.H.

Date of Birth:

[redacted]

Parent:

[redacted]

Counsel for Parent

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Hearing Officer:

Joy Waters Fleming, Esq.

Date of Decision:

April 11, 2026

INFORMATION AND PROCEDURAL HISTORY

The Student is [redacted] years old and enrolled in the [redacted] grade in a District elementary school.¹ The Student is eligible for special education pursuant to the Individuals with Disabilities Education Act (IDEA) as a child with a specific learning disability and other health impairment (ADHD).² The Parent filed a due process complaint challenging the last proposed programming from September 2025 and past special education from the 2023-2024 and 2024-2025 school years, contending it failed to provide the Student with a FAPE. The District asserts the programming was appropriate and no relief is due.

Based on this hearing record, the Parent has failed to preponderantly establish that the District denied the Student a FAPE for the school years at issue. The Parent's claims are denied.

ISSUES

- 1) Is the District's current programming recommendation from September 2025 an offer of FAPE?
- 2) Has the District denied the student a FAPE from the 2023-2024 school year to the present?

¹ To protect confidentiality and privacy, the Student's name, gender, and other potentially identifiable information are not included in the main body of this decision. All personally identifiable information, including details on the cover page, will be redacted before posting on the Office for Dispute Resolution's website, in accordance with its obligation to publicly share special education hearing officer decisions under 20 U.S.C. § 1415(h)(4)(A) and 34 C.F.R. § 300.513(d)(2).

² 20 U.S.C. §§ 1400 – 1482. The implementing federal regulations are found at 34 C.F.R. §§ 300.1 – 300.818, and the state regulations are found at 22 Pa. Code §§ 14.101 – 14.163 (Chapter 14).

3) If the District denied the student a FAPE, what remedy is appropriate?

FINDINGS OF FACTS

2022–2023 School Year ([redacted] Grade)

1. During the 2022-2023 school year, the Student was enrolled in the [redacted] grade in the District. (S-2)
2. In November 2022, the District conducted an evaluation following the Parent's concerns with the Student's academics, fine motor skills, and behavior. (S-2)
3. Performance on the WISC-V credited the Student with a full-scale IQ of 58, within the extremely low range. Nonverbal testing (CTONI-2) indicated abilities ranging from below-average to above-average, yielding a composite score of 85, in the 16th percentile, below average.³ Academic testing showed variable performance, including below-average reading comprehension, pseudoword decoding, spelling, math problem-solving, and numerical operations skills. (S-2)
4. On BASC-3, the Parent ratings were in the clinically significant and at-risk ranges in most areas, with significant concerns with hyperactivity, conduct problems, atypicality, attention problems, adaptability, activities of daily living, and functional communication. The

³ The evaluator determined the Student's performance may not fully accurately represent abilities because of observed difficulties focusing and a need for redirection on some tasks. This lack of focus and misunderstanding of instructions likely impacted the ability to respond accurately. (S-2, p. 23)

Student's teacher reported very few significant behavior concerns in the school setting, with ratings of average and at-risk ranges in most areas. (S-2, p. 45-46)

5. The evaluation also identified deficits in receptive and expressive language, fine motor and visual motor skills, and executive functioning. Behavioral data reflected greater concerns at home than at school. (S-2)

6. The ER did not support the identification of intellectual disability, as criteria requiring deficits in both cognitive and adaptive functioning across settings were not met. (S-2; N.T. 218-219)

7. The ER concluded the Student had a disability and needed specially designed instruction, on the basis of a primary disability of other health impairment (OHI) and secondary disability of speech or language impairment. (S-2; N.T. 212-213)

8. In December 2022, the IEP team developed programming that offered itinerant learning support. The IEP included goals targeting foundational reading, early math, language development, and fine motor control. The program provided approximately 30 minutes per day of direct reading instruction and 30 minutes per day of direct math instruction in small-group settings. In addition to speech and OT, the IEP included supports for attention, executive functioning, and behavioral regulation. (S-4)

2023-2024 School Year ([redacted] Grade)

9. During the 2023-2024 school year, the Student continued to receive itinerant learning support services. The Student participated in general education for most of the day, with pull-out instruction in reading and math, as well as speech and occupational therapy. (S-4, S-11; N.T. 123, 127)

10. In September, the IEP team met to address the Parent's concerns including time spent on homework. The team discussed modifications and strategies. (S-11)

11. In November 2023, the IEP team met. The Student's present levels reflected continued deficits in foundational academic skills. The Student demonstrated approximately 60% accuracy in CVC decoding and mastery of the pseudoword decoding goal. Math performance remained significantly below grade level. (S-14, S-16)

12. The November 2023 IEP offered goals in decoding, basic math computation, number sense, language, and fine motor skills. Specially designed instruction maintained a focus on direct, explicit instruction in phonics and math concepts with embedded supports to address writing, executive functioning, and reading comprehension needs (repeated readings, read alouds, highlighting important words). (S-14, p. 29–30)

13. Progress data during the school year reflected improvement in some targeted areas. The Student demonstrated partial progress in language and fine motor domains. Receptive language skills improved with cueing but did not reach independence. Expressive language skills improved in some areas but remained below mastery in others. Fine motor and visual-motor skills improved, but continued to affect written work. On January 3, 2024, through a NOREP, the Parent approved the November 2023 programming recommendations. (S-21, S-17)

14. On February 27, 2024, the team recommended ESY for the summer of 2024 for reading and math support. The Parent approved the recommendation. (S-18, p. 8, S-19)

15. During the 2023-2024 school year, the Student demonstrated progress, including mastery of a pseudoword-decoding goal and improvements in math skills. (S-16, S-21; N.T. 135-138)
16. During the 2023-2024 school year, the Student was with general education peers for all classes except for pull-out reading and math, speech, and OT. (S-11, p. 34)
17. During the 2023-2024 school year, the Student's learning support teacher/case manager implemented the IEP and provided daily reading and math instruction. (N.T. 123)
18. The Student had no documented behavioral issues during the 2023-2024 school year. (S-24; N.T. 129)

2024-2025 School Year ([redacted] Grade)

19. During the 2024-2025 school year, the Student continued to receive itinerant learning support services. The Student participated in general education with pull-out instruction in reading and math, along with speech and occupational therapy. Behavioral concerns were minimal in the school setting, with greater concerns reported at home. (S-22, S-25, S-29, S-42; N.T. 129)
20. In mid September 12, 2024, a teacher spoke with Parent regarding observed morning agitation by the Student. Later that month, a school social worker contacted the Parent about observed distress by the Student. The Parent secured private therapy services for the Student. (S-22, S-29; N.T. 271-274, 371-374)

21. In November 2024, the IEP team developed updated programming. The Parent expressed concerns regarding homework completion, anxiety, and behavioral escalation at home. The IEP included goals addressing reading, math, speech/language, and occupational therapy needs. SDI included strategies to support reading comprehension, testing accommodations, writing support, and access to social-emotional learning instruction. (S-25; S-29; N.T. 271–274)

22. The November 2024 IEP provided up to 150 minutes per week of specialized instruction in reading and math. The program continued to emphasize decoding, word reading, and foundational math skills. The IEP included accommodations such as simplified directions, visual supports, and structured instruction. The overall program continued to emphasize foundational skill development. (S-25)

23. In January 2025, the District conducted a reevaluation. Cognitive testing reflected a full-scale IQ of 63, with significant deficits in working memory and processing speed. Academic testing identified continued needs in reading fluency, comprehension, spelling, and math problem-solving, while identifying decoding as a relative strength. (S-31, p. 17, p. 21; N.T. 223)

24. After testing, the RR concluded that the Student displayed significant working memory and processing speed deficits that impacted academic performance, and a pattern of strengths and weaknesses between abilities and skills. (S-31)

25. On BASC-3 ratings, the Parent reported many significant behavioral concerns for the Student in the home setting, with ratings in the clinically significant ranges in all areas except for somatization. The Student's teacher reported fewer behaviors in the school setting overall but had concerns

about aggression, learning problems, atypical behaviors and functional communication, with ratings in the clinically significant range. With regard to the adaptive skills composite, Parent ratings placed the Student within the clinically significant range, while the teacher's ratings were within the at-risk range. (S-31, p. 25-26)

26. On Autism Spectrum Rating Scales (ASRS), the Parent and teacher rated the Student very differently across most areas measured, with more significant concerns noted in the home setting. (S-31, p. 33)

27. The reevaluation determined that the Student met criteria for a specific learning disability in the areas of basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, and mathematics problem-solving and continued to meet criteria for OHI. The evaluator determined the Student did not meet the criteria for intellectual disability due to a lack of consistent adaptive deficits across settings. (N.T. 235-237)

28. The RR concluded that the Student had behavioral (emotional regulation, rigidity) and academic needs, including reading (word reading, fluency and comprehension) and math (calculation, problem-solving). Continued speech and occupational therapy services were recommended. (S-31, S-46, p. 12; N.T. 235-237)

29. In February 2025, the IEP team revised the Student's program. Teacher input indicated that the Student required simplified directions, scaffolding, and frequent redirection. The Student demonstrated improvement in classroom performance, including gains in math. Teachers did not report significant behavioral concerns in the school setting. (S-33; N.T. 265)

30. The February IEP included goals for reading, math, receptive language, and fine motor skills. The program offered specialized instruction in reading and math, as well as speech and occupational therapy services. SDI again included reading comprehension strategies (repeated reading, read alouds, highlighting, check-ins), simplified oral directions and verbal and non-verbal redirection. (P-1, S-33, S-34)

31. Progress data from November 2024 through June 2025 reflected measurable gains in academic areas. Math problem-solving improved from approximately 40% to 60–80%, and numerical operations improved to approximately 80–90%. Reading skills improved in word recognition and decoding, with accuracy approaching 90%. (S-40)

32. Progress in receptive language and fine motor skills remained limited. Receptive language performance ranged from approximately 40% to 60% and did not meet goal criteria. Fine motor skills improved but remained below the 80% goal. (S-40)

33. During the 2024-2025 school year, the Student had one documented behavioral incident (peer disrespect). (S-42)

34. In June 2025, the Parent obtained a private evaluation that diagnosed the Student with a mild intellectual disability, ADHD, and a depressive disorder. (S-37; N.T. 230)

2025–2026 School Year ([redacted] Grade)

35. During the 2025-2026 school year, the Student attended the [redacted] grade in the District. (S-46)

36. In September 2025, the IEP team met to review the private evaluation. The Parent expressed concerns regarding the Student's schedule, increased time in special education, processing speed, need for breaks, reading levels, and the need for a functional behavior assessment (FBA). The team agreed to meet within six weeks to review the data and address the concerns more fully. (P-1, S-46)

37. The IEP team reviewed the private evaluation and continued existing programming. Additional supports were introduced to address reading comprehension, including pre-teaching key vocabulary with visuals, test previews, echo reading, guided highlighting, story maps, re-teaching of readings, and frequent comprehension questions. The IEP continued to target reading, math, and functional needs. (S-46)

38. On September 28, 2025, the Parent filed a due process complaint.

39. On November 5, 2025, the team met to update and review progress on IEP goals and to address parental concerns. The team discussed increasing special education support to a supplemental level, assigning a PCA/1:1 support, and adding a reading comprehension goal. The District rejected each option because data and testing indicated Student progress; a 1:1 would be too restrictive; the team added responsive SDI, and a reading comprehension goal would be added after decoding and word reading skills were strengthened. (S-48)

40. Teacher reports indicated that the Student made effort in completing school work. No significant behavioral concerns were observed in the school setting. The November IEP was updated to include an SDI for small-group or 1:1 instruction during independent work and check-ins throughout the day. (S-48, p. 52)

41. Across all school years, Student's behavioral concerns were more significant at home than at school. The Student consistently received structured reading and math instruction, supports, related services and demonstrated ongoing academic progress. Reading comprehension needs were addressed through foundational skill instruction and supports. (P-1, S-2; S-14, S-16, S-25, S-31, S-33, S-40, S-46; N.T. 157-158, 212-213, 225-226, 279-283, 294-295, 326-333, 376)

DISCUSSION AND APPLICATION OF LAW

General Legal Principles

The Burden of Proof

The burden of proof consists of two elements: the burden of production and the burden of persuasion. In special education due process hearings, the burden of persuasion lies with the party seeking relief. *Schaffer v. Weast*, 546 U.S. 49, 62 (2005); *L.E. v. Ramsey Board of Education*, 435 F.3d 384, 392 (3d Cir. 2006). The party seeking relief must prove entitlement to their demand by preponderant evidence and cannot prevail if the evidence rests in equipoise. See *N.M., ex rel. M.M. v. The School Dist. of Philadelphia*, 394 Fed.Appx. 920, 922 (3d Cir. 2010), citing *Shore Reg'l High Sch. Bd. of Educ. v. P.S.*, 381 F.3d 194, 199 (3d Cir. 2004).

In this case, the Parent is the party seeking relief and bears the burden of proof.

Witness Credibility

During a due process hearing, the hearing officer is charged with judging the credibility of witnesses and must make "express, qualitative determinations regarding the relative credibility and persuasiveness of the witnesses." *Blount v. Lancaster-Lebanon Intermediate Unit*, 2003 LEXIS 21639 at *28 (2003). One purpose of an explicit credibility determination is to give courts the information that they need in the event of judicial review. *See, D.K. v. Abington School District*, 696 F.3d 233, 243 (3d Cir. 2014) ("[Courts] must accept the state agency's credibility determinations unless the non-testimonial extrinsic evidence in the record would justify a contrary conclusion."). *See also, generally David G. v. Council Rock School District*, 2009 WL 3064732 (E.D. Pa. 2009); *T.E. v. Cumberland Valley School District*, 2014 U.S. Dist. LEXIS 1471 *11-12 (M.D. Pa. 2014); *A.S. v. Office for Dispute Resolution (Quakertown Community School District)*, 88 A.3d 256, 266 (Pa. Commw. 2014); *Rylan M. v. Dover Area Sch. Dist.*, No. 1:16-CV-1260, 2017 U.S. Dist. LEXIS 70265 (M.D. Pa. May 9, 2017).

In addition to the Parent, the evaluating school psychologist and Student's [redacted] grade learning support teachers testified at this due process hearing. All witnesses testified credibly in that all witnesses candidly shared their recollection of facts and their opinions, making no effort to withhold information or deceive me. To the extent that witnesses recall events differently or draw different conclusions from the same information, genuine differences in recollection or opinion explain the difference

General IDEA Principles: Substantive FAPE

The IDEA broadly mandates that each of the states provide a “free appropriate public education” (FAPE) to children who are eligible for special education services. 20 U.S.C. § 1412. Special education is comprised of both special education and related services. 20 U.S.C. § 1401(9); 34 C.F.R. § 300.17. More than two decades ago, in *Board of Education v. Rowley*, 458 U.S. 176 (1982), the U.S. Supreme Court addressed these statutory requirements, holding that the FAPE mandates are met by providing personalized instruction and support services that are designed to permit the child to benefit educationally from the program and also comply with the procedural obligations in the Act. Through LEAs, states meet the obligation of providing FAPE to an eligible student through development and implementation of an IEP which is “‘reasonably calculated’ to enable the child to receive ‘meaningful educational benefits’ in light of the student’s ‘intellectual potential.’ ” *P.P. v. West Chester Area School District*, 585 F.3d 727, 729-30 (3d Cir. 2009)(citations omitted). As the U.S. Supreme Court has confirmed, “an educational program must be appropriately ambitious in light of [the child’s] circumstances... [and] every child should have the chance to meet challenging objectives.” *Endrew F. v. Douglas County School District RE-1*, 580 U.S. 386, 402 (2017). This standard is “markedly different” than de minimis growth. *Id.* However, not every child should be aiming for grade level achievement if that is not a reasonable expectation for him or her. Rather, an IEP “is constructed only after careful consideration of the child’s present levels of achievement, disability, and potential for growth.” *Id.*

An LEA is not obligated, however, to “provide ‘the optimal level of services,’ or incorporate every program requested by the child's parents.”

Ridley School District v. M.R., 680 F.3d 260, 269 (3d Cir. 2012); see also *El Paso Independent School District v. Robert W.*, 898 F. Supp. 442, 449 (W.D. Tex. 1995) (quoting *Rowley*, *supra*, 458 U.S. at 186) (holding that an LEA "is not required to maximize a handicapped child's potential 'commensurate with the opportunity provided to other children.'"). Additionally, a proper assessment of whether a proposed IEP meets the above standard must be based on information "as of the time it was made." *D.S. v. Bayonne Board of Education*, 602 F.3d 553, 564-65 (3d Cir. 2010); see also *Fuhrmann v. East Hanover Board of Education*, 993 F.2d 1031, 1040 (3d Cir. 1993) (same). "The IEP must aim to enable the child to make progress." *Dunn v. Downingtown Area School District*, 904 F.3d 248, 255 (3d Cir. 2018) (emphasis in original).

General IDEA Principles: Least Restrictive Environment

A critical and rather paramount premise in the IDEA is the obligation to educate eligible students in the "least restrictive environment" (LRE), which permits them to derive meaningful educational benefit. 20 U.S.C. § 1412(a)(5); *T.R. v. Kingwood Township Board of Education*, 205 F.3d 572, 578 (3d Cir. 2000). To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. 20 U.S.C.S. § 1412(a)(5)(A). see *T.R. v. Kingwood Township*

Board of Education, 205 F.3d 572, 578 (3d Cir. 2000); *Oberti v. Board of Education of Clementon School District*, 995 F.2d 1204, 1215 (3d Cir. 1993).

To ensure compliance with LRE obligations, LEAs must have available a "continuum of alternative placements" to meet the service needs of children with disabilities. 34 C.F.R. § 300.115(a); see also 22 Pa. Code § 14.145. The "continuum" of placements in the law enumerates settings that grow progressively more restrictive, beginning with regular education classes, then special classes and finally special schools and beyond. 34 C.F.R. § 300.115; see *also* 22 Pa. Code § 171.16(c)(specifying an order of priority for educational placements from the regular classroom in a public school through an approved private school). However, as set forth above, the least restrictive environment mandate does not contemplate a mere comparison of lesser and more restrictive settings; on the contrary, it begins with the premise that a child can be educated in the regular education classroom with appropriate supplementary aids and services. Furthermore, FAPE and LRE are related but separate concepts; indeed, an LEA can be noncompliant with the LRE mandate and still provide FAPE. *A.G. v. Wissahickon School District*, 374 Fed. App'x 330 (3d Cir. 2010) (citing *T.R.*, *supra*, at 575, 578); see also *H.L. v. Downingtown Area School District*, 624 Fed. App'x 64 (3d Cir. 2015).

Procedural FAPE

From a procedural standpoint, the family, including parents, has "a significant role in the IEP process." Schaffer, *supra*, at 53. This critical concept extends to placement decisions. 20 U.S.C. § 1414(e); 34 C.F.R. §§ 300.116(b), 300.501(b). Consistent with these principles, a denial of FAPE may be found to exist if there has been a significant impediment to meaningful parental decision-making. 20 U.S.C. § 1415(f)(3)(E); 34 C.F.R. §

300.513(a)(2); *D.S. v. Bayonne Board of Education*, 602 F.3d 553, 565 (3d Cir. 2010).

DISCUSSION

Parent's Claims

The Parent contends that the District denied the Student a FAPE during the 2023-2024 and 2024-2024 school years and through the last offered programming of September 2025 because of insufficient academic supports, inappropriate modifications and a refusal to consider a more restrictive placement. Based on this hearing record, the Parent has failed to establish, by a preponderance of the evidence, that the District denied the Student a FAPE for the school years at issue.

2023–2024 School Year

The record reflects that the IEP in effect during this school year was developed based on evaluative data identifying significant needs in foundational academic skills, executive functioning, language, and fine motor development. The subsequently implemented [redacted]-grade programming provided the Student with daily, small-group instruction in reading and mathematics, along with speech and occupational therapy and supports addressing attention, processing, and task completion. The IEP emphasized foundational skill development, including decoding and basic math, and incorporated instructional strategies to support comprehension.

Although the Parent argues that the program did not sufficiently address reading comprehension and fluency, the IEP included instructional supports designed to promote comprehension within the context of reading instruction. The IDEA does not require that each need be addressed through

a discrete goal, but rather that the program as a whole be reasonably calculated to enable appropriate progress.

This record demonstrated that the Student made measurable progress during [redacted] grade, particularly in decoding and foundational math skills. Progress in language and fine motor domains was more limited, and goals in those areas were not fully achieved. However, the law requires progress appropriate in light of the child's circumstances, not uniform or maximized progress. The IEP included modifications responsive to the Student's executive functioning needs, including simplified directions, repetition, visual supports, and reduced task demands. These supports were implemented and addressed the Student's attention and processing deficits.

With respect to placement, the Student was educated with nondisabled peers for the majority of the school day and was removed only for targeted instruction and related services. The record does not establish that a more restrictive placement was necessary for the Student to receive educational benefit. Accordingly, the District did not deny the Student a FAPE during the 2023–2024 school year.

2024–2025 School Year

The analysis for the 2024–2025 school year includes consideration of the District's January 2025 reevaluation and the subsequent revision of the Student's IEP. The reevaluation identified continued needs in reading fluency, comprehension, spelling, and math problem-solving, while identifying decoding as a relative strength. It also documented significant deficits in working memory and processing speed, which ostensibly impacted the Student's ability to retain and process information necessary for reading comprehension.

Following the reevaluation, the District revised the Student's IEP in February 2025. The revised IEP continued to provide specialized instruction in reading and math and included strategies intended to support reading comprehension, such as repeated reading, read-alouds, highlighting, and comprehension check-ins. However, the program continued to emphasize foundational reading skills, including decoding and word recognition.

The Parent argues that the revised program did not adequately respond to the reevaluation, particularly with respect to the Student's needs in reading comprehension and higher-level skills. The record reflects some tension between the reevaluation findings, which emphasized comprehension and fluency needs, and the IEP's continued emphasis on foundational reading skills. However, the hearing record supports that this instructional approach was reasonably calculated in light of the Student's overall learning profile. Although decoding was identified as a relative strength, the Student continued to demonstrate deficits in fluency and word-level reading that affected access to more complex text. Given the Student's significant cognitive weaknesses in working memory and processing speed, the IEP team could reasonably determine that continued systematic instruction in foundational reading skills remained necessary to support the development of comprehension. The IEP also incorporated comprehension supports, including repeated reading, read-alouds, and structured strategies, reflecting that higher-level needs were not ignored.

The January 2025 reevaluation determined that the Student did not meet criteria for intellectual disability due to the absence of consistent adaptive deficits across settings, despite a Full Scale IQ of 63. The record reflects variability in adaptive functioning between home and school, with teacher ratings indicating less severe concerns. The Parent's June 2025 private evaluation diagnosed a mild intellectual disability. The District

considered this evaluation, but the IDEA does not require adoption of its conclusions. The District's reevaluation was comprehensive and based on multiple data sources. Regardless of classification, the IEP addressed the Student's identified needs. I note that the January 2025 reevaluation relied primarily on rating scales to assess adaptive functioning and reflected inconsistent findings across home and school settings. While this does not invalidate the eligibility determination reached by the District, the absence of a more comprehensive, standardized measure of adaptive behavior limits the evaluative clarity regarding the Student's functional abilities across domains. Given the significance of adaptive functioning in distinguishing between disability classifications under the IDEA, particularly as the Student grows and matures, future reevaluations should include a standardized, norm-referenced assessment of adaptive behavior to ensure a more comprehensive understanding of needs.

With respect to behavior, the record reflects differing reports across settings. Parent ratings indicated significant concerns at home, while school-based data, including only one documented incident, reflected minimal behavioral interference in the educational setting. The IEP included supports such as redirection and social-emotional learning. The weight of the evidence supports that behavior did not significantly impede access to instruction in school.

The Student's progress during this period is a critical component of the analysis. The record reflects measurable gains in math and word-level reading skills. Progress in receptive language and fine motor skills was more limited. The Student's progress was therefore uneven. However, the IDEA does not require equal progress in all domains. The IEP addressed all areas of need, and the Student demonstrated meaningful gains in core academic areas consistent with the cognitive profile. These gains support a finding that

the Student derived educational benefit. The Student remained in the general education setting with supports and was able to access instruction. The record does not establish that a more restrictive placement was required.

Considering the totality of the evidence, the District's program was reasonably calculated to enable the Student to make appropriate progress in light of circumstances. Accordingly, the Parent has not met the burden of proving that the District denied the Student a free appropriate public education (FAPE) during the 2024–2025 school year.

2025–2026 School Year

The analysis for the 2025–2026 school year considers the continuation of programming following the January 2025 reevaluation and the District's consideration of the Parent's private evaluation. At the outset of this period, the Student continued to demonstrate significant needs in reading, math, language, and executive functioning, including deficits in working memory and processing speed. The District continued to provide specialized instruction in reading and math, along with speech and occupational therapy, within the general education setting with supports.

The IEP included goals addressing reading, math, receptive language, and fine motor skills, and incorporated specially designed instruction such as scaffolding, repetition, simplified directions, and comprehension supports. The program reflected continuity with prior programming, while maintaining supports aligned with the Student's identified needs.

The Parent argues that the District failed to make sufficient changes in response to the private evaluation diagnosing a mild intellectual disability. The record reflects that the District considered the evaluation. However, the

IDEA does not require that a district adopt the conclusions of a private evaluator. The relevant inquiry is whether the program addressed the Student's needs, not whether it conformed to a particular diagnostic label. The hearing record supports the conclusion that the Student continued to make progress, particularly in foundational academic areas, while continuing to demonstrate challenges in higher-level language and comprehension. As in the prior year, the Student's progress was uneven across domains.

In light of the Student's cognitive profile, including significant processing and memory deficits, the level of progress must be evaluated relative to circumstances. The IEP continued to address all identified areas of need through specialized instruction and related services. The continuation of structured, supportive instruction was reasonably calculated to enable the Student to build skills and access the curriculum. The Student was educated with nondisabled peers for the majority of the school day and received pull-out instruction for targeted academic support and related services. The Parents introduced no preponderant evidence that a more restrictive setting was necessary for the Student to receive educational benefit. Considering the totality of the evidence, including the Student's needs, the program provided, and the progress achieved, the District's program was reasonably calculated to enable appropriate progress in light of the Student's circumstances. Accordingly, the Parent has not met the burden of proving that the District denied the Student a free appropriate public education (FAPE) during the 2025–2026 school year.

Overall, the Parent has failed to establish, by a preponderance of the evidence, that the District denied the Student a FAPE during the 2023-2024, 2024-2025, and 2025-2026 school years at issue. All claims are denied.

The Parent in this matter has been a consistent and credible advocate for the Student, appropriately raising concerns, participating meaningfully in

the IEP process, and seeking to ensure that programming is responsive to the evolving needs. The record reflects that the Parent remained engaged across multiple school years, provided outside information when concerns persisted, and appropriately requested additional consideration of supports and services. Such advocacy is both appropriate and essential under the IDEA framework, which contemplates parents as equal members of the educational team.

This Student presents with complex and ongoing needs, including variability in skill acquisition and areas of incomplete mastery. Accordingly, continued vigilance by both the Parent and the District is warranted. The collaborative process must remain responsive to data, open to adjustment where progress plateaus or is inconsistent, and attentive to the Student's evolving profile. Ongoing monitoring, timely reevaluation of supports, and sustained parental engagement will be critical to ensuring that the Student continues to receive a program that is reasonably calculated to confer meaningful educational benefit. Although reevaluations are generally conducted on a triennial basis under the IDEA, this record supports a justification for an earlier reevaluation. The District most recently completed a reevaluation in January 2025; however, given the Student's complex and evolving profile, including variability in academic progress, ongoing concerns regarding cognitive functioning, and differing conclusions between school-based and private evaluations, it is appropriate to require an updated reevaluation in January 2027 rather than waiting the full three-year cycle. This reevaluation shall include a comprehensive assessment of adaptive behavior across settings to ensure that the Student's needs are fully and accurately identified. This information is critical to inform appropriate programming and to address outstanding questions regarding the Student's educational classification and support needs.

ORDER

AND NOW, this 13th day of April, 2026, based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED as follows:

1. The District did not deny the Student a free appropriate public education during the 2023–2024, 2024–2025, or 2025–2026 school years.
2. The Parent’s claims are DENIED.
3. The District is hereby ordered to conduct a comprehensive reevaluation of the Student in or about January 2027. That reevaluation shall include a standardized, norm-referenced assessment of adaptive behavior, such as the Vineland Adaptive Behavior Scales, Third Edition (Vineland-3) or the Adaptive Behavior Assessment System, Third Edition (ABAS-3), or other appropriate assessment administered by qualified personnel and informed by input from multiple settings
4. It is FURTHER ORDERED that any claims not specifically addressed by this decision and order are DENIED and DISMISSED. Jurisdiction is relinquished.

/s/ Joy Waters Fleming, Esquire

Joy Waters Fleming

HEARING OFFICER
ODR File No. 31927-25-26

April 11, 2026