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Pennsylvania Special Education Due Process Hearing Officer

Final Decision and Order

Closed Hearing

ODR No. 27567-22-23

Child's Name

P.A.

Date of Birth

[redacted]

Guardian

[redacted]

(pro se)

Local Educational Agency

Philadelphia School District
440 North Broad Street
Philadelphia, PA 19130

Counsel for LEA

Heather Matejik, Esquire
10 Sentry Parkway – Suite 200
Blue Bell, PA 19422

Hearing Officer

Michael J. McElligott, Esquire

Date of Decision

04/28/2023

Introduction

This special education due process hearing concerns the educational program and placement of P.A. ("student"), a student who resides in the Philadelphia School District ("District").¹ The parties agree that the student qualifies under the terms of the Individuals with Disabilities in Education Improvement Act of 2004 ("IDEIA")². The District has identified the student as a student with autism and a health impairment.

The student's guardian brings four specific claims:

- a) the District denied the student a free appropriate public education ("FAPE") due to a lack of progress over the 2021-2022 and 2022-2023 school years;
- b) the District denied the student FAPE by alleged specific deficiencies in learning address and phone number information;
- c) the District denied the student FAPE by failing to transport the student to school on multiple occasions;

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").

- d) the District failed to seek consent from the guardian to re-evaluate the student after the guardian requested a re-evaluation in March 2022; and
- e) the District retaliated against the student on the basis of the guardian's advocacy for the student by denying the student participation in school field trips.

The parents seek a compensatory education remedy for these alleged deprivations of FAPE and retaliation over the 2021-2022 and 2022-2023 school years.

The District counters that its programming and services over the period of the guardian's claims, in each specific area, was appropriate and provided the student with FAPE. The District further counters that it did not retaliate against the student as a result of the guardian's advocacy.

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

Issues

1. Did the District deny the student FAPE due to a lack of progress over the 2021-2022 and 2022-2023 school years?

2. Did the District deny the student FAPE by alleged specific deficiencies in learning address and phone number information?
3. Did the District deny the student FAPE by failing to transport the student to school on multiple occasions?
4. Did the District fail to seek consent from the guardian to re-evaluate the student in March 2022?
5. Did the District retaliate against the student on the basis of the guardian's advocacy for the student by denying the student participation in school field trips?

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.

1. The student has been long-identified as a student eligible for special education. (Guardian Exhibit ["P" for parent]-8; School District Exhibit ["S"]-1, S-2, S-3, S-54).

2. In December 2016, the student had already been identified as a student with an intellectual disability and speech and language (“S&L”) impairment. A December 2016 re-evaluation report continued to identify the student as requiring services in these areas. (S-1).
3. In November 2017, the student continued to be identified as a student with an intellectual disability and S&L impairment. (P-8; S-2).
4. In January 2019, the student’s guardian requested that the student be exited from S&L services. (S-4).
5. In November 2019, the student continued to be identified as a student with an intellectual disability and S&L impairment. (S-3).
6. In December 2020, the student’s individualized education program (“IEP”) was revised. (S-6).

2021-2022 School Year

7. The December 2020 IEP was in place at the outset of the 2021-2022 school year. (S-6).
8. The December 2020 IEP identified needs in demographic information (birthdate, address, phone), attention to task, reading, mathematics, and activities of daily living (housekeeping skills). (S-6).
9. The December 2020 IEP contained eight goals: one each in story retell, demographic information, money skills/counting, addition,

reading accuracy, alphabetizing, post-secondary transition, and seeking assistance. (S-6).

10. In the December 2020 IEP, transportation is included as a related service. (S-6).
11. Over the period August-November 2021, goal progress monitoring indicated that the student made progress in story retell, demographic information, money skills/counting, addition, reading accuracy, alphabetizing, and seeking assistance. The student made slight progress on the post-secondary transition goal. (S-15).
12. In November 2021, the student was re-evaluated and continued to be identified as a student with an intellectual disability and S&L impairment. For the first time in re-evaluation reports on this record, the November 2021 included an indication that the student was diagnosed with autism by an outside medical practice. (P-1; S-16; Notes of Testimony ["NT"] at 77-229, 728-778).
13. In November 2021, the student's IEP team met to revise the student's IEP. (P-2; S-19).
14. The November 2021 IEP indicated that the guardian was still concerned about the student being able to identify demographic information (birthdate, address, phone). The IEP indicated that the student had needs in reading, mathematics, activities of daily living, and pre-vocational skills. (P-2; S-19).

15. The November 2021 IEP contained seven goals: one each in story retell, demographic information, money skills/counting, subtraction, and telling time, and two in post-secondary transition. (P-2; S-19).
16. In the November 2021 IEP, transportation continued to be included as a related service. (P-2; S-19).
17. Over the period August 2021 – June 2022, goal progress monitoring indicated that the student made progress in all goal areas—story retell, demographic information, money skills/counting, subtraction, and telling time, and two in post-secondary transition. In some goal areas, progress seemed to plateau in the fourth quarter of the school year (March – June), but overall the student made progress across all goals. (S-25).
18. The student received instruction in the demographic information of address and phone number information but consistently transposes digits. (P-12 at pages 36-37³; S-15; NT at 407-450/470-649).
19. In March 2022, the guardian requested a re-evaluation of the student. Shortly after making the request, the guardian withdrew the request. (S-43 at page 2; NT at 233-334).

³ P-12 includes multiple pages of text-and-message communications between the guardian and educators. Some of these communications are duplicated in the exhibit. The specific page references include probative evidence although the same evidence appears elsewhere in the exhibit. This is the case wherever P-12 is cited.

20. The District experienced consistent difficulties in transporting the student in the 2021-2022 school year, with the student missing multiple school days and experiencing tardy arrival (and some delayed departures). (P-12 at pages 27-29, 30, 39-40, 44; S-37 at page 32, S-38, S-44 at pages 2-4, 6, 11-13, 15, 17, 21-23; NT at 13-74, 407-450/470-649, 728-778).
21. The student did not attend extended school year services in the summer of 2022. (S-26, S-43 at page 2).

2022-2023 School Year

22. The November 2021 IEP was in effect at the outset of the 2022-2023 school year. (P-2; S-19; NT at 652-724).
23. Over the period August – November 2022, goal progress monitoring indicated that the student made progress in most goal areas— story retell, demographic information, subtraction, and telling time, and two in post-secondary transition. The student maintained a plateaued level of progress in money skills/counting. (S-33).
24. Over the period August – November 2022, the student continued to exhibit accurate knowledge of address and phone number

demographic information but also continued to consistently transpose two digits in the information. (S-33).⁴

25. In November 2022, the student's IEP team revised the student's IEP. (S-30).
26. The November 2022 IEP was the IEP in place when guardian filed the special education due process complaint in January 2023 and at the time of the March 2023 hearing sessions. (Hearing Officer Exhibit ["HO"]-1).
27. The November 2022 IEP indicates that the guardian was concerned about the student having skills that ensured the student's safety and allowed the student to build independence. (S-30).
28. The November 2022 IEP indicates that the student had needs in reading, mathematics, activities of daily living, and pre-vocational skills. (S-30).
29. The November 2022 IEP contains five goals: one each in money skills, subtraction, reading comprehension, post-secondary transition, and community-based instruction. (S-30).
30. In the November 2022 IEP, transportation continues to be included as a related service. (S-30).

⁴ There was seeming regression on the demographic goal information, but this is not the case and is accounted for in the way the two teachers (one in the 2021-2022 and another in the beginning of the 2022-2023 school years) collected data on the goal. (NT at 407-450/470-649, 652-724).

31. Over the period November 2021 – January 2022, goal progress monitoring indicated that the student made progress in all goals— money skills, subtraction, reading comprehension, post-secondary transition, and community-based instruction. (P-5; S-35).
32. The District experienced consistent difficulties in transporting the student in the 2022-2023 school year through January 2023, again resulting in absences, tardy arrivals, and delayed departures. (P-12 at pages 2-4, 6, 12, 24, 31, 49-50, 58; S-36 at pages 2-3S-44 at page 24, 26-27; NT at 13-74, 407-450/470-649, 652-724).
33. In February 2023, the District proposed 42 hours of compensatory education for the student missing instruction as a result of transportation issues. (S-44 at pages 29-32, S-53; NT at 233-334).
34. At the school building which the student attends, the District employs a schoolwide behavior management process where the students accumulate weekly points for exhibiting positive behavior. These points can be spent to redeem school-spirit items from the student store. (NT at 337-394, 407-450/470-649, 652-724).
35. At the school building which the student attends, the District employs a schoolwide reward system where every student can attend a monthly school event or field trip, unless the student loses the privilege to attend as a result of violations of the student code of conduct. (NT at 337-394, 407-450/470-649, 652-724).

36. At the school building which the student attends, the District requires uniforms (family-selected clothing that meets a standard style/color protocol). (S-55; NT at 337-394, 407-450/470-649, 652-724, 728-778).
37. In January 2023, as a result of multiple violations of the school uniform policy, the student was not allowed to attend the monthly field trip. The guardian took deep offense to the student being excluded from the trip. (P-12 at pages 15-16, 46; S-36 at page 3, S-44 at pages 24-26; NT at 337-394, 407-450/470-649, 652-724, 728-778).
38. As part of communications between the guardian and the teacher, the guardian seemingly threatened to file a professional misconduct complaint against the teacher. At the hearing, the guardian clarified that the 'complaint' she referred to was the special education due process complaint which led to these proceedings. This was unclear from the initial communications, however, so to the extent that the 'complaint' was viewed by educators as being directed specifically toward the teacher, this meaning is understandable. (S-44 at pages 25-26; NT at 407-450/470-649, 728-778).
39. In late January 2023, the guardian filed the complaint which led to these proceedings. (HO-1).
40. In March 2023, the District re-evaluated the student. (S-54; NT at 77-229).

41. The March 2023 RR identified the student as a student with an intellectual disability and a health impairment. The identification of the student as a student with a S&L impairment was removed. (S-54).
42. The March 2023 RR contained a S&L assessment which indicated that the student did not present with issues related to articulation, or expressive/receptive language. (S-54).
43. In the March 2023 RR, assessment of the student's adaptive behaviors indicated that the guardian's results in communication led to a standard score of 8 and the teacher's results in communication led to a standard score of 1. Assessment of the student's achievement indicated that the student's standard score of 54 on the oral language composite (which is comprised of two other composite scores— the listening comprehension composite and the oral expression composite) is in the extremely low range when compared to peers. (S-54 at pages 16-26).
44. As the hearing sessions were held in late March 2023, the student's IEP team was engaged in a potential revision of the student's IEP. (S-56).⁵
45. The guardian shared concerns about the status of the prior autism diagnosis and S&L impairment/services. (NT at 728-778).

⁵ Although this IEP came into the record, it is not made the basis of any finding as the IEP team had yet to finalize, or even discuss in a meaningful way, the March 2023 IEP.

46. As the student transitions to a new school building for the 2023-2024 school year, the guardian is concerned about the appropriateness of the student's evaluation history, and the most recent March 2023 RR, and the potentially extended timeline to address an evaluation process and potential follow-on IEP revisions. (NT at 728-778).
47. The testimony of the guardian, while not credited in every regard, was given in good faith. Her passion and concern for the education of her ward, and for other children in the classroom and the school, are deep and authentic. (NT at 728-778).

Witness Credibility

All witnesses testified credibly and a degree of weight was accorded to each witness's testimony. Based on the witness's affect during testimony and internal inconsistencies in her testimony in light of the record as a whole, the testimony of the District school psychologist was found to be less credible than that of other witnesses and was accorded less weight.

Discussion

IDEIA/Denial-of-FAPE

The provision of special education to students with disabilities is governed by federal and Pennsylvania law. (34 C.F.R. §§300.1-300.818; 22

PA Code §§14.101-14.162). To assure that an eligible child receives a free appropriate public education (“FAPE”) (34 C.F.R. §300.17), an IEP must be reasonably calculated to yield meaningful educational benefit to the student. (Board of Education v. Rowley, 458 U.S. 176, 187-204 (1982)). ‘Meaningful benefit’ means that a student’s program affords the student the opportunity for significant learning, with appropriately ambitious programming in light of his or her individual needs, not simply *de minimis* or minimal education progress. (Andrew F. ex rel. Joseph F. v. Douglas County School District, 580 U.S. , 137 S. Ct. 988, 197 L. Ed. 2d 335, (2017); Dunn v. Downingtown Area School District, 904 F.3d 208 (3d Cir. 2018)).

Additionally, where a student requires transportation to access special education through an IEP, that transportation is considered a related service under the terms of the IDEIA. (34 C.F.R. §300.34(a),(c)(16)).

Finally, where a family engages with a school district in the processes for educating students with disabilities, it should do so secure in the knowledge that engaging in those processes will not be held against them by the school district and that they will not be penalized for engaging in those processes. To establish that a school district has retaliated against a family for engaging those processes, a three-part test has been developed, namely: (1) Did the family engage in protected activities related to the student’s special education programming? (2) Was the school district’s allegedly retaliatory action sufficient to deter a person of ordinary firmness

from exercising his or her rights? (3) Was there a causal connection between the protected activity and any proven retaliation? Lauren W. v. DeFlaminis, 480 F.3d 259 (3d Cir. 2007).

Each of the guardian's claims will be examined individually.

Progress in 2021-2022 & 2022-2023. The student's IEPs in place over the 2021-2022 and 2022-2023 school years were appropriate. Those IEPs were crafted to allow the student to gain meaningful education benefit from the programming in light of the student's unique learning needs. And, indeed, the progress monitoring data over those school years shows that the student benefited from significant learning in terms of the IEP goals. Accordingly, the District did not deny the student FAPE in terms of the student's programming or progress in the 2021-2022 and 2022-2023 school years.

Specific Deficiencies in Contact Information. The guardian specifically alleged that the student was not taught correct demographic information in terms of the student's phone number and address. The record contains evidence that the student did not produce an entirely accurate phone number or address when asked to write this information. But this was not due to incorrect instruction or any lack of instruction. Over multiple school years, the errors were a consistent transposition of digits in that information. While the IEP team may wish to address this with an ongoing IEP goal and

instruction targeted to remedying that error, there is no denial of FAPE in the District's instruction on the goal related to demographic information. Accordingly, the District did not deny the student FAPE in terms of this goal or instruction in the IEPs for the 2021-2022 and 2022-2023 school years.

Transportation. In both the 2021-2022 and 2022-2023 school years, the District clearly failed in its obligation to transport the student to school, resulting in absences and tardiness and, consequently, instruction. At times, it also failed to retrieve the student in a timely way for transportation back home. While this did not impact instruction, necessarily, it was at least an inconvenience to the student's family and led to needless worry. The District recognized this failing, as least for the 2022-2023 school year, and proposed a compensatory education remedy. So there appears to be little disagreement that such a remedy is warranted. Accordingly, as set forth below, the student will be awarded compensatory education for the absences and lack of instruction related to deficiencies in transportation.

Request to Re-Evaluate/March 2022. In March 2022, the guardian made a request for a re-evaluation. Even though the District did not see the need for such a re-evaluation, it communicated with the guardian and was prepared to undertake the evaluation. But the guardian withdrew the request and the re-evaluation did not take place. Therefore, there is no

denial of FAPE related to the guardian's request for a re-evaluation in March 2022.

The evaluation history presented on this record, however, gives this hearing officer reasons for concern. First, the testimony of the school psychologist who prepared the November 2021 RR and the March 2023 RR is not credited. By affect, and in terms of her testimony in light of other evidence, one is not confident about the administration, thoroughness, or conclusions of those RRs.

Second, an autism diagnosis is known to the parties. There is no substance in any RR on this record as to the background, results, or recommendations related to this diagnosis, and it is an explicit concern of the guardian. Here, too, the evaluator's testimony, based on questioning by the hearing officer, does not inspire confidence—when asked about it, the witness testified that lack of any substance in the RRs related to autism is because manifestations of autism were being addressed in programming; yet the evaluator could provide no insight or concrete examples of those manifestations.

Third, the student was long-identified as having a S&L impairment. This identification continued to be recognized, even after the guardian had requested that the student be exited from services to address the S&L impairment. In the March 2023 RR, identification of the S&L impairment was

entirely removed. Content in the report seemed to indicate that the S&L evaluator did not see any needs related to S&L (although there was no formal assessment of potential needs and the school psychologist testified that she did not consult with the S&L evaluator when adding that content to the RR). Adaptive and achievement assessments in the March 2023 RR indicate significantly below average, and problematic, results in both expressive and receptive language skills.

For all of these reasons, clarity is required to understand (a) what a thorough and appropriate evaluation of the student will reveal about the student's educational needs, (b) whether or not autism is presenting educational needs that should be addressed in the student's programming, and (c) whether or not S&L needs should be addressed in the student's programming. A process to obtain independent educational evaluations ("IEEs")— both a comprehensive psycho-educational evaluation and a S&L evaluation—will be made part of this order.

Accordingly, the District did not deny the student FAPE in its handling of the guardian's March 2022 request for a re-evaluation. IEEs at public expense, however, will be ordered as outlined below.

Alleged Retaliation. The guardian's complaint alleges retaliation by the District for the guardian's advocacy on behalf of her ward. Even by the end of the hearing, during the guardian's testimony, she was recognizing that

there was no targeted retaliation against the student. And specifically as it regards the student being unable to attend the special monthly school event/field trip, the record supports a finding that the student engaged in violations of the school code of conduct (abiding by requirements of the uniform policy) which led building-level administration to remove that privilege. There was nothing targeted or retaliatory in the action of the District or its employees. Accordingly, there will be no finding of retaliation against the student or the guardian.

Compensatory Education

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

The evidentiary scope of claims, which is not a point of contention in this matter, and the nature of compensatory education awards were addressed in G.L. v. Ligonier Valley School Authority, 801 F.3d 602 (3d Cir. 2015) The G.L. court recognized two methods by which a compensatory education remedy may be calculated. One method, the more prevalent method to devise compensatory education, is the quantitative/hour-for-hour calculation, where, having proven a denial of FAPE, the compensatory education remedy is calculated based on a quantitative calculation given the

period of deprivation. In most cases, it is equitable in nature, but the award is a numeric award of hours as remedy. The second method, a rarer method to devise compensatory education, is the qualitative/make-whole calculation, where, having proven a denial of FAPE, the compensatory education remedy is calculated based on a qualitative determination where the compensatory education remedy is gauged to place the student in the place where he/she would have been absent the denial of FAPE. It, too, is equitable in nature, but the award is based on services, or some future accomplishment or goal-mastery by the student, rather than being numeric in nature.

Both calculations are a matter of proof. The quantitative/hour-for-hour approach is normally a matter of evidence based on IEPs or other documentary evidence that provides insight into the quantitative nature of the proven deprivation. The qualitative/make-whole approach normally requires testimony from someone with expertise to provide evidence as to where the student might have been, or should have been, educationally but for the proven deprivation, often with a sense of what the make-whole services, or future student accomplishment/goal-mastery, might look like from a remedial perspective. In this case, the guardian did not designate they type of compensatory education sought as a remedy. Therefore, lacking any evidence about qualitative/make-whole compensatory education, a quantitative/hour-for-hour compensatory education remedy will be the basis of remedy.

Here, as a result of deficiencies in District transportation, the student missed instruction— sometimes through absence, sometimes through tardiness— in both the 2021-2022 and 2022-2023 school years. By its own calculation, the District felt the student was owed 42 hours of compensatory education. While the exact degree of missed instruction is difficult to determine based on the evidence developed on this record (through communication between the guardian and teachers contemporaneously on specific days, or through the District’s attendance records), it appears that 20 school days (or the time amounting to such instruction) is a valid estimate of days/time missed.

Given the minimum 5.5 hours of instruction for a secondary student (22 PA Code §11.3(a)), an equitable award of 110 hours would seem to be warranted. Therefore, the student will be awarded 110 hours of compensatory education for the loss of instructional time as the result of the District’s transportation difficulties involving the student in the 2021-2022 and 2022-2023 school years.

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ORDER

In accord with the findings of fact and conclusions of law as set forth above, the student is awarded 110 hours of compensatory education as a result of the loss of instruction related to transportation deficiencies involving the student in the 2021-2022 school year and the 2022-2023 school year through January 2023.

Any other claim for remedy related to denial of a free appropriate public education is denied.

Additionally, the Philadelphia School District did not retaliate against the student or the guardian in its handling of field trips or school events in the 2021-2022 school year or the 2022-2023 school year through the date of this decision.

Finally, for the reasons set forth above, under the authority granted to a hearing officer by 34 C.F.R. §300.502(d)/22 PA Code §14.102(a)(2)(xxix), the District shall fund a comprehensive independent psycho-educational evaluation ("IEE") and independent speech and language ("S&L") evaluation ("S&L IEE").

On or before May 30th, the District shall provide, via email communication through its counsel to the guardian, the names and complete curricula vitae/resumes, of at least three (but no maximum number) independent evaluators experienced in conducting comprehensive psycho-educational evaluations for educational programming, and the names and

complete curricula vitae/resumes of at least three (but no maximum number) independent S&L evaluators, all of whom will make themselves available to conduct an IEE or S&L IEE.

On or before June 28th, the student's guardian, to the extent she wishes, may select the independent evaluator ("selected independent evaluator") and/or the independent S&L evaluator ("selected S&L evaluator"), indicating her selection via email communication to District counsel. As the guardian considers which independent evaluator and/or S&L evaluator she might choose to conduct the IEE or S&L IEE, there shall be no contact by the guardian with the potential evaluators.

When the guardian has indicated to the District the selected independent evaluator and the selected S&L evaluator, the costs of the IEE and the S&L IEE shall be at the selected independent evaluator's rate or fee and at the selected S&L evaluator's rate or fee, and shall be borne by the District at public expense. As those arrangements are made, the selected independent evaluator and the selected S&L evaluator shall be made to understand that it is hoped, but not required or ordered, that the IEE and the S&L IEE can be issued as soon as practicable, but if possible by August 28th, approximately sixty calendar days beyond June 28th, the last day for the selection of evaluators by the parent.

The selected independent evaluator shall be informed that he/she is undertaking a comprehensive psycho-educational evaluation to fully inform

the student's IEP team about the student's educational needs. This undertaking shall include, but shall not be limited to, understanding the student's autism and autism-related needs. The selected independent S&L evaluator shall be informed that he/she is undertaking a comprehensive S&L evaluation report to fully inform the student's IEP team about the student's educational needs related to articulation, pragmatics, expressive and receptive language, and social skills. This undertaking shall include, but shall not be limited to, understanding the student's autism and autism-related needs in terms of S&L. Both selected evaluators shall also be made to understand, but not required or ordered, that the findings and recommendations, if any, in the IEE shall be made with a view toward informing the student's IEP team about necessary or recommended special education services.

The record review, input, observations, assessments, testing, consultation, scope, details, findings, recommendations, and any other content in the IEE or the S&L IEE, shall be determined solely by the selected independent evaluators.

If by June 28th, the student's guardian does not wish to select any of the independent evaluators or independent S&L evaluators identified by the District, or she has not indicated by email to District counsel, her selections, the District may consider this lack of choice and/or communication by the guardian to place in the hands of the District the selection of the

independent evaluator and the independent S&L evaluator from the list it provided to the guardian. The same timelines for the suggested completion and issuance of the IEE and the S&L IEE will apply where the District has selected the independent evaluators.

After the selected independent evaluator has issued the IEE report, and the selected independent S&L evaluator has issued the S&L IEE, the student's IEP team shall meet to consider the findings of the IEE reports ("IEE IEP meeting"). At the IEE IEP meeting, the District shall invite and include the independent evaluator and the independent S&L evaluator as participants in the IEE IEP meeting, making scheduling accommodations for the participation of the independent evaluators, in person, by telephone, or by videoconference, as necessary. To the extent that two separate IEE IEP meetings are needed as a result of scheduling needs of the two independent evaluators, the IEP team shall meet twice to consider each independent evaluation report, and this paragraph applies to each of those separate IEE IEP meetings. The District shall bear any cost or rate for the participation of the independent evaluators at the IEE IEP meeting(s).

The terms of this order regarding the involvement of the independent evaluators shall cease after the independent evaluators' attendance at the IEE IEP meeting(s), although nothing in the order should be read to limit or interfere with the continued involvement of the independent evaluators, as

both parties may mutually agree, or as one party may make singular arrangements therefor.

Finally, nothing in this order should be read to interfere with or limit the ability of the parties to agree otherwise as to the independent evaluation processes, so long as such agreement is in writing and specifically references this order.

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

04/28/2023