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. 33020-25-26

Child's Name:
P.E.

Date Of Birth:
[redacted]

Parent(s):
[redacted]

Local Educational Agency:
Tredyffrin-Easttown School District
940 West Valley Road
Wayne, PA 19807

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Hearing Officer:
Cathy A. Skidmore

Date Of Decision:
07/09/2026

INTRODUCTION AND PROCEDURAL HISTORY

The student, P.E. (Student),[1] is a late teenaged student residing with the Parents and enrolled in Tredyffrin-Easttown School District (District). Student was previously identified as eligible for special education pursuant to the Individuals with Disabilities Education Act (IDEA)[2] under the disability categories of Specific Learning Disability and an Other Health Impairment.

In March 2026, the District completed a reevaluation of Student and issued a report determining that Student was no longer in need of special education, but qualified for accommodations pursuant to Section 504 of the Rehabilitation Act of 1973.[3] The Parents disagreed and sought an Independent Educational Evaluation (IEE) at public expense; the District responded with a Complaint seeking to defend its reevaluation. The matter proceeded to a single-session, efficient evidentiary hearing.[4] Following review of the record and for all of the reasons set forth below, the District's claim must be granted.

[1] In the interest of confidentiality and privacy, Student's name, gender, and other potentially identifiable information are not used in the body of this decision. All personally identifiable information, including details appearing on the cover page of this decision, will be redacted prior to its posting on the website of the Office for Dispute Resolution in compliance with its obligation to make special education hearing officer decisions available to the public pursuant to 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 federal regulations implementing the IDEA are codified in 34 C.F.R. §§ 300.1 – 300. 818. The applicable Pennsylvania regulations are set forth in 22 Pa. Code §§ 14.101 – 14.163 (Chapter 14).

[3] 29 U.S.C. § 794. The federal regulations implementing Section 504 are codified in 34 C.F.R. §§ 104.1 – 104.61; the applicable Pennsylvania regulations are set forth in 22 Pa. Code §§ 15.1 – 15.11 (Chapter 15).

[4] References to the record throughout the findings and discussion in this decision will be to the Notes of Testimony (N.T.), Parent Exhibits (P-) followed by the exhibit number, School District Exhibits (S-) followed by the exhibit number, and Hearing Officer Exhibit (HO-) 1, an affidavit from Student who was not able to attend the hearing and testify (N.T. 240-41; P-15). Citations to duplicative exhibits and testimony generally are not exhaustive. The term Parents is used in the plural where it appears that one was acting on behalf of both.

ISSUES

1. Whether the District's March 2026 reevaluation of Student complied with applicable legal authority; and

2. If the reevaluation does not meet those criteria, whether the Parents should be awarded an IEE at public expense?

FINDINGS OF FACT

1. Student is a late teenaged child residing with the Parents within the boundaries of the District and enrolled in its high school. (N.T. 211.)

2. Student has plans to attend college following graduation from high school. (N.T. 227-28.)

3. Student has a medical condition that requires adequate rest as well as specific accommodations at school. (N.T. 96-97, 232-33.)

4. Student experienced a physical injury in early February 2024 following an accident. Student was required to limit certain activities and receive accommodations at school based on Student's symptoms for a five-week period of time. (N.T. 213; P-1.)

Spring 2026

5. The Parents requested a reevaluation of Student by the District in early January 2026 and provided their written consent on a Permission to Reevaluate form. (N.T. 59; S-6; S-7 at 4.)

6. Student sustained a physical injury in early February 2026 that was very similar to the one in February 2024. The physician who treated Student in the emergency room recommended that Student be evaluated by a specific type of specialist after pain diminished. Student underwent surgery a few days later and discharged that same day. Student was never seen by the specialist because Student's symptoms began to improve so a visit was considered to be unnecessary. No

medical documentation of the injury was provided to the District by the Parents.[5] (N.T. 64-65, 105, 195, 213-15, 254-57, 257; P-2; P-3; P-4; P-5; P-6; P-7; P-9; P-10.)

7. Student did exhibit some anxiety at home after the physical injury because of missed schoolwork during approximately one week of absence. The District approved the medical excuse. (N.T. 219-20, 252-58; P-7; P-8; P-18.)

8. Student self-advocated for self at school in the spring of 2026 such as when not feeling well or needing a break. (N.T. 204-205.)

9. Because of Student's injury, the Parents asked the District to wait for administration of assessments until February 23, 2026. The District agreed and testing was conducted the week of, but not on, February 23, 2026 due to inclement weather. (P-16; P-17; P-18; P-19; P-20.)

Reevaluation Report

10. The District's March 2026 Reevaluation Report (RR) summarized information from prior records, including an RR by a different school district in the spring of 2018. That earlier RR included a determination that Student was eligible for special education based on a Specific Learning Disability in basic reading and oral reading fluency; in addition, results of several central auditory processing assessments indicated that Student did have such a disorder. (S-7 at 1-2, 6-15.)

11. Content from prior District evaluations was also incorporated into the March 2026 RR, including special education eligibility based on Other Health Impairment (OHI) because of the central auditory processing disorder in the spring of 2021; and based on Specific Learning Disability (reading fluency) along with OHI in 2024 due to the central

[5] The documentation is part of this hearing record, however..

auditory processing disorder, reported anxiety, and depression symptoms. (S-7 at 2-4.)

12. Parent input into the March 2026 RR included updates on the medical condition; reported weekly private counseling; and concerns (need for positive reinforcement, desire to please, and willingness to challenge the thinking of others. Their observed strengths included Student's problem-solving ability, creative thinking, motivation to do well, and curiosity; needs identified related to perfectionism, social skills, reading enjoyment and skills, and efficient approaches to tasks. (S-7 at 5-6.)

13. Teacher input for the March 2026 RR provided comparisons between Student's learning and that of peers. Student was rated at or above average in most areas from all five teachers, with the exceptions task/homework completion, pace of work, and confidence/esteem (one teacher). Strengths were comprised of engagement with work, class participation, working with others, focus, organization, and self-advocacy skills (some teachers). Pace of work was the chief concern of teachers as a need. (N.T. 68-72; S-7 at 16-21.)

14. Teacher recommendations for Student were for continued accommodations such as preferential seating; provision of notes and essential learning materials; accommodations and explicit modifications to assignments and expectations; wait time; access to an adult for support when needed; and assistive technology. (S-7 at 24-27.)

15. Then-current progress monitoring results was also made part of the March 2026. At that time, Student had nearly met a self-advocacy goal, and had met reading fluency and counseling goals. (S-7 at 21-22.)

16. The District school psychologist observed Student in a class for the March 2026 RR. On- and off-task behavior was measured through

momentary time sampling, reflecting that Student was on-task 99% of the class period. Student actively participated throughout the observation and exhibited no signs of lack of focus, attention, or stamina. (N.T. 72-76, 173-74; S-7 at 21-22.)

17. The District school psychologist who conducted the reevaluation met with Student for assessments near the end of February 2026. The District school psychologist interviewed Student prior to administering the assessment instruments, and Student informed her of the injury. Student also shared information about self and family along with challenges at school. Student was afforded the opportunity to reschedule but chose to remain for testing, and breaks were offered. Rapport was established before testing and the results were considered to be reliable in estimating Student's aptitude. (N.T. 56-57, 83, 107, 176; S-7 at 28-29.)

18. Cognitive assessment for the March 2026 was conducted through the Wechsler Intelligence Scale for Children – Fifth Edition (WISC-V). All of Student's WISC-V Index scores were in the high to very high average range with the exception of the Working Memory Index (average range), reflecting aptitude that was within or above expectations. (N.T. 80-82; S-7 at 29-31.)

19. Select subtests of the NEPSY-II, a neuropsychological battery, were utilized to identify any executive functioning weaknesses for the March 2026 RR. All of Student's scores were at or above expectations. (N.T. 84-86; S-7 at 31-32.)

20. The District school psychologist administered two achievement batteries, the Wechsler Individual Achievement Test – Fourth Edition (WIAT-4) and the Kaufman Test of Educational Achievement. Student's scores on the WIAT-4 were all in the average to above average range,

with two exceptions: orthographic choice and the Orthographic Processing Composite (below average range). Student's Kaufman scores were consistent with those on the WIAT-4. (S-7 at 32-35.)

21. Social/Emotional/Behavioral functioning was assessed through various rating scales completed by the Parents, several teachers, and Student where appropriate. (N.T. 88-90.)

    a. The Behavior Assessment System for Children – Third Edition (BASC-3), the Parents ratings were in the at-risk range for anxiety and depression. One or more of Student's teachers rated Student in the clinically significant or at-risk range with anxiety, depression, and emotional self-control. Student's self-report reflected clinically significant concerns with somatization and in the at-risk range with self-reliance and test anxiety. (S-7 at 39-42.)

    b. On the Conners Rating Scale - Fourth Edition, the Parents' ratings reflected a clinically significant concern with peer interactions, and an at-risk score with inattention/executive functioning weakness and possible Attention Deficit Hyperactivity Disorder (ADHD).[6] Only one of the three teachers had concerns, which were in the at-risk range for anxious thoughts and elevated with inattention/executive functioning, schoolwork, and inattentive ADHD symptoms. Student's self-report identified school work as in the at-risk range and inattention/executive functioning as elevated. (S-7 at 35-37.)

    c. On the Behavior Rating Inventory of Executive Functioning – Second Edition, only Student's Parents had concerns: in the at-risk range with initiation and working memory; and in the elevated

[6] An elevated family life score was also noted.

range for emotional control as well as planning/organizing. (S-7 at 37-38.)

22. A Critical Reading Inventory for the March 2026 RR revealed that Student's instructional reading level was at the grade level above Student's at the time. Instructional strategies were provided for reinforcement of word identification and recognition when errors occurred, and access to audiobooks. (S-7 at 23-24.)

23. A central auditory processing evaluation was also completed for the March 2026 RR. This evaluator interviewed Student before any test administration, learning of the injury, and asked questions to ensure Student's comfort with completion of this part of the reevaluation that day. Student agreed, and the evaluator also checked in multiple times to ask if Student needed a break. Although Student had areas of strength and weakness on these assessments, the results did not suggest that Student had such a disorder at the time. (N.T. 116-18, 148-51, 155-58; S-37 at 42-46.)

24. All assessment instruments administered are valid and reliable and were conducted in accordance with publisher directions. (N.T. 78, 86, 153, 158.)

25. The conclusion of the March 2026 RR was that Student did have a disability but did not require specially designed instruction. The recommendations included a Section 504 Service Agreement for accommodations needed for support at school. (N.T. 98-99; S-7.)

26. A meeting convened to review the March 2026 RR. (S-11.)

27. Following the March 2026 RR, the Parents requested an IEE at public

expense. The District denied that request. (S-8; S-9.)

DISCUSSION AND APPLICATION OF LAW

General Legal Principles

In any legal proceeding, the burden of proof is commonly described as consisting of two elements: the burden of production and the burden of persuasion. The burden of persuasion in this type of administrative hearing 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 burden of persuasion in this case thus must rest with the District, whic filed the Complaint leading to this administrative proceeding. Nevertheless, application of this principle determines which party prevails only in those rare cases where the evidence is evenly balanced or in "equipoise." *Schaffer, supra*, 546 U.S. at 58.

Special education hearing officers, who assume the role of fact-finders, are responsible for making "express, qualitative determinations regarding the relative credibility and persuasiveness of the witnesses," particularly when discounting certain testimony. *Blount ex rel. Blount v. Lancaster-Lebanon Intermediate Unit*, 2003 WL 22988892 *10, 2003 LEXIS 21639 *28 (E.D. Pa. 2003). *See also, e.g., J. P. v. County School Board*, 516 F.3d 254, 261 (4th Cir. Va. 2008); *T.E. v. Cumberland Valley School District*, 2014 WL 47340 *4, 2014 U.S. Dist. LEXIS 1471 *11-12 (M.D. Pa. 2014). This hearing officer found each of the witnesses who testified to be generally credible as to the facts without any intention to mislead. The weight accorded the evidence, however, was not equally placed. The persuasive value of the testimony and documentary evidence must be assessed in light of the record as a whole. *See J.P., supra*, 516 F.3d at 261; *T.E., supra*. In other words, merely because all witnesses appeared to believe that to which they swore under oath does not make all of the testimony reliable or

convincing with respect to the issues presented. The documentary evidence, by contrast, was considered to be extremely reliable.

The testimony of the Parent who was present was provided from a loving parent/advocate point of view; her concern shared by Student (HO-1) that the results of some of the assessments administered may be inaccurate was genuine. Nevertheless, the testimony of the District's school psychologist discounting any potential impact of the injury on Student's performance was cogent and convincing (N.T. 84, 98-99, 124, 132) and was shared by the central auditory processing evaluator (N.T. 153, 158). The testimony of these two professionals was accorded significant weight.

The findings of fact were made as necessary to resolve the issues; thus, not all of the testimony and exhibits were explicitly cited. Nonetheless, in reviewing the record, the testimony of all witnesses and the content of each admitted exhibit were thoroughly considered, as were the parties' closing statements.

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. 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.

Evaluation Requirements

Substantively, the IDEA sets forth two purposes of a special education evaluation: to determine whether or not a child is a child with a disability as defined in the law, and to "determine the educational needs of such child[.]" 20 U.S.C. §1414(a)(1)(C)(i). The IDEA explicitly identifies the following qualifying disabilities: "intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance[], orthopedic impairments, autism, traumatic brain injury, other health impairments, [and] specific learning disabilities." 20 U.S.C. § 1401(3); see also 34 C.F.R. § 300.8(a).

Certain procedural requirements are set forth in the IDEA and its implementing regulations that are designed to ensure that all of the child's individual needs are appropriately examined.

Conduct of evaluation. In conducting the evaluation, the local educational agency shall—

> (A) use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining—
>
> (i) whether the child is a child with a disability; and
>
> (ii) the content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general education curriculum, or, for preschool children, to participate in appropriate activities;
>
> (B) not use any single measure or assessment as the sole criterion for determining whether a child is a child with a

disability or determining an appropriate educational program for the child; and

(C) use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

20 U.S.C. § 1414(b)(2); see also 34 C.F.R. §§ 300.303(a), 304(b).

The evaluation must assess the child "in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities[.]" 34 C.F.R. § 304(c)(4); see also 20 U.S.C. § 1414(b)(3)(B). Additionally, the evaluation must be "sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified," and utilize "[a]ssessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child[.]" 34 C.F.R. §§ 304(c)(6) and (c)(7); see also 20 U.S.C. § 1414(b)(3). Any evaluation or revaluation must also involve a review of existing data including that provided by the parents in addition to available assessments and observations. 34 C.F.R. § 300.305(a). In Pennsylvania, LEAs are required to provide a report of an evaluation within sixty calendar days of receipt of consent, excluding summers. 22 Pa Code §§ 14.123(b), 14.124(b).

The District's Claim

The District contends that its March 2026 reevaluation report was in compliance with all IDEA criteria and that, therefore, an IEE at public expense is unwarranted. The Parents, by contrast, claim that there is a possibility of inaccurate results that can only be remedied by an IEE. This

obvious unease is wholly understandable in light of Student's 2024 injury experience.

Review of the March 2026 RR reveals that the District school psychologist and other evaluators did utilize multiple assessment tools, strategies, and instruments, rather than any single measure, to gather relevant information about Student. Here, the RR summarized available information from the Parents including their perspective on Student's strengths and needs; and reported on a classroom observation by the District school psychologist involving data.

All of those administering assessments interviewed Student and offered the opportunity to reschedule if Student wished or needed to do so. The measures that formed the assessment portion of the RR were appropriate, valid, and reliable, as well as in accordance with the publisher's directions. Cognitive functioning, academic achievement, and social/emotional functioning were all assessed as well as reading skills and central auditory processing functioning, satisfying the requisite obligation to evaluate in all areas of suspected disability.

As noted, the testimony of the District school psychologist on the validity of the scores was very persuasive that the results were not consistent with an impact on accuracy by the February 2026 injury. Accordingly, this hearing officer concludes that the preponderant evidence establishes that the RR at issue met IDEA criteria. Accordingly, there is no basis to order an IEE at public expense.

CONCLUSION OF LAW

The District's March 2026 RR was appropriate under the IDEA standards, and no IEE is warranted.

ORDER

AND NOW, this 9th day of July, 2026, in accordance with the foregoing findings of fact and conclusions of law, it is hereby **ORDERED** as follows.

1. The District's March 2026 RR is appropriate under applicable law.
2. The Parents are not entitled to an IEE at public expense.

It is **FURTHER ORDERED** that any claim not specifically addressed in this order is **DENIED** and **DISMISSED.**

/s/ Cathy A. Skidmore
Cathy A. Skidmore
HEARING OFFICER
ODR File No. 33020-25-26

Sent to the parties/counsel this date as required by 34 C.F.R. § 300.515 by electronic mail message as requested[7] consistent with 22 Pa. Code § 14.162(n).

[7] N.T. 270.