

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.32148-25-26

Child's Name:

D.D.

Date of Birth:

[redacted]

Parents:

[redacted]

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Hearing Officer:

James Gerl, CHO

Date of Decision:

February 16, 2026

BACKGROUND

The parent filed a due process complaint alleging that the school district violated IDEA's least restrictive environment provision by assigning the student to certain classes in the life skills support setting and that the school district failed to provide a free and appropriate public education to the student because of a procedural violation involving the assignment of an inappropriate paraprofessional to the student. The school district contends that the student was educated in the least restrictive environment and that a free and appropriate public education was provided to the student. I find in favor of the school district with regard to all issues raised by the due process complaint.

PROCEDURAL HISTORY

This hearing required one virtual session. The parties agreed to a moderate number of stipulations of fact, which shortened the amount of time necessary for a hearing. Six witnesses testified at the due process hearing. The parties agreed to a large number of joint exhibits, which also facilitated an efficient hearing. Joint exhibits J-1 through J-50 were admitted into evidence.

After the hearing, counsel for each party presented written closing arguments/posthearing briefs and proposed findings of fact. All arguments submitted by the parties have been considered. To the extent that the arguments advanced by the parties are in accordance with the findings, conclusions and views stated below, they have been accepted, and to the extent that they are inconsistent therewith, they have been rejected. Certain arguments and proposed findings have been omitted as not relevant or not necessary to a proper determination of the material issues as presented. To

the extent that the testimony of various witnesses is not in accordance with the findings as stated below, it is not credited.

To the extent possible, personally identifiable information, including the names of the parties and similar information, has been omitted from the text of the decision that follows. FERPA 20 U.S.C. § 1232(g); and IDEA § 617(c).

ISSUES PRESENTED

In the parent's written closing argument, certain issues were raised that were not articulated as issues in the case at the prehearing conference or at the beginning of the due process hearing, including issues related to the implementation of the student's IEP and certain behavior issues. Because these issues were not raised prior to the hearing, they are not considered herein. 34 C.F.R. § 300.511(d); JL v Lower Merion Sch Dist, 81 IDELR 251 (E.D. Penna 2022); LB by RB and MB v Radnor Township Sch Dist, 78 IDELR 186 (E.D. Penna 2021). The issues raised by the due process complaint as discussed in detail at the prehearing conference and articulated at the beginning of the hearing are the following:

1. Whether the parent has proven that the school district violated the least restrictive environment requirement of IDEA by assigning the student to certain classes in the life skills support setting? and

2. Whether the parent has proven that the school district provided a free and appropriate public education to the student by committing an actionable procedural violation by assigning an inappropriate paraprofessional to the student?

FINDINGS OF FACT

Based upon the parties' stipulations of fact, I have made the following findings of fact:

1. The student is an [redacted]-grade student currently enrolled at a school district high School.
2. The student resides with the student's mother, a resident of the school district.
3. The student's date of birth is [redacted].
4. The student has been enrolled within the school district since the 2021 – 2022 school year, the student's [redacted] grade year.
5. The student transferred from another school district.
6. The student has qualified for special education dating back to 2018.
7. The student has been diagnosed with attention deficient hyperactivity disorder (ADHD), and [redacted] allergies.
8. The district classifies the student as a student with an intellectual disability, other health impairment, and speech language impairment.
9. There is an IEP in place providing a supplemental level of life skills support and speech and language support.
10. From August 28, 2023 through September 6, 2023, the student was placed in the high school's vocational skills and social safety classes.
11. From March 17, 2024 through June 12, 2024, the student was placed in the district's functional math class.

12. From August 26, 2024 through September 2024, the student was placed in the district's functional math class.

Based upon the evidence in the record compiled at the due process hearing, I have made the following findings of fact: ¹

13. The student loves to go to [redacted]. (NT 127 – 128)

14. The student was identified as eligible for special education under the category of intellectual disability by the student's prior school district in 2018. (NT 112-113; J-32)

15. The student was reevaluated by the school district in January 2023. The evaluation report concludes that the student has a full-scale IQ of 51 and that the student has academic deficits in the areas of written expression, reading, math, communication skills, social skills and adaptive behavior skills. (J-2)

16. For the student's [redacted] grade school year, the student's IEP provided that the student would receive supplemental life skills support programming. (J-3)

17. The student's mother believed that the student was in an autistic support program for [redacted] grade based upon what the student had told her about the classroom and how other students looked and behaved in the classroom. The mother believed that the other students in the classroom had significant "mental delays." (NT 86 – 88, 41)

¹ (Exhibits shall hereafter be referred to as "J-1," etc. for joint exhibits; references to page numbers of the transcript of testimony taken at the hearing is the hereafter designated as "NT___").

18. An IEP was developed for the student on February 9, 2023 that provided that the student would be assigned to the following classes for [redacted] grade in the 2023 – 2024 school year: hybrid English, hybrid math, hybrid skills, adaptive social studies, adaptive science, vocational skills, social safety skills, wellness and two electives. The student was in regular education classes except for math, language arts and social safety. The student was in the regular education classroom approximately 54% of the school day. (J-3)

19. The vocational skills, social safety skills and functional math classes took place in a classroom at the high school, with a placard outside of the classroom designating the room number as “[redacted].” (NT 141)

20. The parent believed that Room “[redacted]” was an autistic support classroom. The parent based this belief on information from the student and the student’s sister, who had previously attended the school. (NT 41-42, 95)

21. The parent believed that the student was being labeled by the school district as “autistic.” The school district had not identified the student as eligible for special education under the category of autism. The school district staff informed the student’s mother that the special education classes that the student was attending were not provided in an autistic support classroom. (J-2, J-29, J-32; NT 43, 135, 182)

22. The mother emailed the school district on August 28, 2023 stating that during the student’s [redacted] grade school year, there were children in the student’s class that were “rocking and making noises.” The parent objected to the student being in a class with “nonverbal students” and felt that such a placement was inappropriate for the student. The school district convened an IEP team meeting to discuss the parent’s concerns. (J-50; NT 93, 96 – 101, 132 – 134, 41)

23. During the IEP team meeting, the parent expressed a concern that the student did not belong in autistic support classes. The student's mother also expressed a concern at the meeting that students in the classes were nonverbal. The student's class was not an autistic support class, and there were no nonverbal students in the classroom. (NT 134 – 136)

24. The vocational skills class focuses on delivering direct explicit instruction to help students with career exploration, obtaining and maintaining employment and work skills. (NT 133-134)

25. The social safety skills class focuses on delivering direct explicit instruction in communication skills, developing and maintaining appropriate relationships, self-determination, self-advocacy, making good decisions and addressing any current behaviors. (NT 133)

26. The social safety skills and vocational skills classes had eight to ten students with two special education teachers assisted by individual paraprofessional assistants. (NT 161)

27. The school district agreed to move the student from these classes at the parent's request after the first week of school. The student's special education teacher in the functional skills classroom administered assessments to the student that showed that the student had demonstrated proficiency in some of the areas addressed by these classes. (NT 136 – 137)

28. For the student's [redacted] grade school year between September 7, 2023 and March 15, 2024, the student had three special education classes: hybrid math, hybrid English language arts and hybrid skills. The rest of the student's classes were general education classes. (NT 173, 223 – 224, 102-103)

29. After September 6, 2023, the student had three special education classes out of seven total classes for the 2023 – 2024 school year, the

student's [redacted] grade year, and the 2024 – 2025 school year, the student's [redacted] grade school year. (NT 172 – 173, 223 – 224; J-42)

30. Even with a modified curriculum, the student struggled in hybrid math in [redacted] grade because the student lacked foundational math skills. (NT 173 – 176)

31. An annual IEP team meeting was convened for the student on February 2, 2024. During the meeting, the student's special education teacher in the hybrid math class raised concerns that the student required multiple prompts to stay on task and required extensive modification of the curriculum to engage in the lessons, had difficulty transferring skills. The teacher stated that the student required remediation in order to make progress in the math curriculum. The team recommended at the IEP team meeting that the student be changed to the functional math class to strengthen the student's math skills. The student's mother agreed to the recommendation to move the student from hybrid math to the functional math class. (J-11, J-12; NT 179 - 180, 142, 105 – 109, 143)

32. The functional math class at the school district high school is a functional life skills class that focuses 80% on remediation and 20% on new information. (NT 142)

33. The hybrid math class at the school district high school focuses 20% on remediation and 80% on new information. (NT 143)

34. Although the student's mother agreed to the change to functional math at the IEP team meeting, the mother returned the NOREP indicating that the mother did not agree with the recommendation to move the student from the hybrid math class to the functional math class. (J-12)

35. Following receipt of the NOREP from the student's mother, the student's case manager met with the mother to discuss the rejection of the

class change. The parent agreed with the case manager that functional math would be a “good fit” for the student. (J-50; NT 107 – 108)

36. On May 2, 2024, shortly after the student’s transition from hybrid math to functional math, the student’s mother again expressed disapproval of the student being in the functional math class. The student’s mother stated that she believed that the placement was hurting the student mentally because “the kids in the math class are not like [the student].” (J-50; NT 109-111)

37. The student’s mother does not believe that the student has a cognitive disability. The student’s mother believes that the student is behind in academic classes solely because the student had missed a lot of school time during elementary school due to [redacted]. (J-50, J-45, J-48; NT 112-114)

38. The student’s placement in the functional math class was appropriate given the student’s performance on assessments, including the Styer– Fitzgerald Program for Functional Academics, and because the student’s skill level matched that of the other students in the functional math class. (NT 143 – 144)

39. In the functional math class, on multiple occasions, the student refused to attend class or would get up in the middle of class and say that the student was not like the other student’s in the class, noting at times that the student is not autistic. (NT 144 – 145, 153; J-50, J-48)

40. The student would refuse to leave the functional math class when the period ended in order to avoid being seen in the hallways with the other students in the functional math class. (NT 147)

41. The student used the word “[redacted]” to describe other students in the life skills classes. (NT 202)

42. The teacher in the functional math class modified the curriculum to specifically suit the student's academic levels and needs. (NT 155 – 156)

43. Because of the student's resistance, and the student's mother's resistance, to the functional skills class, the IEP team agreed to move the student back to hybrid math in the fall of the student's [redacted] grade year, the 2024 – 2025 school year, and has provided a functional math program in the hybrid math class by modifying the curriculum. (NT 151 – 152, 225 – 226)

44. During both the student's [redacted] grade school years, the student was assigned to a 2:1 paraprofessional assistant for the student's general education classes- science, history and two electives. A 2:1 assistant means one assistant for two students. (NT 191 – 192, 224)

45. The 2:1 paraprofessional assistant and other paraprofessional assistants at the school district are trained by a board-certified behavioral analyst who is assigned to the high school. The BCBA also provides consultations with the paraprofessionals. (NT 230 – 233)

46. The student struggled significantly in the student's general education classes without modification of the curriculum and the support of a 2:1 paraprofessional assistant, but with a modified curriculum and the support of a 2:1 paraprofessional assistant, the student is able to access the curriculum in these classes. The student is reluctant to obtain assistance from a 2:1 assistant or from anyone else in a classroom who is not the lead teacher. The reluctance was addressed in the student's functional behavioral analysis developed by the school district in April 2025. (NT 205, 254 – 255, 269 – 271; J-32, J-46)

47. The student did not respond well to the student's 2:1 paraprofessional assistant during the 2024 – 2025 school year. The student

believed that the paraprofessional was babying the student because the paraprofessional was tapping the student on the shoulder for redirection. The student's mother also reported to school district staff that the student stated that the paraprofessional was making inappropriate comments to the student including "[redacted]." (NT 63 – 66, 186 – 187; J-50)

48. The student and the 2:1 paraprofessional assistant "didn't mesh well together," and the student and the paraprofessional had a personality conflict. (NT 64 – 66)

49. The parent and the student also had issues with another paraprofessional assistant who was assigned to the classroom. (NT 114 – 116; J-50)

50. The student's mother told the student to ignore the 2:1 paraprofessional assistant. (NT 118; J-50)

51. The assistant principal of the high school investigated the student's concerns and the mother's concerns about interactions between the student and the student's 2:1 paraprofessional assistant and the classroom assistant. The investigation did not corroborate the concerns of the parent or the student. (J-50; NT 276 - 288)

52. In response to the student's concerns about the being tapped on the shoulder for redirection, the board-certified behavioral analyst who works with the school district recommended that the student's positive behavior support plan be revised to indicate that there would be "no tactile (touching) prompts when redirecting the student." (J-26; NT 257 – 259)

53. Although the assistant principal investigated and determined that there was no corroboration of the concerns of the student or the student's mother, the assistant principal replaced the student's 2:1 paraprofessional assistant because the student had made unkind comments to the aide and

because of the parent's opposition to the aide. The student had made unkind comments to two different paraprofessionals. (NT 288 – 299; 237 – 240; J-48, J-50, J-46)

CONCLUSIONS OF LAW

Based upon the arguments of the parties, all of the evidence in the record, as well as my own legal research, I have made the following conclusions of law:

1. A parent or a local education agency may file a due process complaint alleging one or more of following four types of violations of the IDEA: an identification violation, an evaluation violation, a placement violation or a failure to provide a free and appropriate public education. IDEA §615(f)(A); 34 C.F.R. § 300.507(a); 22 Pa. Code § 14.162.

2. A school district must "...to the maximum extent appropriate (ensure that) children with disabilities... are educated with children who are nondisabled and that special classes, separate schooling, or other removal of children with disabilities from the regular education environment occurs only if the nature or severity of the disability is such that education in the regular education classroom with the use of supplementary aids and services cannot be achieved satisfactorily." 34 C.F.R. § 300.114(a)(2); IDEA § 612(a)(6)(A); 22 PA Code § 14.195.

3. Supplementary aids and services are defined as "...aids, services and other supports that are provided in regular education classes, other education related settings and in extracurricular or non-academic settings to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate in accordance with..." the least restrictive environment requirements. 34 C.F.R. § 300.42.

4. The Third Circuit has stated that the least restrictive environment provision sets forth a “strong congressional preference” for integrating children with disabilities in the regular education classroom. Oberti v. Board of Education, 995 F.2d 1204, 19 IDELR 908 (3d Cir. 1993). The court adopted a two-part test for determining whether a district is in compliance with IDEA’s mainstreaming requirement. First, the court must determine whether education in a regular education classroom with the use of supplementary aids and services can be achieved satisfactorily. Second, if the court finds that placement outside a regular classroom is necessary for the child to benefit educationally, then the court must decide whether the school has “mainstreamed the child to the maximum extent appropriate,” that is, whether the school has made efforts to include the child in school programs with non-disabled children whenever possible. In determining the first prong of the two-part test, the court sets forth three factors to be considered: First, the court should look at the steps that a school has taken to try to include the child in a regular classroom. Second, the court should compare the educational benefits the child will receive in a regular classroom with supplementary aids and services versus the benefits the child will receive in a segregated special education classroom. Third, the court should consider the possible negative effects of the child’s inclusion on the education of other children in a regular classroom. When considering negative effects, the court must keep in mind the school’s obligation to provide supplementary aids and services to accommodate the child’s disabilities. Oberti, supra.

5. The least restrictive environment mandate is a substantive requirement of IDEA. Oberti, supra, at n.18; see TM by AM and RM v. Cornwall Central School District, 752 F.3d 145, 63 IDELR 31 (2d Cir. 2014).

6. The United States Supreme Court has developed a two-part test for determining whether a school district has provided a free appropriate

public education (hereafter sometimes referred to as “FAPE”) to a student with a disability. There must be: (1) a determination as to whether a school district has complied with the procedural safeguards as set forth in IDEA, and (2) an analysis of whether the individualized educational program is reasonably calculated to enable the child to make progress in light of the child’s unique circumstances. Andrew F by Joseph F v. Douglass County School District RE-1, 580 U.S. ____, 137 S. Ct. 988, 69 IDELR 174 (2017); Board of Educ., etc. v. Rowley, 458 U.S. 178, 553 IDELR 656 (1982); KD by Theresa Dunn and Jonathan Dunn v. Downingtown Area School District, 904 F.3d 248, 72 IDELR 261 (3d Cir. 2018).

7. In order to provide FAPE, an IEP must be reasonable, not ideal. KD by Dunn v. Downingtown Area School District, *supra*; LB by RB and MB v Radnor Twp Sch Dist, 78 IDELR 186 (ED Penna 2021); AM et al v Interboro Sch Dist, 128 LRP 2503 (E.D. Penna. 2026).

8. The appropriateness of an IEP in terms of whether it has provided a free appropriate public education must be determined at the time that it was made. The law does not require a school district to maximize the potential of a student with a disability or to provide the best possible education; instead, it requires an educational plan that provides the basic floor of educational opportunity. Ridley School District v. MR and JR ex rel. ER, 680 F.3d 260, 58 IDELR 281 (3d Cir. 2012); DS v. Bayonne Board of Education, 602 F.3d 553, 54 IDELR 141 (3d Cir. 2010); Mary Courtney T. v. School District of Philadelphia, 575 F.3d 235, 251, 52 IDELR 211 (3d Cir. 2009).

9. For a procedural violation to be actionable under IDEA, the parent must show that the violation results in a loss of educational opportunity for the student, seriously deprives the parents of their participation rights, or causes the student a deprivation of educational benefit. Ridley School District v. MR and JR ex rel. ER, *supra*; IDEA § 615(f)(3)(E); 34 C.F.R. § 300.513(a).

10. A school district must provide a related service to a student with a disability when the related service is necessary for the student to benefit from special education. Irving Independent School District v. Tatro, 468 U.S. 883, 555 IDELR 511 (1984); Cedar Rapids Community School District v. Garrett F, 526 U.S. 66, 29 IDELR 966 (1999); Mary Courtney T. v. School District of Philadelphia, 575 F.3d 235, 52 IDELR 211 (3d Cir. 2009); IDEA § 602(26); 34 C.F.R. § 300.34 and 300.17.

11. A party may not raise an issue that was not properly set forth in the due process complaint and the prehearing proceedings. A party to a due process hearing waives an argument if it is not properly presented and argued. 34 C.F.R. § 511(d); JL v Lower Merion Sch Dist, 81 IDELR 251 (E.D. Penna 2022); LB by RB and MB v Radnor Township Sch Dist, 78 IDELR 186 (E.D. Penna 2021)

12. A school district has wide discretion in assigning staff to implement a student's IEP. School districts are not required to honor the parent's preference of a particular teacher or related service provider. See, MT v. DeKalb County Sch. Dist., 446 F. 3d 1153, 45 IDELR 177 (11th Cir. 2006); Slama v. Independent Sch. Dist. No. 2580, 259 F. Supp. 2d 880, 39 IDELR 3 (D. Minn. 2003); Marple v. Newtown Sch. Dist., 46 IDELR 295 (SEA Penna. 2006).

13. The parent has not proven that the school district violated the least restrictive environment provisions of the IDEA by assigning the student to certain classes in the life skills support setting.

14. The parent has not proven that the school district denied a free and appropriate public education to the student by committing an actionable procedural violation by assigning an inappropriate paraprofessional to the student.

DISCUSSION

I. Merits

1. Whether the parent has proven that the school district violated the least restrictive environment provision of IDEA by assigning the student to certain classes in the life skills support setting?

The parent contends that the school district violated the least restrictive environment requirement by placing the student in life skills classes for vocational skills and social safety classes from August 28, 2023 through September 6, 2023 and for functional math from March 17, 2024 through June 12, 2024 and again from August 26, 2024 through September 6, 2024. The school district contends that the student's placement in the life skills classes was appropriate in order for the student to receive educational benefit.

The record evidence does not support the parent's contention with regard to this issue. It should be noted that this is not a typical LRE dispute where the parents are arguing that the student is not sufficiently included in regular education classes. Instead, this dispute concerns what special education classes the student should attend.

The evidence shows that the life skills classes were appropriate for the student. The school district included the student in regular education classes for the majority of the student's school day. Utilizing the Oberti analysis, the school district took appropriate steps to keep the student in the regular education classroom to the greatest extent possible by employing appropriate supplementary aids and services to enhance the likelihood of the student's success in the regular education classes. The supplementary aids and services

used by the school district included modifying the curriculum for the student and assigning a 2:1 aide to the student for the classes. The school district clearly complied with the LRE mandate.

It is apparent from the evidence in the record that the student's mother has not acknowledged the student's level of cognitive ability. Instead, the mother blames the student's lack of success in school upon missed time due to frequent hospitalizations early in the student's school life. The record evidence, however, shows that the student's level of cognitive ability is less than that attributed to the student by the mother.

Moreover, the testimony of the student's mother makes it clear that the gravamen of the parent's complaint is based upon stereotypes and inaccuracies about the other students in the life skills support classroom. The mother, and the student, apparently believe that the life skills classroom, which bears the classroom number "[redacted]" on a placard outside the classroom, is an autistic support classroom. This is not accurate. The classroom is not an autistic support classroom. The parent also believes that the learning support classroom contains nonverbal children. This is also not accurate.

The evidence reveals that the student's mother, and the student, believe that the life skills support classroom has other children in it who are more severely disabled than the student, and that the student is "not like those other kids." The student has referred to a classmate as "[redacted]."

The parent cannot prove a least restrictive environment violation by asserting stereotypes and prejudice. The record evidence does not support the parent's claim that the student's assignment to life skills classes violated the least restrictive environment requirement.

Instead, the record evidence reveals that the student was assigned to regular education classes for most of the student's program. The school district appropriately employed supplemental aids and services to make that placement appropriate, including modified curriculum and a 2:1 aide. Evidence in the record clearly demonstrates that the student was assigned to regular education classes to the maximum extent appropriate for this student based upon the student's unique needs and circumstances. In addition, the life skills classes were also appropriate for the student based upon the student's unique needs. It is clear that the school district appropriately followed the LRE mandate of IDEA.

The testimony of school district staff was more credible and persuasive than the testimony of the student's mother with regard to this issue. This conclusion is made based upon the demeanor of the witnesses, as well as the following factors: the student's mother provided inconsistent testimony on cross-examination with regard to whether there were nonverbal students in the life skills classroom. In addition, the documentary evidence shows that the student's mother agreed to switch the student from hybrid math to functional math in March of 2024. This inconsistency impairs the credibility and persuasiveness of the mother's testimony. Moreover, the parent's position on this issue is supported by general stereotypes and prejudice about students with certain disabilities rather than specific data or facts about this student's cognitive ability and this student's unique individual circumstances.

It is concluded that the parent has not proven that the school district violated the least restrictive environment provision of IDEA by assigning the student to certain classes in the life skills setting.

2. Whether the parent has proven that the school district denied a free and appropriate public education to the student because of an actionable procedural violation by assigning an inappropriate paraprofessional to the student?

The parent contends that the school district denied a free and appropriate public education to the student by assigning an inappropriate person to serve as the student's 2:1 paraprofessional assistant. The parent contends that this is an actionable procedural violation of IDEA. The school district contends that the assignment of the aide is not a violation of IDEA.

The record evidence does not support the parent's contention with regard to the alleged procedural violation. The case law holds that a local education agency is afforded broad discretion to assign personnel to implement a student's IEP, and that school districts are not required to honor a parent's request for a particular teacher or related service provider. In this case, the focus of the parent's complaint is that the student and paraprofessional had a personality conflict and that they did not mesh well together.

It is important to note that the student struggled in general education classes without modification of the curriculum and the assistance of a 2:1 paraprofessional assistant, but with modifications to the curriculum and a 2:1 aide, the student was able to access the curriculum. It is clear that the student required a 2:1 aide as a related service in regular education classes in order to benefit from the regular education classes. Accordingly, a 2:1 aide is an appropriate and necessary related service to meet the unique needs of this student. The parent does not contest the need for a 2:1 assistant in regular

education classes. Instead, the mother and the student do not like the particular 2:1 aide assigned to the student. Parent cites no legal authority, and indeed there is no authority, to support an argument that it is a procedural violation of IDEA for a school district to assign an aide that a parent or student does not like. The argument is completely lacking in merit, and it is rejected.

The school district took the concerns seriously. The Assistant Principal investigated the complaints by the student and parent regarding the paraprofessionals but found no corroboration of the complaints. Even if there had been corroboration, however, the allegations would not amount to a procedural violation of IDEA.

Moreover, the record evidence reveals that the student was reluctant to accept assistance from any paraprofessional or anyone else in a classroom other than the lead teacher. It is significant to note that the student also had difficulty with other paraprofessionals, including those assigned to the life skills classroom. Also, it appears that the student's mother had confused the various paraprofessionals that work with the student and which ones the student had issues with.

Significantly, the student's mother instructed the student to ignore the student's paraprofessional. The parent can't have it both ways; the parent cannot both instruct the student to ignore the aide and then file a due process complaint to the effect that the aide is not providing appropriate assistance to the student.

The evidence in the record also demonstrates that the 2:1 aide assigned to the student, as well as the other paraprofessionals who work with the student, were appropriately trained by a board-certified behavioral analyst who works with the school district. In addition to the initial training, the BCBA

also consulted periodically with the paraprofessionals. To the extent that it may be the parent's contention that the paraprofessionals who work with the student were not properly trained, there is no evidence to support the contention.

The record evidence does not establish that the school district committed any type of procedural violation with regard to the assignment of the student's 2:1 aide. A personality conflict does not constitute a violation of the law. Moreover, even assuming *arguendo* that the parent had established a procedural violation, it is clearly harmless because there is no evidence in the record that the aide adversely affected the student's education or significantly impaired the parent's participation rights.

The testimony of the school district witnesses was more credible and persuasive than the testimony of the student's mother with regard to this issue. This conclusion is made based upon the demeanor of the witnesses, as well as the following factor: the parent's testimony indicated confusion concerning which paraprofessionals were allegedly inappropriate. See also the credibility analysis in the previous section of this decision.

It is concluded that the parent has not proven that the school district denied a free and appropriate public education to the student by committing an actionable procedural violation concerning the assignment of a paraprofessional.

ORDER

Based upon the foregoing, it is HEREBY ORDERED that all relief requested in the due process complaint is hereby denied. The complaint is dismissed.

IT IS SO ORDERED.

ENTERED: February 16, 2026

James Gerl

James Gerl, CHO
Hearing Officer