

This is a redacted version of the original decision. Select details have been removed from the decision to preserve 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. 27276-22-23

Child's Name

S.C.

Date of Birth

[redacted]

Parents

[redacted]

Counsel for Parents

Jennifer M. Bradley, Esquire
1290 Broadcasting Road – Suite 4
Wyomissing, PA 19610

Local Educational Agency

Hempfield School District
200 Church Street
Landisville, PA 17538

Counsel for LEA

Mark W. Cheramie Walz, Esquire
331 East Butler Avenue
New Britain, PA 18601

Hearing Officer

Michael J. McElligott, Esquire

Date of Decision

04/25/2023

Introduction

This special education due process hearing concerns the educational program and placement of S.C. ("student"), a student who resides in the Hempfield 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 as a student identified with autism and a speech and language impairment.

Parents claim that the District, in general, failed to implement programming designed to provide a free appropriate public education ("FAPE") under IDEIA. Specifically, parents assert that staffing issues in the student's classroom over the 2020-2021 and 2021-2022 school years interfered with the District's ability to provide appropriate instruction and supports to allow the student to benefit from significant learning. Parents also bring an analogous denial-of-FAPE claim under the Rehabilitation Act of 1973, particularly Section 504 of that statute ("Section 504").³

The parents seek a compensatory education remedy for alleged deprivations of FAPE from November 2020 through the end of the 2020-

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").

³ It is this hearing officer's preference to cite to the pertinent federal implementing regulations of Section 504 at 34 C.F.R. §§104.1-104.61. *See also* 22 PA Code §§15.1-15.11 ("Chapter 15").

2021 school year, and the 2021-2022 school year over August – December 2021. In December 2021, the parents unilaterally enrolled the student in a nearby school district and paid tuition for that enrollment for the remainder of the 2021-2022 school year. Parents request reimbursement for the cost of the unilateral enrollment and 2022-2023 school years.

The District counters that its programming over the period of parents' claims, in general and in the specific areas highlighted by the parents, was appropriately implemented and that staffing issues in the classroom did not interfere with the student receiving the benefit of significant learning.

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

Issues

1. Did the District deny the student FAPE over the relevant periods of the 2020-2021 and/or 2021-2022 school years?
2. If not, is the student entitled to compensatory education for the period November 2020 – December 2021, and/or are parents entitled to reimbursement for their unilateral enrollment of the student in another school district over the period December 2021 – June 2022?

Witness Credibility

The credibility of witnesses' testimony in this matter is a critical factor in determining whether or not the District met its obligations to provide FAPE to the student. All witnesses testified credibly and a degree of weight was accorded to each witness's testimony. The matrix of each witness's testimony, and the weight accorded to each, are addressed below in the findings of fact.

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 came to the District from early intervention programming. (School District Exhibit ["S"]-1, S-2).
2. In June 2020, the student's individualized education program ("IEP") team crafted the IEP for implementation at the District. (S-3).

2020-2021/[redacted]

3. The June 2020 IEP was in place at the outset of the 2020-2021 school year, the student's [redacted] year. (S-3).
4. The June 2020 IEP included current levels of academic/functional performance, including exhibiting use of signs/verbal approximations/augmentative communication for manding (requesting) 28 objects and for tacting (identifying/labeling) 24 objects. The June 2020 IEP also included present levels for speech and language ("S&L"), focused on verbalizations, and socialization. (S-3 at page 7).
5. The June 2020 IEP included seven goals, one each in functional communication, manding, imitation, following one-step directions, verbalization, tacting/labeling, and visual-motor/fine motor skills. (S-3 at pages 12-19).
6. The June 2020 IEP would be implemented in special education settings (autism support) for 85% of the school day. (S-3 at pages 22-24).
7. In August 2020, the student returned to in-person schooling after the statewide school closure as a result of the COVID-19 pandemic. The student's June 2020 IEP was revised to reflect that the student would be exempt from the District mask mandate. (S-4).

8. The student's autism support class included eight students, including two who participated in the class remotely.⁴ Adults in the classroom included a special education teacher, a classroom paraprofessional, and three personal care assistants. (P-1 at page 7; Notes of Testimony ["NT"] at 142-211, 267-359, 365-433).⁵
9. The student's programming was centered on verbal behavior, where instruction is geared toward functional skills and communication, such as manding (requesting), tacting (identifying/labeling), imitation, listening, social skills/play, and vocalization. (S-6; NT at 142-211, 439-538).
10. Utilizing District guidelines, the District considered the autism support classroom to be fully staffed. Certain aides had been in the autism support classroom for prior school years. There were certain aides in the classroom who were new to the classroom; some were not successful in the role. The District found replacing aides, when necessary, to be difficult as a result of employment dynamics and

⁴ There was some fluctuation over the course of the 2020-2021 school year in terms of the number of students, ranging between 6-8 students. For most of the school year, the student population was eight students. (NT at 142-211, 267-359, 365-433).

⁵ In the District's autism support classroom, paraprofessionals and personal care assistants share the same duties. Therefore, in these findings of fact, these professionals will be referred to as "aides". (NT at 543-618).

shortages related to the COVID-19 pandemic and school closure. (NT at 267-359, 365-433, 543-618).

11. The classroom teacher and aides were trained in the verbal behavior program. The verbal behavior program at the District was part of a statewide initiative to implement and monitor the verbal behavior model. As part of the initiative, an internal coach (a District employee) and an external coach (a professional outside of the District) are involved in training, oversight, and professional development in the verbal behavior program within the classroom. (NT at 267-359, 365-433, 439-538).

12. In September 2020, at the outset of the school year, the classroom teacher administered a verbal behavior assessment. The student scored 38 points on the assessment, with exhibition of many milestones at the 0-18 months level, and scattered exhibition of milestones at the 18-30 months and 30+ months levels. (S-6 at pages 1,7; NT at 142-211, 439-538).

13. In October 2020, the classroom teacher in the autism support classroom left the District. (P-1 at page 5; S-16 at page 1; NT at 42-135).

14. Shortly after the departure of the classroom teacher in October 2020, two aides in the classroom who had been part of the classroom

from prior school years inquired about assuming teaching duties under emergency certifications. The District, through a special education administrator, indicated that the aides did not meet qualifications for an emergency certification. (NT at 267-359, 365-433, 543-618).

15. The District had difficulty finding a long-term substitute teacher for the autism support classroom. (NT at 267-359, 365-433, 543-618).

16. The District special education teacher who served as the verbal-behavior internal coach would often be in the classroom for instruction, monitoring, and directives to aides. (NT at 267-359, 365-433, 439-538, 543-618).

17. In October 2020, the student's IEP team met to revise the student's IEP, indicating that the team would assess levels of academic performance on the District's kindergarten curriculum. Additionally, the IEP would add specially-designed instruction geared toward improvement in the student's activities of daily living (teeth brushing, toileting). (S-7).

18. In November 2020, the verbal behavior "barriers" assessment was administered to the student to gauge the level and areas of difficulty in learning/skill-development. The student's results indicated difficulty in manding (requesting), intraverbal repertoire, social skills,

conditional (as opposed to simple) discrimination, and sensory issues. (S-6 at pages 2, 7; NT at 142-211, 439-538).

19. In November 2020, the verbal behavior assessment indicated continued improvement in milestone achievement, with the student earning 63 points. The student showed particular strengths in academic areas (reading, writing, and mathematics). (S-6 at pages 1, 7-15; NT at 142-211, 439-538).

20. In January 2021, the student's IEP team met to revise the student's IEP. (S-8, S-16 at page 4).

21. In the January 2021 IEP, the student continued to show similar barriers to learning/skill development as in November 2020. (S-6 at page 7, S-8 at pages 13-14).

22. The January 2021 IEP indicated that the student had made significant progress in S&L, resulting in a revision of IEP goals. The District occupational therapist indicated that the student was also making progress on visual-motor/fine motor skills. (S-8 at pages 14-15).

23. The S&L goal in the January 2021 IEP was updated. (S-3 at page 12, S-8 at page 20).

24. The goals for imitation, following directions, and tacting in the January 2021 IEP increased the level of goal performance. (S-3 at pages 14-15, 17; S-8 at page 22-23, 25).
25. The January 2021 IEP included new goals in reading, mathematics, and speech intelligibility. (S-8 at pages 27-29).
26. Over the period January – May/June 2021, the student made progress on the S&L, imitation, vocalization, visual-motor/fine motor, mathematics and speech intelligibility goals. (P-6 at pages 1, 3, 5, 7, 11).
27. Over the period January – May/June 2021, the student made minimal progress on the manding, following directions, tacting goals (P-6 at page 2, 4, 6).
28. Progress monitoring on the reading goal in the January 2021 IEP occurred only in March 2021 without any further progress monitoring in the 2020-2021 school year. The March 2021 entry indicated 100% achievement with decoding and comprehension but lack of instructional control led the assessor to indicate that the progress should be considered “inconsistent” and “slow”. (P-6 at pages 9-10).

29. In late May 2021, near the end of the 2020-2021 school year, a new classroom teacher joined the classroom. (P-1 at page 12; NT at 142-211, 543-618).

30. The two classroom aides indicated in their testimony that staffing issues in the classroom in the [redacted] year led to very little instruction and the needs of students in the classroom being addressed in only a minimal way and, at times, not at all. They testified that concerns shared with building-level administrators and other educators in the building were not addressed. They testified that the District teacher/verbal-behavior internal coach was not regularly in the room for instruction. The tenor of these witnesses for the [redacted] year, over the period October 2020 – May 2021, was one of professional frustration, feeling under-valued and overwhelmed, and being unable to provide the instruction/care that they felt was required for the students in the classroom. (P-3, P-4; NT at 217-254, 267-359).

31. The District special education teacher/verbal-behavior internal coach indicated in her testimony that she was regularly in the classroom and that instruction and care of the students was never an issue for any of the students in the classroom. (NT at 439-538).

32. In weighing the testimony of the aides and the District teacher/internal coach, the factual mosaic of conditions in the

classroom in the [redacted] classroom (related to staffing) lies somewhere between the two positions. The aides' testimony cannot be fully credited— instruction and classroom conditions were not as dire as portrayed in their testimony. Likewise, the testimony of the teacher cannot be fully credited—instruction and classroom conditions were clearly negatively impacted by deficiencies of classroom staffing. (NT at 267-359, 365-433, 439-538).

33. Daily staffing issues for the classroom, including staffing of aides and day-to-day substitute teachers, is handled by building-level administration. The District special education administrator testified that she had no indication from anyone, whether other administrators or District staff. This testimony is credited. (NT at 543-618).

2021-2022/[redacted]

34. The IEP with the January 2021 revisions was in effect for the outset of the 2021-2022 school year, the student's [redacted] grade year. (S-8).
35. The teacher who was hired at the end of the prior school year was the classroom teacher for the [redacted] grade year. (NT at 142-211, 543-618).

36. There is no progress monitoring in the record for the fall of 2021.
37. The autism support classroom included seven students. Adults in the classroom included the teacher and three aides. (NT at 142-211, 267-359, 365-433).
38. The two aides who had worked in the classroom over the prior school years continued to be in the classroom. The other aide position was not always staffed, or was not staffed with personnel who were as accomplished as the other two aides. (NT at 142-211, 267-359, 365-433).
39. Into the fall of 2021, the frustration of the aides continued to grow and they voiced to the teacher that they may leave their positions. The classroom teacher testified that staffing issues were a concern for her from the beginning of the school year; this concern increased markedly when the aides indicated they may be leaving their positions. (NT at 142-211, 267-359, 365-433, 543-618).
40. In late October 2021, in conversations with fellow parents and the classroom aides, the parents became aware of the staffing issues in the autism support classroom. (P-1 at pages 21-25; S-16 at page 11; NT at 42-135, 543-618).

41. Both of the longer-term aides departed the District in October/November 2021. (P-3, P-4; NT at 267-359, 365-433).
42. In early November 2021, the District communicated with parents that the S&L therapist, who had been working with the student in [redacted] and the current school year, would be leaving the District. (P-2).
43. Throughout November 2021, the parents met with the District to share their concerns about staffing. They also began to investigate a placement outside of the District. (NT at 42-135, 543-618).
44. By mid-December 2021, the parents had secured a placement of the student in an autism support classroom in a nearby school district and formally withdrew the student from the District. The parents paid out-of-pocket the tuition rate for the nearby school district to secure the placement of the student. (S-9; NT at 42-135, 217-254, 543-618).
45. In December 2021, progress monitoring was updated by the District on six of the student's ten goals. (P-6).
46. In December 2021, the student made some degree of progress on the manding, following directions, vocalizations, visual-motor/fine motor, reading, and mathematics goals. (P-6 at pages 2, 4, 5, 7-10).

47. In December 2021, there was no updated progress monitoring on the S&L, imitation, tacting, and speech intelligibility goals. (P-6 at pages 1, 3, 6, 11).
48. In mid-December, the student's IEP team at the nearby school district met to craft the student's IEP. (S-10; P-7).
49. In late December 2021, the parents solicited from the two former aides letters regarding their views of the staffing issues over the student's [redacted] and [redacted] grade years. (P-3, P-4; NT at 42-135, 267-359, 365-433).
50. In December 2021/January 2022, the student began to attend the autism support classroom in the nearby school district. (S-10; NT at 42-135, 217-254).
51. In the December 2022 IEP, as part of the student's present levels of academic/functional performance, the student scored 59 points on the verbal behavior assessment administered by the autism support teacher at the nearby school district. An administrator from that school district testified that she felt the one-hour assessment was very brief given the needs to administer the assessment and to gauge the student's progress on various milestones. (S-10 at pages 18-19, S-15; NT at 217-254).

52. The December 2021 IEP (including revisions into the winter/spring 2022) contained seven goals, one each in mathematics, visual-motor/fine motor skills, reading comprehension, speech intelligibility, tacting, listener response, and manding. (S-10 at pages 36-41).
53. The December 2021 IEP would be implemented in special education settings (autism support) for 78% of the school day. (S-10 at pages 49-51).
54. Progress monitoring at the end of the 2021-2022 school year indicated that the student made progress on the mathematics, visual-motor/fine-motor, speech intelligibility, tacting, listener response, and manding goals. The student did not make progress on the reading comprehension goal. (S-11).
55. Given enrollment demands for residents at the nearby school district, it could not continue the student's placement in its autism support classroom. The student returned to the District for instruction in the 2022-2023 school year. (S-12; NT at 42-135).

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)).

Here, the District provided FAPE to the student in the 2020-2021 school year ([redacted]) but did not provide FAPE to the student in the 2021-2022 school year ([redacted]). In each school year, the parents’ concerns, and consequently the District’s defense, are both rooted in classroom staffing and its potential impact on instruction/services. Regardless of the “why?” involved in the provision/denial of FAPE, it is the student’s progress, as evidenced by the documentary progress monitoring, which is the dispositive evidence.

2020-2021/[redacted]. The June 2020 IEP, and its January 2021 revisions, is appropriate, and the student made progress over the course of the 2020-2021 school year under the terms of those IEPs. The student made progress in almost all goal areas, including an increase in certain goal-performance and the inclusion of new academic goals in January 2021. (Findings of Fact 19, 22-26, 28). There were some areas (manding, following directions, tacting) where the student did not make progress (Findings of Fact 27, 28). Overall, however, the documentary evidence on this record weighs decidedly in favor of a finding that the student made progress in the form of significant learning as a result of the District's programming over the 2020-2021 school year.

This is not to minimize the impact of the staffing issues which are set forth on this record, and, indeed, the record is clear that there were staffing issues. But as indicated in the findings of fact above, the impact of those staffing issues on the student's learning lies somewhere between the aides' views that staffing seriously impeded instruction/services and the teacher/internal-coach's view that instruction/services were largely unaffected by staffing issues. (Findings of Fact 30-32). Ultimately, though, there is clear evidence that, regardless of how those issues played out, the student gained the benefit of significant learning in the 2020-2021 school year.

2021-2022/[redacted]. The January 2021 IEP revisions carried over into the 2021-2022 school year and guided instruction in the student's [redacted] grade year. The goals, instruction, and services outlined in the January 2021 IEP continued to be appropriate, but omissions in the fall of 2021, again related to progress monitoring, amount to a denial of FAPE. Simply put, when one asks the question "how did the student progress in the fall of 2021?", on this record, there is no answer to the question until early December (one week prior to the student's withdrawal from the District). Progress monitoring did not take place over the period September – November 2021. (Finding of Fact 36). And even in early December 2021, when 11th-hour progress monitoring was collected, it was incomplete. (Findings of Fact 45-47). Over the fall of 2021, there is no way to gauge the learning of the student— significant, *de minimis*, or otherwise—on the evidence presented at the hearing. And there was certainly no contemporaneous progress monitoring over those months. This is a denial of FAPE.

Voluminous testimony was developed about the staffing issues in the classroom in the fall of 2021 and, indeed, this was the precipitating information for parents' concern and ultimate decision to withdraw the student from the District. (Finding of Fact 39, 40, 43). Once again, it should not be viewed as de-valuing that testimony. But it is the progress monitoring—or, more precisely, the lack of progress monitoring—that tells

the tale and is the grounds for finding that the student was denied FAPE in the fall of 2021.

Accordingly, compensatory education will not be awarded for the 2020-2021 school year. Compensatory education will be awarded, as set forth below, for the period August 2021 through mid-December 2021.

Section 504/Denial-of-FAPE

Section 504 and Chapter 15 also require that children with disabilities in Pennsylvania schools be provided with FAPE. The provisions of IDEIA/Chapter 14 and related case law, in regards to providing FAPE, are more voluminous than those under Section 504/Chapter 15, but the standards to judge the provision of FAPE are broadly analogous; in fact, the standards may even, in most cases, be considered to be identical for claims of denial-of-FAPE. (*See generally P.P. v. West Chester Area School District*, 585 F.3d 727 (3d Cir. 2009)).

Therefore, the foregoing analysis is adopted here— the District provided FAPE to the student in the 2020-2021 school year and denied the student FAPE in the 2021-2022 school year, specifically over the period August 2021 through mid-August 2021.

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, parents seek quantitative compensatory education. (NT at page 29).

Here, the denial of FAPE is rooted in the lack of/incomplete progress monitoring over the period August 2021 to mid-December 2021, prior to the student's withdrawal from the District. The testimony of the special education teacher is credited in terms of how she worked with the student (and other students in the classroom), even with the staffing concerns in the background. (NT at 142-211). And the student arrived at the nearby school district in mid-December with verbal-behavior milestone accomplishments and academic skills. So while there is no concrete sense of the student's progress, there was education unfolding over the fall of 2021.

Taking these factors into consideration, approximately thirteen school weeks passed over late August 2021 through mid-December 2021 (implicitly accounting for days when school was not in session due to teacher in-service

and the Thanksgiving holiday). This thirteen school weeks amounts to approximately 65 days of schooling. Thus, as a matter of equity, the student will be awarded 65 hours of compensatory education.

Parents' Unilateral Enrollment - Reimbursement

Parents claim that they should be reimbursed for their unilateral placement of the student in a nearby school district for the period December 2021 through the end of the 2021-2022 school year.

Long-standing case law and the IDEIA provide a framework for the potential reimbursement to parents for a unilateral enrollment if a school district has failed in its obligation to provide FAPE to a child with a disability (Florence County District Four v. Carter, 510 U.S. 7 (1993); School Committee of Burlington v. Department of Education, 471 U.S. 359 (1985); *see also* 34 C.F.R. §300.148; 22 PA Code §14.102(a)(2)(xvi)). This framework involves the three-step Burlington-Carter analysis. (34 C.F.R. §§300.148(a),(c),(d)(3); 22 PA Code §14.102(a)(2)(xvi)). The Burlington-Carter analysis will be utilized to examine the parents' claim for reimbursement for their unilateral enrollment in a nearby school district.

In the three-step Burlington-Carter analysis, the first step is an examination of the school district's FAPE obligations to see whether the school district has met those obligations. If the school district has failed in those obligations, step two of the Burlington-Carter analysis involves

assessing the appropriateness of the placement or services privately undertaken by the parents as a result of the school district's denial of FAPE. At step three of the Burlington-Carter analysis, the equities must be balanced between the parties to see if the equities might, or should, impact any reimbursement remedy.

Here, at step one of the Burlington-Carter analysis and as set forth above, the District denied the student FAPE through its lack of/incomplete progress monitoring in the fall of 2021. At step two of the Burlington-Carter analysis, the parents' unilateral placement of the student in an autism support classroom was appropriate. The December 2021 IEP was appropriate, and the student made progress under the terms of the IEP, benefiting from significant learning in almost every goal area. (Findings of Fact 48, 52-54).⁶ At step three of the Burlington-Carter analysis, the equities do not weigh against, or in favor of, either party; thus, there is no impact on the reimbursement.

Accordingly, the parents have met their burden of proof that they should be reimbursed for their unilateral placement of the student in an

⁶ The District argues, tangentially, that parents should not be reimbursed for their unilateral placement of the student because the placement was with another public school district. This argument is unavailing. To the extent that a parent must find, unilaterally and at private expense, an educational placement for a student in the face of a denial of FAPE by a school district, it is the denial-of-FAPE, the burden borne by parents, and appropriateness of the resulting placement that are the crux of a claim for reimbursement, not the nature of the placement that parents had to resort to.

autism support classroom for the relevant period of the 2021-2022 school year.

•

ORDER

In accord with the findings of fact and conclusions of law as set forth above, the Hempfield School District denied the student a free appropriate education in the fall of 2021. As set forth above, this finding is the basis for reimbursement for the parents' unilateral enrollment of the student in a nearby school district for the period from mid-December 2021 through the end of the 2021-2022 school year.

Additionally, the student is awarded 65 hours of compensatory education.

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

04/25/2023