



### **Student's Requested Relief**

Student sought the following relief against the District for these alleged violations:

1. An order to compel the District to develop and implement an appropriate Individualized Education Program (IEP) with appropriate supports.
2. An order to compel the District to continue to provide special education instruction and services in the \*\*\* setting at a level equal to or greater than the level Student was receiving during the 2022-2023 school year.
3. An order to compel the District to revise its approach in the \*\*\* class to provide Student with an appropriate education individualized to Student's unique needs, characteristics, and circumstances.

### **The Due Process Hearing**

The due process hearing began as scheduled on March 20, 2024. The hearing was conducted using the virtual Zoom platform. The hearing was open to the public, and Student did not attend. Each party was allowed eleven and one-half hours for the presenta



14. In the October \*\*\*, 2022 ARD, during Student's \*\*\* grade year, the District continued to recommend 90 minutes of reading instruction in the \*\*\* setting. (JEx 14-87; T p. 52:15-55, 55:2-56).
15. Based upon the additional testing by \*\*\*, the District's Licensed Specialist in School Psychology (LSSP), presented to the ARD as the November \*\*\*, 2022 Specific Learning Disability Report, Student had an overall IQ of \*\*\* and met special education eligibility in the areas of dyslexia and written expression in addition to the prior eligibilities of SLD in basic reading, reading fluency and OHI for ADHD. (JEx 15-116, Tr. p.377; JEx 9-51-52; Tr. p. 43:8-44).
16. The LSSP who conducted the November 2022 evaluation indicated that the finding of eligibility for dyslexia related in part to a change in the law, which allowed a dyslexia finding based merely on difficulties in basic reading skills or reading fluency, and in part due to the results



33. At the end of the in the grade 4 student as a result of the 4th grade (101:13-102; T4485 4. pp

101:13-102; T4485 4.

T4485.4. pp













safeguards. The deliberations of the ARD meetings indicate that the Parents fully participated in the

the goals and objectives set forth in the proposed IEP, or make progress in reading.

The evidence supports Student's claim that Student was denied FAPE because Student's proposed August \*\*\*, 2023 IEP would not be appropriate.

## **V. Conclusion**

When looking at the totality of the Michael F. factors as applied to the proposed IEP at issue here, the evidence showed that the IEP

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