

**STATE OF MAINE**  
**SPECIAL EDUCATION DUE PROCESS HEARING**

May 11, 2005

Case No. 05.018H, *Parents v. School Administrative District #3*.

REPRESENTING THE FAMILY:            James Breslin, Advocate

REPRESENTING THE SCHOOL:         James Schwellenbach, Esq.

HEARING OFFICER:                    Peter H. Stewart, Esq.

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**INTRODUCTION**

This special education due process hearing has been conducted pursuant to state and federal special education law, 20-A MRSA 7207 *et seq.*, and 20 USC 1414 *et seq.*, and the regulations accompanying each.

The mother of the student filed a request for this due process hearing on February 9, 2005, on behalf of her son, a xx year-old student (DOB: xx/xx/xxxx).<sup>1</sup> The student lives with his parents within SAD #3 and attended school in SAD #3 through the xx grade<sup>2</sup>. [sic] When he was ready to enter high school in the fall of 2003, SAD #3 did not have a life skills program appropriate for the student and, consequently, the student was enrolled in the high school life-skills program operated by SAD #34, a neighboring school district.

Since the fall of 2003, SAD #3 has developed a high school life-skills program of its own, has convened a pupil evaluation team (PET) meeting to prepare a [sic] individual education plan (IEP) for the student, and has proposed that the student return to SAD #3

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<sup>1</sup> The student's family filed an earlier request for a due process hearing, in December of 2004, making arguments related to those asserted here. The family withdrew the earlier proceeding before the hearing occurred, after a series of postponements, and then filed this "new" request shortly thereafter.

<sup>2</sup> The student completed xx grade in June of 2003, and began high school in September of 2003. He is currently in the xx grade at SAD #34 .

for his education. In the fall of 2004, upon learning of the school's proposal to return the student to SAD #3, the family made its first request for a due process hearing, thus triggering the "stay-put" provisions of the IDEA and state special education law. The student remains in the out-of-district placement and stay-put remains in place.

The family's argument is straightforward: the IEP prepared by SAD #3 for the student would not provide him with a free and [sic] appropriate public education (FAPE) if implemented as written by SAD #3 because it does not require that the student use real money while learning shopping and money-handling skills in the life skills program at SAD #3. The school asserts that the student's IEP, if implemented by SAD #3 as written, would provide him with FAPE, and specifically contends that he can learn shopping and money-handling skills using "mock" currency, as other, similar students have in the past.

At the hearing, two witnesses testified on behalf of the family: Linda Mazzola and the student's mother. The school also presented two witnesses: James Kilbride and Corinne Runnells. Documents identified as School's Exhibits 1-57 and 1a-11 were admitted into evidence, as was the Dispute Resolution Request Form (DRRF) filed with the Maine Department of Education by the family on February 9, 2005. The parties chose to submit written closing arguments, the last of which was received by the hearing officer on April 15, 2005. The record closed on that date.

## **ISSUE**

The single issue to be resolved at the hearing is: would the current IEP, which does not require the use of real currency in the shopping and shopping-related activities portion of the IEP, provide the student with a free and appropriate public education if implemented as written by SAD #3?

## **FINDINGS OF FACT**

1. The student (DOB: xx/xx/xxxx) lives with his family in SAD #3 and is eligible for special education services under the category of multiple disabilities. In March of 2005, when the student was xx years old, he was performing at early elementary levels in reading, writing and mathematics,

and was below his grade level in communication and motor/sensory skills. He attended schools within SAD #3 through xx grade, school year 2002-2003. Because SAD #3 did not operate a high school program appropriate for the student at that time, the student was enrolled in the high school life-skills program operated by SAD #34, a neighboring school district, for his xx grade year on a tuition basis. Currently, the student is in his xx grade year in SAD #34. (Dispute Resolution Request Form; testimony of student's mother; R at 1-A)

2. The student's activities in the life-skills program included working with real currency, both practicing the handling of real currency in the classroom and the school store and cafeteria as well as shopping with real currency in local stores. (Testimony of mother.)
3. By the fall of 2004, SAD #3 had developed a life-skills program in its high school and proposed that the student return to SAD #3 to attend that program. The family opposed this transfer to SAD #3 and wanted the student to complete the school year in the life-skills program operated by SAD #34. The family requested a due [sic] hearing in the fall of 2004, withdrew it prior to the hearing, and shortly thereafter filed another request which lead [sic] to this hearing. (Testimony of mother)
4. The 3/21/05 IEP developed for the student by a PET, intended to be implemented in the life-skills program operated by SAD #3, includes a section calling for the student to have shopping and shopping-related activities as part of his instruction. The IEP does not specify that the currency used in these activities be actual currency. In practice, the student will use mock currency during these activities. The student can bring real currency to school and use that currency in vending machines and the school cafeteria and store, as well as on field trips taken once or twice a month. (Testimony of Kilbride and Runnells, R at 1-F)
5. Linda Mazzola, the family's witness, is an experienced special educator and speech/language professional. She reviewed the student's IEP as provided to her by his mother and discussed the student's history with his

mother. She neither met nor interviewed the student. Her opinion was that forcing the student to change from using real currency to using mock currency would impede the student's progress in this area. (Testimony of Mazzola.)

6. James Kilbride is the Director of Pupil Services for SAD #3. He has worked in special education, and specifically in the life-skills/alternate education area, since the mid-1970s. He developed and supervised a life-skills program for a Maine school administrative unit from the mid-1980s until he assumed his current position in SAD #3 in 2003. Nearly 200 students, some with higher and some with lower skill levels than the student here, were served in this program over those years. Mock currency was used in this program to teach both mathematics and shopping skills in the classroom. Most of the students served in this program were able to transfer the skills learned with mock currency to situations outside the classroom that required the use of real currency. (Testimony of Kilbride)
7. Mr. Kilbride has been primarily responsible for the design and development of the life-skills program at SAD #3. The school would implement the shopping-related activity portion of the IEP by using mock currency in the classroom. The student would have the opportunity to bring real currency from home and use it, under supervision and with support as necessary, in the school store, cafeteria and vending machines as well as during out-of-school excursions into the community. (Testimony of Kilbride)
8. Corinne Runnells teaches in the life-skills program at Mount View High School in SAD #3. She is certified in Maine as a K-12 special education teacher and has approximately 15 years experience in the classroom. She has not yet worked with the student, but she is familiar with him and has reviewed his records. She has had success using mock currency to teach money skills and mathematics to students similar to this student. Ms. Runnells has observed her students successfully transfer skills learned in

the classroom with mock money to situations outside the classroom that require the use of real money. (Testimony of Runnells)

9. The simulated coins that Ms. Runnells would use in the SAD #3 life-skills program with the student are made of plastic and are therefore not as heavy as real coins, but otherwise are nearly identical. They come in the same denominations as real coins, and are the same shape, diameter, thickness and color. The mock bills are somewhat smaller in size, but otherwise are of the same appearance as real currency. The student would have the opportunity, with the supervision of school staff, to use his own real money outside the classroom, in the school cafeteria, store and vending machines on an almost daily basis, as well as on the field trips that occur once or twice a month. If the student experienced any difficulty in using his own money, school staff could assist as necessary, both to help and to teach. However, she does not anticipate that the use of simulated currency in the classroom will cause the student to regress in any way regarding his skill in using real money. (Testimony of Runnells)

## **DISCUSSION**

The parties to this hearing have resolved many of the issues that existed at [sic] beginning of these proceedings. The single issue that remains is whether the IEP developed for the student, to be implemented in the life-skills program at SAD #3, provides the student with a free and appropriate public education, as required by state and federal special education law. The family contends that the IEP developed by SAD #3 would not provide the student with FAPE, relying exclusively on the fact that the IEP does not expressly require the use of real money, as opposed to mock or simulated currency, in the portion of the student's program dealing with shopping and shopping-related activities. The family contends that the use of mock currency would, at best, impede the student's progress in learning to handle money and shop effectively and could, in fact, cause the student to regress in this area. The family asks the hearing officer

to direct the school to modify the IEP so that it expressly requires the use of real currency in the shopping and shopping-related activities portion of the student's program.

The school flatly disagrees with the family on this issue. The school contends that [sic] IEP it has developed, and proposes to implement, for the student would provide him with a free and appropriate public education in compliance with the requirements of state and federal law. The school asserts that the school staff members who administer and teach within the life-skills program at SAD #3 have had extensive - and successful - experience with the use of mock currency in similar programs with students similar to the student in this matter. The school does not anticipate that the use of simulated money, or the movement between real and simulated money, will present any difficulties to the student; rather, the school's experience is that student's similar to the student in this matter typically can transfer the skills learned with mock currency to situations which require the use of real money. Further, the school points out that the student will have daily opportunities to put the lessons learned in the classroom with mock currency to use in the school cafeteria, school store and vending machines in school. The school asks the hearing officer to find that the IEP the PET has developed would provide the student with a FAPE if implemented by SAD #3 as currently written.

The hearing officer concludes that the IEP would provide the student with a FAPE if implemented by SAD #3 as currently written. First, the evidence produced by the family did not establish facts sufficient to support its primary claim: that a shift from the real currency used by the student in his SAD #34 program to the simulated currency SAD #3 proposed to use in its life-skills program would be detrimental to the student. The family relied heavily upon the testimony of Ms. Mazzola to support this claim. However, she never interviewed the student. She never observed the student either in school or in any other situation.<sup>3</sup> She did not meet with or discuss the student with staff from the high school life-skills programs of either school involved in this matter. Further, she did not offer examples of her experience with other similar students to support her opinion. Given the somewhat superficial nature of her relationship to the

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<sup>3</sup> Indeed, Ms. Mazzola had never met the student, and the only document she reviewed was his IEP. All other information Ms. Mazzola had about the student came from discussions from [sic] the student's mother.

student, it is not surprising that her testimony was and [sic] largely theoretical and speculative in nature. Her opinion that the student would encounter difficulty in transferring skills learned with simulated currency in the classroom to situations involving the use of real currency outside the classroom was unpersuasive.

The testimony of the school's witnesses on this important issue was more informed and, therefore, more powerful. Mr. Kilbride has been a teacher and administrator of alternative education and life-skills programs in several Maine school systems since the mid-1970's. He has developed and designed the life-skills program the student will attend at SAD #3. He testified that he has successfully used mock currency in those programs to teach shopping and money-handling skills to students of a similar skill level to the student in this case. He has directly observed many of those students successfully transfer skills learned in the classroom with mock currency to situations outside the classroom that required the use of real currency. Mr. Kilbride's opinion was that the student would continue to make progress in the area of money-handling and shopping portion of his IEP while using the simulated currency provided by SAD[sic]#3. This conclusion was supported by the testimony of Ms. Runnells, a special education teacher in the life-skills program at SAD #3 with approximately 15 years experience in the classroom. She has successfully taught money skills, using mock currency, to students in school-based life-skills programs. She also has observed her students successfully transferring money skills learned in her classroom with mock currency to situations that require the use of real money. Further, she is familiar with the student, has reviewed his educational records, and testified that he would fit in well in her classroom. She did not anticipate that the student would regress at all as a result of a shift from real to mock currency in the classroom.<sup>4</sup> He would, in her opinion, be a strong student in her class and would benefit from the IEP, including the money-handling and shopping portion, proposed for him in the life-skills program of SAD #3.

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<sup>4</sup> In fact, the student would have daily opportunities to use real currency in the high school at SAD #3. Using his own money from home, the student could buy snacks and school supplies at the cafeteria, school store and vending machines within the school. He would have similar opportunities while on field trips, which occur once or twice each month. School staff would supervise the student and offer assistance and instruction as needed. If the student experienced any difficulty in using real money, those difficulties could be addressed immediately.

The evidence in this case does not support the family's claim that the proposed IEP violates state or federal education law. There was simply no [sic] showing that the failure of the IEP to require the use of real currency in the shopping and shopping-related activities portion of the student's program would be detrimental to the student in any way. The failure of the IEP to require that real currency be used does not render the IEP inappropriate. The hearing officer concludes that the IEP would provide the student with a free and appropriate public education if implemented by SAD #3 as currently written.<sup>5</sup>

### **ORDER**

Because the actions of the school do not violate either state or federal special education law, no order need be issued.

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Peter H. Stewart, Esq.                      date  
Hearing Officer

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<sup>5</sup> While, given this conclusion, it is not necessary to reach the other arguments advanced by the school, the hearing officer notes that the school correctly asserts that choices about which educational methodology to use in a particular case belong to the school, so long as those choices are reasonable. In this case, the choice made by SAD #3 to use simulated currency in the student's program seems quite reasonable to the hearing officer.



## **WITNESS LIST**

### **FOR THE FAMILY:**

Linda Mazzola, Special Education Teacher and Speech/Language Professional  
Student's mother

### **FOR THE SCHOOL:**

James Kilbride, Director of Pupil Services, SAD #3

Corrine Runnells, Special Education Teacher, Life Skills Program, SAD #3

## **DOCUMENTS**

School Exhibits 1-57 and 1a – 11

Dispute Resolution Request Form, 2/9/05

