

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

26.016H – [] & [] v. []

REPRESENTING THE SCHOOL: Isabel Ekman, Esq.

REPRESENTING THE FAMILY: Richard O’Meara, Esq.

HEARING OFFICER: Rebekah J. Smith, Esq.

This hearing was held and this decision issued pursuant to Title 20-A M.R.S. § 7202 et seq., Title 20 U.S.C. § 1415 et seq., and accompanying regulations. The hearing was held on December 8, 11, and 15, 2025, and January 8, 2026, via Zoom videoconference. Present for the entire proceeding were Richard O’Meara, Esq., Attorney for Parents; [], Father of the Student; [], Mother of the Student; Isabel Ekman, Esq., Attorney for the School District; and [], Special Education Director for the School District.

Testifying at the hearing under oath were:

[], the Student’s Father
[], Education Director, [] School
[], Ph.D., Independent Educational Consultant
[], Special Education Director for the School District
[], [] Special Education Teacher
[], Psy.D., [] School Psychologist
[], Independent [], [] Special Education Teacher
[], [] Literacy Specialist
[], the Student’s Mother

I. PROCEDURAL BACKGROUND

The Parents filed a request for a hearing on August 15, 2025. On August 22,

2025, the School District filed a Response to the Parent's hearing request.

On September 3, 2025, a videoconference was convened and on September 14, 2025, a Scheduling Order was issued. On October 9, 2025, a Scheduling Order was issued. On November 21, 2025, both the School District and the Parents filed Pre-Hearing Memorandums.

On November 24, 2025, a prehearing conference was convened and a Conference Order was issued. Also on November 24, 2025, an Order was issued denying the School District's Motion for Judgment on the Pleadings. On January 9, 2026, a Post Hearing Scheduling Order was issued. On January 30, 2026, a final Post Hearing Scheduling Order was issued extending the deadline for closing briefs by agreement of the parties.

The record includes 70 pages of documents submitted by the Parents, identified as P-001 through P-072. The School District submitted 405 pages of documents identified as S-1 through S-405; Appendix A which consists of 112 pages of documents identified as S-A-1 through S-A-112; Appendix B which consists of 493 pages of documents identified as S-B-1 through S-B-493; Appendix C which consists of 92 pages of documents identified as S-C-1 through S-C-92; and Appendix D which consists of 5 pages of documents identified as S-D-1 through S-D-6.

All documents were admitted without objection. The record closed with the Hearing Officer's receipt of each party's closing brief by March 5, 2026.

II. ISSUES

The issues for hearing are as follows:

Did the School District offer the Student an IEP for the 2025-2026 school year that is reasonably calculated to provide the Student with a free appropriate public education? If not, what is an appropriate remedy?

III. FINDINGS OF FACT

Pre-School (2017-2018) through Third Grade (2021-2022)

The Student attended [] School for two years of preschool. (P-002; S-C-1; Testimony of []) The Student received specialized services for speech and language. (P-001; S-C-1.)

The Student attended Kindergarten through the first part of fifth grade at [] School. While in Kindergarten (2018-2019), the Student was identified for special education services under the category of Other Health Impairment based on a previous diagnosis of Unspecified Anxiety Disorder and received services in social skills, occupational therapy, and consultation services in speech and language. (P-001.) The Student underwent a psychological evaluation in the spring of 2019, conducted by [], Ed.S., NCSP. (P-001.) The evaluation concluded that the Student likely met criteria for Unspecified Anxiety Disorder. (P-006.) The Student participated in Response to Intervention services in reading and math. (P-001.)

In November 2021, while in third grade (2021-2022), the Student participated in testing conducted by []. (P-013.) The Student's reading index score was in the 3rd percentile, his written expression index score was in the 3rd percentile, and his mathematics index score was in the 7th percentile, all in the "very low" range. (P-014.) His word reading and oral reading fluency subtest scores were his lowest, in the 1st percentile, the "extremely low" range. (P-014.) The same month, Ms. [] retested the Student and concluded that cognitively, the Student performed within the low average range overall, demonstrating skills in the 13th percentile when compared with

same-aged peers. (P-021.) He demonstrated strengths in verbal comprehension and visual spatial skills with weaknesses in fluid reasoning, working memory, and processing speed. (P-021.) The Student's phonological processing skills were varied with a relative strength in phonological awareness and a weakness in rapid naming skills. (P-021.) The Student's orthographic ability was measured to be in the 1st percentile when compared with same-aged peers. (P-021.) While the Student still felt nervous at times, his level of anxiety had lessened and appeared to be within a typical range for his age. (P-021.)

Ms. [] concluded that the Student continued to show a pattern of strengths and weaknesses consistent with a Specific Learning Disability. (P-022.) The Student's strengths included verbal comprehension and visual spatial skills while his weaknesses included fluid reasoning, working memory, processing speed, and orthographic ability. (P-022.) Ms. [] recommended that the Student receive direct and specialized instruction in literacy; direct and specialized instruction in math; additional time to complete assignments and assessments; repetition; direct and explicit instruction; and targeted feedback. (P-022.)

While the Student was in fourth grade (2022-2023), [], then Director of [] School, issued a Record Review and Recommendations Report related to the Student. (S-C-1.) Mr. [] concluded in his September 2022 report that testing indicated that the Student had a solid ability to think with language as well as solidly average visual spatial skills. (S-C-2.) Nevertheless, the Student showed significant deficits in working memory, processing speed, and fluid reasoning, hallmarks of specific learning disabilities. (S-C-2.) The Student showed strong characteristics of dyslexia because he was of average intelligence but struggled with both reading and

producing written language. (S-C-2.) Mr. [] felt that the Student's teachers should become familiar with evidence-based curricula for both the teaching of phonemic awareness (such as []'s phonemic awareness curriculum) and for word attack strategies (such as Orton-Gillingham based interventions). (S-C-2.)

Mr. [] opined that in addition to writing specific goals for areas not yet identified as requiring goals, it would be necessary to frequently monitor the Student's reading goals, specifically his oral reading fluency. (S-C-3.) If the Student was not making adequate progress, variables to be considered would include the instruction itself, the frequency of instruction, the intensity of instruction, the duration of instruction, and the experience of the teacher. (S-C-3.)

Summer of 2023

From June 26 through July 21, 2023, the Student was enrolled in a 12-hour weekly program of one-to-one summer tutorial services at the [] School. (P-028.) The Student worked primarily with Mr. [], although he did one session with [], [] School's Education Director. (S-C-91.) The tutoring utilized Lindamood-Bell's Seeing Stars program, an orthographic approach to reading remediation, and elements of an Orton-Gillingham approach, a phonics and rule-based approach to reading instruction. (P-028.) The two tutors provided direct instruction in phonemic awareness because previous testing showed weaknesses in phonological processing. (P-028.)

The Student was engaged and diligent, displayed a positive attitude, and his confidence grew throughout summer school. (P-028.) His significant reading deficits were apparent. (P-028.) He was reading approximately 100 words correctly per minute

at the third-grade level, at about the 30th percentile for third graders. (P-028.) The tutors' report concluded that because the gap between expected and actual performance was widening, the Student required intensive, systematic reading and spelling instruction using a curriculum or an approach with an appropriate scope and sequence of skills. (P-028.) Most importantly, they opined, his teacher must understand reading development and be able to diagnose reading errors and provide proper intervention forms as required. (P-028.) Mr. [] also offered to speak directly to Richard O'Meara, Esq., who was representing the Parents, if it would be helpful. (S-C-12.)

Fifth grade (2023-2024)

The Student began fifth grade at [] School. (Testimony of []) In the fall of 2023, the Parents arranged for the Student to undergo a Diagnostic Academic Assessment and a Diagnostic Reading Assessment with [], M.Ed., a Special Education Consultant who had previously been the director of the [] School. (P-029; S-B-17; Testimony of [].) Ms. [] determined that the Student exhibited both academic strengths and weaknesses. (S-B-23.) She found that the Student had made significant gains in all areas¹ since his initial identification in preschool but there remained some significant holes in the Student's learning due to both his slower development in his earlier years, and the continued presence of significant processing and academic weaknesses. (S-B-23.)

Ms. [] found that the Student showed strong non-verbal abilities, which would be crucial to tap into as new skills were introduced, but his math

¹ Ms. [] appeared to attempt to rescind the conclusion that the Student had made significant gains during five years of programming in the School District during her testimony at hearing without support for the change in her opinion. (Tr. 277 & 301.)

skills were significantly stronger than his reading and writing skills. (S-B-24.) She determined that the Student processed language-based information slowly and did much better with visuals and hands on material. (S-B-24.)

The Student's testing results indicated that his reading skills were significantly below grade level across all aspects of phonology, orthography, and fluency. (S-B-24.) Ms. [] found that the Student did demonstrate some slightly stronger abilities with oral language including both semantic concepts of synonyms and antonyms, and silent reading comprehension when speed was not a factor. (S-B-24.) She also concluded, however, that the Student's slow processing affected him across the board, which led him to become overwhelmed with new information. (S-B-24.) Ms. [] determined that the Student had a high need for movement and did well with frequent motor breaks and appropriate fidgets. (S-B-24.) She also found the Student to be very personable and hardworking. (S-B-24.)

Ms. [] opined that the Student was in need of very targeted and intensive academic remediation in all basic skill areas of reading, writing and mathematics, which would require substantially different programming in a one-to-one setting in order to meet the Student where he was and bring his skills up at a pace that would help him to close the gap between his skills and those of his peers. (S-B-24.) Ms. [] recommended individualized and intensive academic programming that would need to be tested and applied based on concrete data collected and analyzed daily. (S-B-24.)

Ms. [] provided specific instructional recommendations. (S-B-24.) Among those recommendations were use of the Lindamood-Bell LiPS program followed by the Seeing Stars program to remediate the Student's reading decoding and encoding skills.

(S-B-24; P-32.) She recommended a minimum of 1,000 hours of instruction as a starting point but noted that 200 to 300 hours could be required to get the Student closer to grade level, with retesting after 100 hours to demonstrate progress and assess further instructional plans. (S-B-24.) Ms. [] also recommended use of the Lindamood-Bell Visualizing and Verbalizing Program to improve the Student's comprehension and help him learn to visualize what he read; a highly structured reading comprehension language-based program; opportunities to learn and test out handwriting versus typing versus voice-to-text tools; and an occupational therapy evaluation to address handwriting issues as well as self-regulation and sensory concerns. (S-B-25.)

Finally, Ms. [] recommended that the Student have an updated evaluation by a developmental optometrist due to his observed difficulties with maintaining visual attention to print. (P-032.)

On November 15, 2023, the Student's IEP Team met to conduct his annual review. (S-7.) The Written Notice from the meeting, issued on April 9, 2024, indicated that the Team updated goals for the Student, reviewed his current services, increased Specially Designed Instruction ("SDI") for reading, added accommodations, and scheduled re-evaluations. (S-8; S-9.) Although the Team determined that the School District had developed an appropriate IEP for the Student and did not support his placement at [] School, the Parents shared their concern about his slow progress. (S-9.) The Parents made the decision to place the Student at [] School unilaterally. (S-9.)

[] School created an Individualized Service Plan ("ISP") for the Student for the remainder of the 2023-2024 school year based on a diagnosis of a Specific

Learning Disability. (S-B-206.) The ISP included annual goals in the areas of reading and math. (S-B-207-208.) It included specially designed instruction for 32 hours per week as well as speech-language therapy once or twice per week and occupational therapy once or twice per week. (S-B-209.)

At the end of the second quarter, [] School issued a report card for the Student. (S-C-14.) The Student received scores of 100 in ELA, math, and social studies, and passing scores in his remaining courses. (S-C-14-16.) The Student displayed independence between 50% and 89% of the time in his academic classes. (S-C-15-17.) In his tutorial with Ms. [], the Student worked hard, was respectful of his learning time, and was one of few students who asked for more tutorial time. (S-C-16.)

The Student's report card indicated that he was working within the Lindamood-Bell Seeing Stars Program and was able to instantly recognize and read 15 additional high frequency words. (S-C-16.) The Student was developing stability reading and spelling tricky diphthongs and vowel combinations and was spelling CCVC/CVCC words with 78% accuracy. (S-C-16.) He was applying his decoding skills in context by reading short paragraphs during tutorials. (S-C-16.) The Student was reading early 4th grade level texts at an average of 53 correct words per minute and at an average of 92% accuracy. (S-C-16.) During the upcoming quarter, the Student would be continuing to build automaticity and accuracy when working with vowel patterns, increasing his ability to decode words in isolation quickly ("bursting" words), reading fluency in context, spelling common syllable structures, and recognizing and spelling high frequency/sight words. (S-C-16.) The Student would be introduced to multisyllabic words and affixes as he progressed through Seeing Stars. (S-C-16.)

At the end of the third quarter, [] School issued a report card for the Student. (S-C-18.) He received scores of P in ELA, food science, science, and social studies. (S-C-18-21.) He received a grade of 94 in math. (S-C-20.) The Student displayed independence between 50% and 89% of the time in his academic classes. (S-C-15-17.) Ms. [] reported that in tutorial, the Student had made significant progress on his reading and spelling skills working within the Seeing Stars program and had found stability in spelling and reading CCVCC words. (S-C-21.) The Student was working on doubling consonants when using the past tense. (S-C-21.) He had mastered 18 high frequency words in the quarter. (S-C-21.) His reading speed had improved and he had read a third-grade text at an average of 78 correct words per minutes. (S-C-21.) The Student reported to Ms. [] that he was reading at home. (S-C-21.) She noted that the Student had shown difficulty with memory and retention and that when listening and attempting to repeat multiple letters, the Student usually required several tries to remember them but had made progress. (S-C-21.)

For the next quarter, the Student would continue to practice automaticity and accuracy in order to increase fluency. (S-C-21.) Ms. [] indicated that the Student was almost ready to start learning two syllable words and affixes. (S-C-21.) She noted that they were intently focusing on a few special skills to bring him closer to grade level. (S-C-21.) The Student was in a group setting for ELA and math (noted to be a high energy classroom). (S-C-19-20.)

In March of 2024, the Student's parents filed a due process complaint against [] seeking an award of reimbursement of the costs they had incurred in connection with placing the Student at [] School. (S-88.)

On April 24, 2024, the Student's IEP Team agreed to schedule evaluations without a Team meeting. (S-12.) On May 5, 2024, a Speech and Language Evaluation Report was issued by [], M.A., CCC-SLP, of Portland Pediatric Speech Therapy. (S-17.) Ms. [] concluded that the Student's test results indicated areas of relative linguistic strength and definite weakness. (S-30.)

The Student demonstrated relative strength for many skills when tested in isolation including receptive vocabulary, judgment of grammatically correct sentences, inferring what is happening in a situation with brief context, and determining word meaning from context. (S-30.) The Student was able to retrieve factual information after hearing short narrative stories. (S-30.) However, when the Student needed to use these skills for higher level language tasks that required more linguistic flexibility (e.g., inferring multiple causes for a problem, creating semantically and syntactically correct sentences, explaining multiple meanings for a word, explaining figurative language), he demonstrated true weakness, especially for expressive oral language tasks. (S-30.) Clinical behavioral observations during testing also identified that he appeared stressed and he struggled more during language tasks that required multiple skills to be used simultaneously (e.g., make an inference based on social pragmatic knowledge by formulating conversation between hypothetical characters). (S-30.) The Student also demonstrated true weakness for narrative language production, providing lackluster stories that were incomplete and only had basic word usage, very limited details, and did not include dialogue. (S-30.) The test results were corroborated by observations made during a speech-language sample as well as reports from the Student's mother. (S-

30.) It was determined that the Student's slower processing speeds and weaker working memory likely contributed to his struggles. (S-30.)

Ms. [] concluded that the Student's profile was consistent with the diagnosis of Expressive Language Disorder. (S-30.) Her recommendations included 60 minutes per week of direct speech-language therapy; 30 minutes per month of consultation with parents and teachers; use of consistent visuals when teaching new concepts; prompting the Student to visualize the word he is trying to say when he struggled with word retrieval; use of multi-modal (e.g., auditory, visual, and kinesthetic) input when teaching new concepts and language schema and syntax to support advanced language structures for spoken and written language; and the teaching of language schema using visuals. (S-30-31.)

On May 30, 2024, the Student's IEP Team met for a program review. (S-54.) According to the Written Notice issued on June 11, 2024, the Team set service levels, agreed upon goals, established the Student's eligibility for Extended School Year services ("ESY"), determined accommodations, and agreed to conduct additional OT evaluations. (S-55.) The IEP Team, other than the Parents, agreed that the Student's placement would remain within the School District. (S-56.) The Team considered the Student's Least Restrictive Environment ("LRE") and found that the levels of support the Team agreed upon provided him with the supports and services he needed to access and make gains in the general education curriculum. (S-59.) Although a placement at [] School was discussed, the Team, other than the Parents, determined that the School District could provide the best programming for the Student. (S-59.) The Student's Mother

reported that the Student stated that what he loved best about [] School was that he was learning. (S-60.)

An Amended IEP was issued following the Student's IEP Team meeting for the period of November 4, 2023, to November 3, 2024. (S-61.) It provided 75 minutes per day of SDI in reading, 45 minutes per day of SDI in math, 45 minutes per day of SDI in writing, 60 minutes per week of OT services, and 60 minutes per week of speech language therapy. (S-73-74.) The Student would spend 48% of his time with non-disabled students. (S-74.)

On July 12, 2024, a Psychoeducational Evaluation Report was issued by [], Psy.D., NCSP, having been conducted pursuant to the Student's reevaluation. (S-77.) Ms. [] concluded that current assessments indicated that the Student had a pattern of strengths and weaknesses. (S-85.) She found that the Student displayed average range abilities on verbal comprehension, visual-spatial reasoning, and fluid reasoning measures. (S-85.) Ms. [] noted that the Student scored in the low average range on measures of working memory and processing speed and below the average range on the combined Cognitive Proficiency composite. (S-85.) She indicated that the Student's scores fell below the average range on measures of phonological memory, rapid naming, and orthographic processing. (S-85.) Ms. [] found that this pattern of scores was consistent with results from the Student's previous evaluation and were indicative of processing deficits underlying a learning disability. (S-85.)

The Student's academic skills were in the very low range overall. (S-85.) In reading, the Student's composite score was in the very low range and his reading comprehension score was within the low average range. (S-85.) In addition, the

Student's reading skills, such as word reading, decoding, and reading fluency fell within the very low range. (S-85.) The Student's written expression was in the very low range overall, although his sentence composition subtest score was in the low average range. (S-85.) In mathematics, the Student scored within the low average range on both subtests, and his overall composite score was in the very low range. (S-85.)

Ms. [] recommended that the Student would benefit from continued intensive academic support in the areas of reading, writing, spelling, and math. (S-85.) She felt that he would benefit from small group or individualized direct instruction in these areas, with modeling, frequent review and repetition, adequate opportunity for practice, and regular progress monitoring to tailor instruction as needed. (S-85.)

Given the Student's difficulties with phonological and orthographic processing, Ms. [] recommended that reading interventions should include a balanced literacy approach, which targeted multiple aspects of the reading process. (S-85.) She felt that the Student would require explicit and intensive instruction in word-level reading skills, including phonemic decoding and fluency in word recognition. (S-85.) She also opined that the Student would benefit from continued instruction and practice with reading fluency and reading comprehension strategies. (S-85.)

Ms. [] felt the Student would need to be taught spelling rules directly, including explicit instruction in orthographic awareness. (S-85.) She felt that it would be helpful for the Student to keep a Spelling Flow List, with which he could review spelling words regularly and practice writing from memory. (S-85.)

In writing, Ms. [] felt that the Student would benefit from direct instruction in writing mechanics and organization. (S-85.) She suggested that to help

with task initiation, planning, organization, and self-monitoring in writing, the Student may also benefit from models, work samples, checklists for editing, and graphic organizers, such as templates and sentence starters. (S-86.) Ms. [] suggested that the IEP Team consider assistive technology and other tools for writing, such as keyboarding and speech-to-text, to help the Student show his thinking and get his ideas down. (S-86.)

In math, Ms. [] opined that the Student would benefit from continued direct instruction in numerical operations, such as subtraction with multi-digit numbers and regrouping, and multiplication and division with multi-digit numbers. (S-86.) She also thought that the Student would benefit from continued instruction in math concepts and applications, such as making and comparing fractions, completing number patterns, and understanding and solving word problems. (S-86.)

Given the Student's scores on processing speed, naming speed, and working memory assessments, Ms. [] concluded that he would benefit from having extra time to process information, answer questions, and complete assignments and assessments. (S-86.) She felt that because it may take him longer to retrieve specific answers or terms from his memory, having patience, providing him with "clues" to help in retrieving stored memory, and expanding time limits, could improve his performance on tasks. (S-86.) She also recommended strategies such as pre-teaching, monitoring the pace of instruction, repeating spoken directions as needed, frequently checking for understanding, and breaking tasks into smaller steps. (S-86.) In order to support the Student's confidence and independence with academic tasks, Ms. [] felt that it

was important to continue to praise his effort, celebrate his progress, and to build on his areas of strength, such as verbal and visual-spatial reasoning and his social skills. (S-86.)

On July 13, 2024, the parties entered into an Agreement and Release related to the Parents' due process complaint. (S-87.) The School District agreed to reimburse the Student's parents for the expenses associated with the Student's attendance at [] School for the 2023-2024 school year and to continue that placement with public funding for 2024-2025. (S-88.) The Student would also participate in the [] School's summer programming for the summers of 2024 and 2025. (S-91.) The Agreement indicated that the Student's IEP Team would meet no later than June 1, 2025, to determine the Student's IEP and placement for the 2025-2026 school year. (S-88.)

On July 24, 2024, an Amended IEP was issued with the same levels of special education and related services as the prior IEP but, because the Student was placed at [] School, he would be with non-disabled students none of the time. (S-95-108.)

On August 13, 2024, Ms. [] conducted another Occupational Therapy Evaluation of the Student. (S-109.) Ms. [] found that the Student demonstrated average visual motor integration skills, average visual perception skills, and average motor coordination skills. (S-110.) The Student's scores were average in subtests related to visual memory, spatial relationships, form constancy, and visual closure but below average in subtests sequential memory, visual figure-ground, and visual discrimination. (S-113.) Ms. [] found that the Student had demonstrated gains in visual motor and fine motor skills and relative gains in visual perceptual skills since his last evaluation in Fall 2021. (S-113.) Ms. [] felt that the Student demonstrated specific areas of need in sequential memory, visual discrimination, and visual figure-ground and she

recommended that the Student would continue to educationally benefit from participation in a school-based occupational therapy program. (S-113.)

Sixth grade (2024-2025)

On November 1, 2024, [] School issued a first quarter progress report for the Student. (S-119.) The Student received grades of between 94 and 100 in his academic courses, working independently between 50% and 89% of the time. (S-119-120.) Ms. [] did not provide any Student-specific comments related to his tutorial sessions but he received a P. (S-121.)

On December 5, 2024, the Student's IEP Team met to review his evaluations. (S-126.) According to the Written Notice issued on December 10, 2024, the Team reviewed the Student's psychological and academic evaluations. (S-137.) It was noted that the Student was working in a group of two students to one teacher in academic settings at [] School. (S-138.) The Student was reading sixth grade text with 89% accuracy but he continued to struggle in the pacing of lessons and writing. (S-138.) Ms. [] reported she was using an Orton-Gillingham method for reading strategies. (S-138.) The Team filled out the Specific Learning Disability Eligibility Form, finding that the Student had a specific learning disability that required special education and related services. (S-133.)

Between December 2024 and May 2025, the School District repeatedly sought data about the Student from [] School as well as opportunities to observe him, but often received limited and delayed responses. (S-A-52, 57, 58, 63 & 81.)

On March 14, 2025, [], Special Education Teacher in the School District,

conducted an observation of the Student in math class at [] School. (S-

160.) She found that the Student was hard working, responsible, and respectful to his teacher and his peers. (S-164.) She noted that he was a leader in the group, demonstrating more maturity and better regulation skills than his peers. (S-164.) Ms. [] found the environment to be chaotic, mainly due to the lack of clarity in the expectations of students regarding the new activity they were doing. (S-164.) She observed that the teacher was interrupted repeatedly while working with students because students were blurting out that they did not understand what to do. (S-164.) She concluded that the classroom environment had a negative impact on the Student's ability to receive feedback and instruction from his teacher and had an adverse impact on the Student's learning. (S-164.)

Ms. [] recommended placing the Student in a class that provided him with more opportunities for appropriate peer interactions. (S-164.) She found that the student group in the Student's math class did not create an environment that facilitated appropriate peer interactions. (S-164.) Due to the visible gaps in maturity, the Student did not have sufficient opportunities to socialize or interact with appropriate peers. (S-164.) Ms. [] observed that he transitioned well and seemed to enjoy the different stations, such that implementing learning activities that allow for movement and multi-sensory learning would benefit the Student. (S-164.) She suggested that the IEP Team consider the Student's social needs and how a restricted learning environment could impact his ability to thrive. (S-164.)

On March 28, 2025, [], OTS with [] Clinic, conducted an occupational therapy evaluation of the Student. (S-B-281.) Ms. [] determined that the Student would benefit from activities that support fine motor

development and coordination to strengthen handwriting and other precision-based tasks that could be completed through adaptations within the classroom to support his educational needs. (S-B-281.) Test results indicated that the Student was demonstrating typical responses to sensory information. (S-B-281.) Ms. [] observed that the Student scored in the typical range where the Student demonstrated functional and typical behaviors for motor planning, sequencing, proprioception, right/left body differences, and processing somatosensory information. (S-B-281.)

The Student reported to Ms. [] that gross movement and heavy work breaks taken in the gym were beneficial for his engagement and classroom participation. (S-B-281.) The Student routinely remained well regulated in class but it was observed that loud or dysregulated peers led to the Student shutting down and he had been observed clenching his fists while remaining calm following peer dysregulation or sensory overload. (S-B-281.)

On April 22, 2025, [], Ph.D., Psychologist, issued a Consultation Note to help inform the Student's IEP goal development and programming. (S-179.) She found that the Student had been facing consistent challenges in his academic development, particularly in the fundamental areas of reading and mathematics. (S-181.) Dr. [] noted that the Student's reading performance fell significantly below national averages and his math performance similarly revealed gaps across numerous mathematical strands, including a need for comprehensive support. (S-181.) Dr. [] noted that the Student had shown modest improvement in math and his reading accuracy had been on an upward trajectory but his reading fluency remained inconsistent. (S-181.) She found that measurement was one of the Student's strongest mathematical areas. (S-

181.) She opined that the areas requiring most immediate attention were his silent reading fluency, which remained critically low and needed targeted intervention, and his understanding of Data, Statistics, and Probability, which showed the lowest scores among all math strands. (S-181.) She observed that his letter-sound skills also needed continued focused intervention because the foundational phonics skills affected his overall reading development. (S-181.) Finally, she noted that the Student's orthographic mapping skills, the ability to form sight word memory, were well below grade level, which impacted his reading efficiency and comprehension. (S-181.)

Dr. [] recommended specific focus in the areas of reading, math, and cross-curriculum. (S-181-182.) She also made recommendations related to a balanced assessment approach, regular progress monitoring, and development of self-monitoring tools. (S-183.) Finally, Dr. [] identified a set of accommodations that could benefit the Student. (S-183.)

On April 29, 2025, [], Reading Specialist in the School District, conducted an observation of the Student receiving direct reading instruction at [] School. (S-186.) The observation began 15 minutes late due to extended recess. (S-186.) During the delay, Ms. [] conferred with Ms. []. (S-186.) Although Ms. [] requested the lesson plan from Ms. [], she did not receive one. (S-186.) Ms. [] reported that the Student was reading grade 5 and grade 6 fluency passages from aimsweb with 96% accuracy but did not share his fluency rate. (S-186.) Ms. [] indicated that the Student was doing well with sight words and was currently working on multisyllabic words, although specific syllable types for multi-syllabic words were not named. (S-186.) Ms. [] shared that the Student had received specialized

reading instruction from three different teachers over the course of the school year, having started with the third teacher two weeks ago. (S-186.) The Student's new teacher would provide the instruction being observed by Ms. [] and would receive online coaching during his lesson, with an instructional support teacher from Lindamood-Bell. (S-186.) Ultimately, the lesson was attended by Ms. [], the Student's teacher's two online coaches (one of whom Ms. [] requested to leave after the lesson began), and [] Special Education Director []. (S-186.)

Ms. [] noted that the one-one-one space in which the Student received instruction was in the back corner of a large, mostly empty office space, where he was in a cubicle and a lesson occurring in the next-door cubicle. (S-187.) She opined that the space lacked privacy, freedom from distraction, and protection for the Student's self-esteem. (S-187.) She observed that the Student appeared reserved; he did not display signs of ease, enjoyment, or comfort; his affect was neutral and expressionless; and he did not initiate or respond to casual conversation. (S-187.) Ms. [] found that the teacher and the Student had not established a rapport with each other and the teacher was noticeably anxious, frequently referring to her notes and appearing uncertain. (S-188.) She observed that the teacher had difficulty implementing the error correction strategies specific to Lindamood-Bell and frequently needed guidance from Ms. [] and her online coach. (S-188.)

Ms. [] observed that despite the challenges of the teacher's lack of familiarity with the program, the Student demonstrated impressive stamina and sustained attention. (S-188.) She opined that his high level of resilience and strong disposition toward learning suggested that with appropriately tailored and responsive instruction

from a certified special education trained reading teacher, he had the potential to make meaningful academic gains. (S-188.) She recommended that the Student receive reading instruction from a certified special education trained reading teacher who could draw from a range of evidence-based programs and approaches tailored to his individual needs, noting that several teaching opportunities were missed during the lesson, which appeared to result from both limited teacher training and the constraints inherent in using one scripted/package reading program. (S-188.) Ms. [] also felt that the Student would benefit from reading instruction that incorporated a comprehensive multisensory, multimodality approach to reading, which were not afforded by the singular use of the Seeing Stars program. (S-189.)

On May 23, 2025, a first draft of the Student's IEP was circulated amongst School District staff for the period of June 2025 to June 2026 placing the Student at [] Middle School and including a mock schedule. (S-196, S-205 & S-405.) The IEP called for 235 minutes per week of SDI in math, 375 minutes per week of SDI in literacy, and 60 minutes per week of speech language services. (S-204.) The IEP created goals in the areas of math, reading, speech/language, and occupational therapy. (S-199-200 & S-213.) It noted that due to the Student's out-of-district placement, present levels of performance in math were not available. (S-199.) The IEP relied on the consultant report of April 2025 for one reading goal but noted that due to the Student's out-of-district placement, present levels of performance related to the other reading goals were not available. (S-200.) The IEP indicated that upon the Student's return to the School District, present levels of performance in math and reading would be obtained. (S-199-

200.) The Student's IEP called for him to be with non-disabled students 65% of the time. (S-196.)

On June 11, 2025, a draft IEP was provided to the Student's parents. (S-220.) In addition, the Student's IEP Team met on June 11, 2025, to conduct his annual review. (S-231.) According to the Written Notice issued on June 17, 2025, [] School staff recommended changes to some of the goals. (S-233.) The Parents stated that they wanted to keep the Student at [] School, where he was happy socially and educationally, his confidence had increased, and he was more comfortable with his peers. (S-236.)

The Team agreed on most aspects of the Student's IEP but did not agree on his placement. (S-304-388.) When asked who would deliver the literacy instruction, Ms. [] responded that the Student would be reassessed when he returned to the School District, to determine what he knows, what he doesn't know, and what program would be effective for him. (S-364.) If assessment supported one-to-one instruction, Ms. [] would provide it. (S-362 & 364.) Dr. [] explained that the School District wanted to look at the data, see how the Student was presenting, and make decisions from there, but that one-to-one programming was not a possibility. (S-362.)

On June 12, 2025, Dr. [] emailed the Parents asking to meet to further discuss the Student's seventh grade placement. (S-A-97.) On June 13, 2025, the Parents and Dr. [] scheduled a meeting for June 18, 2025. (S-A-97.)

On June 16, 2025, Ms. [] and [], M.S.Ed., completed testing of the Student they had begun earlier in June utilizing the Feifer Assessment of Reading ("FAR"). (P-057.) Ms. [] and Ms. [] concluded that the Student continued to

present with significant reading challenges, but that he had made steady progress in key literacy skills over time and that he was closing the gap related to key reading and spelling skills. (P-063.) They found that the Student was better able to recognize irregular words in and out of context, apply decoding and encoding skills to unfamiliar and nonsense words, hear and decipher sounds in words, and pull adequate meaning from what he read. (P-063.) They concluded that the Student had made measurable academic gains given intensive literacy intervention over the past year and a half when his June 2025 scores were compared to his November 2023 scores. (P-063 & P-065.)

On July 8, 2025, a final proposed IEP for the period of June 2025 to June 2026 was issued by the School District. (S-238.) The IEP modified some of the Student's math goals based on feedback from [] School staff members although a few goals would require present level of performance determinations when the Student returned to the School District. (S-243.) The IEP continued to call for 235 minutes per week of SDI in math and 60 minutes per week of speech language services but increased SDI in literacy to 450 minutes per week. (S-247.) With the changes, the Student's time with non-disabled peers reduced to 47% of the time. (S-247.)

At some point after the June 11, 2025, IEP Team meeting, [] School also issued a graded IEP for the Student at the end of his sixth-grade year. (S-B-244; Testimony of [].) In the area of reading and spelling, the Student was assessed as having met two goals, approaching three goals, and making consistent progress towards one goal. (S-B-244-246.) In the area of written expression, the Student was assessed as making consistent progress towards the two goals. (S-B-246-247.) In the area of math,

the Student was assessed as meeting two goals and making consistent progress towards three goals. (S-B-248-249.)

[] School also issued a fourth quarter IEP for the Student that included final year grades of 89 to 94 in academic courses. (S-C-49.) The Student continued to be independent 75% to 89% of the time in his academic courses although his math course did not include a fourth quarter grade or indication of level of independence. (S-C-48-51.)

Summer 2025

The Student attended summer programming at [] School for the summer of 2025. (S-C-56.)

Seventh grade (2025-2026)

The Student has been attending [] School for seventh grade. (Testimony of M.Y.)

The Student's proposed schedule for seventh grade at [] Middle School would include a first period, which is a fifteen-minute advisory period, in the general education setting. (S-405; Testimony of [].) Executive functioning and team building is built into the advisory period. (Testimony of [].) The remainder of the school day is divided primarily into 47-minute blocks. (S-405.) During Block 1, the Student would receive SDI in literacy with Ms. [] in a special education setting. (S-405; Testimony of [].) During Block 2, the Student would receive SDI in math in a special education setting with Ms. []. (S-405; Testimony of [].) The Student would then have a 9-minute snack/recess break in the general education setting. (S-405; Testimony of [].) The Student would participate in unified arts such as art,

music, health, and physical education one day a week during Block 3 in the general education setting. (S-405; Testimony of [].) The other four days of the week Block 3 would be essentially a study hall for the Student, which could include silent reading or catching up with teachers. (S-405; Testimony of [].)

During Block 4, the Student would receive additional SDI in literacy in a special education setting. (S-405; Testimony of [].) This period would be either one-to-one or in a small group, depending on the Student's needs and the configuration of peers, during which the Student could work on comprehension, prepare for other classes, writing practice, or engage in a modified curriculum. (Testimony of [].) It could include preteaching, reteaching, or group project work. (Testimony of [].) During Block 5, the Student would have lunch and a flex period in the general education setting. (S-405; Testimony of [].) During Block 6, the Student would attend a supported study hall in the special education setting. (S-405; Testimony of [].) This could include additional instruction, preteaching, reteaching, or group project work, similar to Block 4. (Testimony of [].) The Student would also be able to exercise any rewards they have achieved such as by joining a peer to play basketball in the gym. (Testimony of [].) The teacher-to-student ratio for this period in Ms. Simbari's class would be approximately two-to-one. (Testimony of [].)

The Student would end the day in science class for Block 7, a general education setting with special education support. (S-405; Testimony of [].) An educational technician would be present in the room to assist the Student with understanding content and vocabulary of the science curriculum. (Testimony of [].) After class, notes and study materials would be given to the Student, whose primary responsibility during

class would be to listen and access the material as best as he could. (Testimony of [].)

The educational technician would take notes on information being provided or would

assist more directly if the class was conducting a hands-on lab. (Testimony of [].)

Otherwise, the educational technician would be floating around the room, ensuring

students understand directions and are staying on track. (Testimony of [].)

In September 2025, Dr. [] issued a Consultation Note following the School District's request for a follow-up consultation to include observations of the mainstream and special education classes at [] Middle School and conversations with the School District staff members who would be working with the Student. (S-262.) She concluded that [] Middle School displayed a learning environment characterized by varied instructional approaches, ranging from highly interactive small-group instruction to traditional large-class formats. (S-265.) Dr. [] found that the physical space offered in special education, with its connected rooms and learning center set up, supported flexible grouping and student movement. (S-265.) In addition to warm and engaging approaches to students, she found that the school prioritized both academic growth and social-emotional development, with particular attention to building student confidence and maintaining positive learning relationships. (S-265.)

Dr. [] noted that the school offered multiple special education program options to meet varying student needs, including a classroom with a resource-style approach and another with a functional-style approach. (S-264.) Both programs, she observed, emphasized flexibility and individualization while maintaining connections to grade-level curriculum whenever possible. (S-265.) Dr. [] also commented on the connection

between special education programs and the mainstream curriculum that allowed students in special education to share common academic experiences and reference points with their grade-level peers. (S-265.)

Regarding literacy instruction, Dr. [] found that the proposed combination of intensive reading instruction with Ms. [] and speech-language services with Ms. Reid would present the Student with a comprehensive approach to addressing his language-based learning disabilities. (S-265.) She noted the beneficial combination of Ms. [] expertise as an Orton-Gillingham certified advance practitioner, which would provide the systemic, explicit instruction essential for the Student, and Ms. []'s focus on oral and written language development, which would address the underlying language processing challenges that often accompany and complicate reading difficulties. (S-265.) Dr. [] opined that this dual approach would be particularly beneficial to the Student because it recognized that reading challenges rarely occur in isolation but instead are often intertwined with broader language-processing issues affecting comprehension, expression, and academic language development. (S-265.) She concluded that the integrated service model provided an intensity and breadth of support necessary for students with significant language-based learning disabilities to make meaningful progress toward grade-level expectations while building the confidence needed for successful transition to the public middle school environment. (S-266.)

Finally, Dr. [] addressed the social advantages at [] Middle School, that she found aligned well with the Student's documented strengths in social connection and peer relationships. (S-266.) She concluded that the balance between specialized support and mainstream integration would likely allow him to deepen his connections

with grade-level peers while receiving individualized and intensive services, fostering both academic growth and the social relationships essential to adolescent development and long-term success. (S-266.) Dr. [] acknowledged that any school transition for a student with significant learning disabilities could be challenging and anxiety-producing for the student and their family. (S-266.) She suggested several strategies that could be employed during the transition process, including: scheduling multiple orientation visits to the new school environment; arranging meetings with the Student and key staff members to establish rapport; creating a visual schedule and map of the building to reduce anxiety about navigating a new environment; identifying a designated “safe person” the Student could access if feeling overwhelmed; and potentially implementing a gradual transition schedule that began with partial days, preferred classes, and/or specific activities. (S-266.)

The Student’s first quarter report card from [] School identified his coaching and reading teachers as Ms. [] and an individual who is an educational technician. (Tr. S-B-481; Testimony of [].) His first quarter IEP progress report identified just the educational technician as his coach, who presumably filled out the progress report since no other staff member is identified. (S-B-483.)

On November 20, 2025, Dr. [] sent the Parents an email outlining how the Student’s transition to [] Middle School could be arranged. (S-267.) He indicated the transition would begin with the Student visiting [] Middle School outside of school hours to tour the building and meet his teachers and principal. (S-267.) The Student would have a chance to ask questions and get to know the staff and principal. (S-267.) He would then begin attending [] Middle School by starting

with one class per day. (S-267.) Dr. [] suggested the Student start with Ms. [] literacy intervention, a one-to-one setting. (S-267.) He noted that the class began at 8:08 a.m., students loved Ms. [], and she was a fantastic teacher. (S-267.)

Dr. [] explained that after about a week, the Student would stay after literacy for special education math instruction. (S-267.) Following a week of attendance at both literacy and math instruction, the Student would add a unified arts class, which would be gym, music, art, technology, or health. (S-267.) He could also stay for lunch if he chose to. (S-267.) Dr. [] reported that the School District would provide transportation throughout the transition period. (S-267.) Depending on how the Student was feeling, he could start with full days at [] Middle School after the holiday break. (S-267.) He concluded that if the Student wanted to move faster or slower, the School District would be happy to discuss it. (S-267.)

Hearing Testimony

Student's Mother. In kindergarten and early elementary school, it became clear that the Student was struggling. (Tr. 10-11.) When he was starting to read, after taking a week off from school it was if they were starting over again with reading. (Tr. 10.) The Student was not retaining things. (Tr. 10.) The family learned from the follow-up testing at the beginning of third grade that he was continuing to fall behind his peers, a significant concern. (Tr. 12.)

By fourth grade, the Parents were getting very concerned about the Student's reading level, but they trusted that the School District was supporting the Student in the best way they could. (Tr. 13.) During the summer after fourth grade, the Parents signed

the Student up for one-to-one reading tutorials at the [] School since historically they had not been satisfied with the ESY programming in the School District. (Tr. 14.) The Student had incredible results from his twelve one-to-one tutorial sessions. (Tr. 14.) Within just two or three sessions, the Parent's noticed a significant difference with the Student's reading abilities. (Tr. 14.)

The Parents continued the Student's one-to-one tutorials into the fifth-grade school year and contracted with Ms. [] to conduct testing of the Student. (Tr. 15.) About six weeks into the Student's fifth grade year at [] Elementary School, the Parents decided to move the Student to [] School given the positive experience the Student had with his tutorials there. (Tr. 16.) Around this time, the Student was learning that he was different. (Tr. 17.) Although the Student was not verbalizing a reluctance to go to school, the Student's Mother could feel that the Student was getting frustrated. (Tr. 17-18.)

The Student transitioned very well to [] School. (Tr. 18.) He was thriving and improving with his reading, writing, and math skills. (Tr. 18.) Socially, he was also more confident and was speaking to his teachers and peers. (Tr. 18.) The Parents have had no concerns about the Student's programming over the past couple years at [] School. (Tr. 20.)

The Parents want the Student to stay at [] School until ninth grade because he is just starting to close the gap in his reading levels and it is not the right time to transition him in the middle of middle school. (Tr. 21.) Before entering into seventh grade, when asked, the Student expressed a strong preference to remain at [] School. (Tr. 22.) The Parents are concerned about the possibility that the School District

will utilize the Orton-Gillingham program for literacy instruction, which does not account for the Student's orthographic dyslexia. (Tr. 23.) The Student is succeeding with the Seeing Stars program. (Tr. 23.)

The Parents are concerned that the Student will completely freeze in larger settings at [] Middle School. (Tr. 24.) The Student shuts down in large groups and he becomes anxious, which is not conducive to learning. (Tr. 24.) The Student's Mother provided the example that over the prior summer, when participating in a golf clinic, the Student would get excited when there were fewer people there because he would get more attention from the instructor and he felt more comfortable in a smaller group. (Tr. 25.)

Student's Father. The Student's Father first saw signs of the Student falling behind when the Student was very young. (Tr. 50.) Eventually, the Parents began to feel that the School District was not moving the Student forward. (Tr. 51.) They pressed to determine the nature of the Student's specific learning disability but felt they were not receiving any answers and the Student was not making progress, despite significant resources being expended by the School District. (Tr. 51.)

After the initial tutorials at [] School, the Student became eager to learn. (Tr. 51.) In fifth grade, the Parents decided to move the Student to [] School because they felt the curriculum was a good fit and the Student would thrive in the small setting. (Tr. 52.)

The Student's Father feels that the Student would digress if transitioned back to the School District, particularly in the middle of a school year. (Tr. 57-59.)

[], **Education Director, [] School.** Ms. [] is trained in the Lindamood-Bell programs LiPS, Seeing Stars, and Visualizing and Verbalizing and has completed the introductory trainings for Wilson. (Tr. 90.) Ms. [] was the Academic Director and is now the Education Director at [] School. (Tr. 91.)

The Student's reading during sixth grade continued to make slow and steady gains. (Tr. 109.) Spelling continues to be a big area of weakness for the Student. (Tr. 109.) The Student is getting more solid with decoding multisyllabic words and has been delving into morphology. (Tr. 109.) The Student is starting to make connections with his speech and language instruction and is pulling the pieces together. (Tr. 109.)

The Student's June 2025 testing, when compared to his 2023 scores, showed gains in several different areas. (Tr. 110.) Fluency overall tends to be difficult for him and rapid naming overall is a challenge for him. (Tr. 111.) He made good gains in both homophone spelling and isolated spelling. (Tr. 111.) Overall, the Student is slowly closing the gap and making notable gains across the board. (Tr. 113.)

With regard to the Student's fall 2025 testing, his score on the oral reading fluency test was his personal best but his silent reading score was fairly low, falling in the 2nd percentile, well below average. (Tr. 105-6.) Ms. [] recalls questioning the Student after the test and he told her he was being very careful when he was reading. (Tr. 106.) The Student's vocabulary fell in the 15th percentile and he continues to need a lot of repetition and support for vocabulary. (Tr. 107.)

The Student's self-confidence has grown over time. (Tr. 108.) He has started to self-advocate and speak up in class more. (Tr. 108.) The Student is very comfortable at school although he becomes quieter whenever he is in a bigger group. (Tr. 131.)

In the current academic year, the Student has moved into the middle-level classroom, which contains four students. (Tr. 120.) He is working with [], who provides the Student with an hour a day of Lindamood-Bell programming under Ms. []'s supervision. (Tr. 138.) Mr. []'s certification is in general education, not special education. (Tr. 138.)

With regard to the alternative goals that [] School developed for the Student's 2024-2025 IEP, Ms. [] acknowledged that the only IEP in the record is the IEP created by the School District, which contained different goals. (Tr. 151.) She acknowledged that the Student's goals that [] School staff were working on in reading and spelling were not provided to the School District. (Tr. 154-155.) She acknowledged that there had been delays in providing information about the Student to the School District. (Tr. 171.)

The Student's fall NWEA assessment score, the only nationally normed progress monitoring data in math available since the Student began at [] School, was unexpectedly low. (Tr. 179.) Her June 2025 evaluation of the Student, which was done the day before, the day of, and a few days following the IEP Team meeting, was conducted at the request of the Parents rather than to help inform the Student's IEP Team. (Tr. 187.)

As of the time of hearing, the Student had nearly completed the imagery portion of the Seeing Stars program and had begun working in the Visualizing and Verbalizing Lindamood-Bell program along with Morphology Plus, an Orton Gillingham program targeting the bases of words and what they mean. (Tr. 182-3.)

[], M.Ed., Special Education Consultant. Ms. [] was employed at [] School for thirty years before retiring in 2021. (Tr. 211.) She continues to conduct testing and consulting work in special education. (Tr. 211.)

The results of the Student's FAR testing, performed in November 2023 and June 2025, show that the Student was making slow but steady progress, even though he was still way behind his peers, which was to be expected. (Tr. 227.) The big gap that the Student experiences in his scores compared to those of his peers will require lifelong remediation. (Tr. 227.)

Regarding the proposed 2025-2026 IEP for the Student, the lack of identification of which literacy instruction program would be used concerns Ms. [], who feels that the Student needs to continue with the Lindamood-Bell programs, which teach the visual piece. (Tr. 231.) She believes the Student should remain at [] School through eighth grade, during which year he could undertake a very slow and careful changeover to the School District that accommodated his anxiety level, beginning with a class of the Student's choosing. (Tr. 232.) Students at [] School will let the staff know when they are ready to move on but the Student has not shown that he is ready to leave the environment at [] School and succeed in a less restrictive placement. (Tr. 236.)

[], Reading Specialist, [] Middle School. Ms. [] has a master's degree in elementary education. (Tr. 312.) She also has a literacy specialist endorsement reflecting her ability to provide targeted instruction in literacy, working with students that have dyslexia. (Tr. 314.) She also has an advanced level certification in Orton-Gillingham structured literacy programming. (Tr. 316.) The

teaching of reading in a prescriptive, diagnostic, sequential way, is what dyslexic thinkers need. (Tr. 317.) She builds a lesson plan for each specific student she works with. (Tr. 317.)

Ms. [] was trained to use the Seeing Stars program, which comes in a box with a beginning and an end. (Tr. 318.) If a student has difficulty with a word or spelling of a word, then it is repeated the next day which Ms. [] does not consider individualized instruction. (Tr. 319.) If she were working with the Student, she would build lesson plans specific to him, targeting his specific needs with lesson plans that were scripted in advance. (Tr. 319.) The individualization is important because every dyslexic thinker has specific deficits. (Tr. 319.)

The Student was reported to be in box 5, the final box, of the Seeing Stars program on his most recent report card from [] School. (Tr. 367.) Although [] School staff reported that they were planning to implement Orton-Gillingham methodologies with the Student when he finishes the Seeing Stars program, Ms. [] is not aware that any staff member at [] School is certified in the Orton-Gillingham program, which requires a year-long course with both instructional and clinical hours. (Tr. 367-8.)

As a reading specialist, she finds it important to not just look at the Student's scores, but also to his capabilities as a learner. (Tr. 327.) Comprehension is the end goal of reading. (Tr. 331.) If the Student required the Seeing Stars program, she could implement that program for him. (Tr. 323.) The Student's profile is a very common dyslexic profile that she works with on a regular basis. (Tr. 325.)

[] School did not conduct any testing of the Student from November 2023 through January 2024. (Tr. 336.) [] School did provide the School District with an aimsweb oral fluency winter benchmark, but there was no spring benchmark for the end of the 2023-2024 school year. (Tr. 337.) This data was necessary to determine if the Student was closing the gap. (Tr. 337.) Despite a lack of data to support moving him up, in May 2024, the Student was moved from a grade 3 to a grade 4 survey level assessment. (Tr. 339.) Ms. [] noted that the Student was really struggling and making a lot of errors in his most recent probes so the reason for moving him to grade 4 was unclear. (Tr. 339.) During the 2024-2025 school year, [] School provided fall and winter aimsweb oral fluency benchmarks for the Student, although it did not provide the bar graphs that would have allowed School District staff to assess the benchmarks. (Tr. 339.) For the second year in a row, [] School did not provide a spring benchmark. (Tr. 340.) [] School did not provide any data points for the period of February 28 through May 2, 2025. (Tr. 342.) This information drives instruction and allows instructors to assess whether a student is making progress. (Tr. 343.)

September 2025 aimsweb testing showed that the Student was in the 15th percentile in vocabulary, below average. (Tr. 347.) Given what she knows about the Student's cognitive profile and his scores, Ms. [] does not believe that the Student should be below average for vocabulary. (Tr. 347.) The administrator of this testing, however, in scoring the Student's oral reading fluency had him read the entire passage and did not mark where he hit 60 seconds, which is standard protocol, but instead allowed the Student to continue with the story after 60 seconds. (Tr. 350.) When Ms.

[] recalculated what the score would have been if the Student had stopped at 60 seconds pursuant to the protocol, the Student would have been below the 10th percentile. (Tr. 350.) The second probe was administered the same non-standardized way. (Tr. 350.) Both of the Student's benchmark probe scores when rescored at 60 seconds were below the 10th percentile. (Tr. 352.)

The Student's 2025-2026 IEP, as written, allows her to provide one-to-one services to the Student. (Tr. 358.) Based on her expertise, her observations, and her review of all the data, Ms. [] believes that [] Middle School is the best place for the Student to be educated. (Tr. 370.)

[], Case Manager and Special Education Teacher, [] Middle School. [] would be the Student's Case Manager and would provide him with one-to-one SDI in math at [] Middle School. (Tr. 411.)

Ms. [] collaborates with all of the special education team staff members including the 7th grade resource room teacher, the 8th grade resource room teacher, the literacy specialist, general education teachers, and OT and speech therapy service providers. (Tr. 407.) As the case manager, Ms. [] would oversee collaboration between the Student's teaching staff, the Special Education Director, the Student's family, his general education teachers, and staff members at [] School. (Tr. 407.) She would explain the Student's IEP to his general education teachers and would advocate for adjustments to his IEP necessary to ensure his success. (Tr. 407.)

Ms. [] would assist in a flexible transition for the Student to [] Middle School, which would be tailored to his needs and interests. (Tr. 408.) If a transitioning student is nervous about their general education courses, Ms. []

spends a little extra time making sure the student has a chance to get to know the teachers they will be working with and to form a relationship with the staff members that they would be working with most closely. (Tr. 408.) A transition sometimes begins with a class or two before moving to full-time attendance. (Tr. 408.)

Ms. [] has an open-door policy. (Tr. 409.) Since students have a variety of different needs and may have certain degrees of anxiety, whether or not it is identified as one of their disabilities, she tries to make sure that everyone feels comfortable. (Tr. 409.) If the Student were to experience anxiety in his general education classes, he would be allowed to access her room to get back on track and regulate in a private setting away from his peers. (Tr. 428.) Ms. [] also focuses on giving students opportunities to form peer connections in a smaller group by providing learning opportunities to receive instruction with peers, if appropriate. (Tr. 412.)

During her March 2025 observation of the Student at [] School, Ms. [] observed that the individual listed as the Student's coach did not seem to have any type of coach-student relationship or any rapport with the Student. (Tr. 435.)

Ms. [] feels that the Student would do well with his peers at [] Middle School because he is a student who would thrive with the independent time he had in the general education setting with classes like physical education, art, and the first period advisory. (Tr. 435.) At [] Middle School, the Student would have access to a lot of extracurriculars and different clubs such as chess club, dungeons and dragons, community service, and cooking club. (Tr. 438.)

Although Ms. [] created a schedule for the Student's seventh-grade year, it was not provided to the Parents during the June IEP Team meeting nor was it attached to

the IEP that was subsequently provided to them. (Tr. 429.) It was her understanding that the Parents were declining to send the Student to [] Middle School for seventh grade. (Tr. 429.)

[], E.D., **Special Education Director for the School District.** Dr. [] began working at the School District in the summer of 2024, becoming the Special Education Director in July of 2025. (Tr. 486; 487.) Dr. [] consulted regularly with outgoing Special Education Director []. (Tr. 487.) Before the June 2025 IEP Team meeting for the Student, the School District contracted with Dr. [] to do a file review, observe the Student, and meet with [] School staff. (Tr. 488.) The School District had also scheduled observations of the Student by School District staff to determine how the Student was presenting in his learning environment, if he was making progress, and if he was accessing instruction to provide information necessary to draft the Student's IEP. (Tr. 488.)

Dr. [] found that [] School did not provide the data about the Student that other special purpose private schools routinely provided to the School District. (Tr. 489.) He often found it challenging to get responses from [] School staff when trying to gather information or schedule observations. (Tr. 489.)

Dr. [] observed the Student in his [] School classroom twice. (Tr. 494.) The amount of downtime that students had struck him as excessive. (Tr. 495.) Typically, a teacher wants to have most of the class time dedicated to instruction, engaging with students approximately 80 percent of the time for learning to occur. (Tr. 496.) Dr. [] estimated that during his observation, the students were being

engaged about 50 percent of the time in instruction. (Tr. 496.) He also noted that all of the students in the grades 5 to 9 class were all working on the same thing. (Tr. 497.)

Dr. [] also observed that there was very little positive interaction among the students. (Tr. 498.) The teacher's engagement with the Student was minimal because the teacher spent most of their time dealing with other behaviors in the classroom. (Tr. 498.) He observed the teacher arguing with a student about whether they had completed the task correctly. (Tr. 498.) The teacher provided no redirection or feedback to help get the student back on track; the student was left to their own devices to try and complete the work on their own. (Tr. 498.) Dr. [] did not witness the Student receiving any direct instruction in math during that time period. (Tr. 498.)

The third time that Dr. [] visited [] School to observe, in May of 2025, he was asked not to go into the classroom and to meet with Ms. [] instead. (Tr. 499.) Ms. [] reported that the Student was ready to go back to the School District and that maybe the transition should start with gym class for social reasons and because he would enjoy the class. (Tr. 499; 500.) When Dr. [] prepared for the IEP Team meeting the following month in June of 2025, it was his expectation that, consistent with their conversation, Ms. [] would advocate for the Student's gradual transition back to the School District. (Tr. 500.)

Going into the June IEP Team meeting, the School District did not have sufficient information to draft a fully-formed IEP. (Tr. 490.) They were able to create draft goals based on some of the information in Dr. []'s file review, Student data from his previous years in the School District, and the data from observations they conducted of the Student at [] School. (Tr. 490.)

At the June 2025 IEP Team meeting, consensus was reached on the Student's new goals and accommodations. (Tr. 504.) Specially designed instruction in literacy was increased and a supported study hall was added by agreement. (Tr. 505.) There was also consensus on the service minutes and the services themselves. (Tr. 505.) The Student's IEP Team, however, disagreed on placement. (Tr. 505.) Ms. [] had notably changed her perspective that the Student was ready to begin transitioning to [] Middle School although she did not give any advance notice of the change nor did she provide an explanation. (Tr. 500-02.)

The Student's special education services at [] Middle School would constitute 53 percent of his day and would be provided in a setting that is equal or smaller to what he is experiencing at [] School. (Tr. 510.) Ms. [], as a reading specialist, is very well qualified to deliver the Student's SDI in reading. (Tr. 511.) In addition, the Student's general education teachers are trained in their subject areas and possess a level of expertise that is not available at [] School. (Tr. 511.) There are social opportunities both during the school day and after the school day for the Student to engage with nondisabled peers, in regular education classes, lunch, free time, unified arts, and after-school clubs and activities. (Tr. 511.) The Student would also have access to a playground and outdoor play space. (Tr. 495.)

With accommodations, the Student could fully access the general education curriculum at [] Middle School, given his cognitive profile. (Tr. 512.) The School District educates students with similar profiles across the grade levels. (Tr. 512.) General education classes at [] Middle School average under 20 students per class and some classes have as few as 9 students. (Tr. 513.) If school staff felt that one class

would be better than another based on group size, they could assign the Student accordingly. (Tr. 513.)

With regard to the Student's transition back to the School District, while having a student not feel anxiety is important, at the same time, the School District wants to challenge students so that they are receiving the education that is documented on their IEP. (Tr. 505-06.) Students learn best in a zone of proximal development, where they are appropriately challenged and engaged and most likely to learn and grow and develop, both academically and otherwise. (Tr. 506.) A student's comfort level is important and efficacy with learning is important during a transition process. (Tr. 493.)

Shortly after the IEP Team met in June 2025, Dr. [] had a brief meeting with the Parents, in which they discussed the Student's goals over the next five to seven years. (Tr. 515-16.) Dr. [] asked the Parents if they worried about social opportunities for the Student if he was not placed at [] Middle School, which they were not. (Tr. 516.) The Parents made it clear that they were not going to accept the Student's proposed placement at [] Middle School because they preferred [] School. (Tr. 516.)

The graded 2024-2025 IEP provided by [] School for the Student at the end of the school year contained goals that were different from the IEP goals that the Student's IEP Team had written for him. (Tr. 491.) It was very unusual for an out-of-district placement to rewrite a Student's goals without conferring with the School District and explaining why they felt alternative goals were appropriate. (Tr. 491.) [] School was not authorized to change the Student's IEP goals without an IEP Team meeting and amendment of the Student's IEP. (Tr. 492.)

School District staff begin making student schedules in June and then finalized them in late August at which time they are posted on PowerSchool. (Tr. 509.) The Student's schedule was posted on PowerSchool along with all the other students. (Tr. 510.) The Parents have another child who already went through [] Middle School and would have been aware of the schedule posting process if they sought to access the Student's schedule. (Tr. 510.)

In November 2025, Dr. [] sent an email to the parents because he wanted them to have an understanding of what a transition could possibly look like for the Student. (Tr. 519.) He did not receive any response to that email. (Tr. 519.)

Dr. [] believes that the Student is receiving less effective reading instruction, less effective math instruction, less engagement overall, and less access to the curriculum from qualified teachers at [] School as compared to [] Middle School. (Tr. 518.) Also, the Student would have been several years away from nondisabled peers by the time of his return, if he did not return until ninth grade, which could increase the amount of time he would need to adjust to a more typical, less restrictive environment. (Tr. 518.)

The School District educates approximately 70 students with specific learning disabilities. (Tr. 507.) One-on-one services are not listed in any student's IEP in order to give teachers flexibility. (Tr. 507.) If a teacher identifies that a particular area of instruction would be better accomplished with a group of two or three, the teacher is given that flexibility. (Tr. 507.) The School District also does not put reading methodologies or other methodologies in IEPs, even though programming may be discussed at meetings. (Tr. 508.) This allows instructional staff to shift gears and change

instruction if that is best for the student. (Tr. 508.) Students with specific learning disabilities do very well in the School District generally. (Tr. 520.) Many high school students with specific learning disabilities access honors and advanced placement courses and go on to college. (Tr. 520.)

Dr. [] feels that [] School has a very narrow reading curriculum focused on the use of the Seeing Stars program, which is not helping the Student get back on track. (Tr. 521.) He found that most out-of-district placements seek to give students skills to return to their public-school setting as soon as they are able but [] School does not appear to focus on that goal. (Tr. 521.)

[], **Ph.D., Psychologist with []**. Dr. [] was engaged by the School District to gather information about the Student in September of 2024. (Tr. 547.) Around mid-November, Dr. [] met with [] to gather her insights, updates, and recommendations. (Tr. 549.)

During her observations of the classroom, Dr. [] noticed a number of areas of difficulty with some behavior management and student disruptiveness which led to difficulty getting started with activities and disruption to the academic work. (Tr. 552.) When the students were able to take outside breaks, they went outside to a parking lot area. (Tr. 553.) Although she found the space at [] School to be a bright and open office building type of environment, there was no outdoor play area or any recess equipment. (Tr. 551.) Dr. [] also concluded that the overarching group curriculum that was being utilized, and the manner of implementation, may not have been appropriate for every student and every grade level. (Tr. 555.)

Dr. [] observed that the Student was less engaged with other students, but showed some nice engagement with adults, showed good humor, and was following expectations without issue at all times. (Tr. 554.) Ms. [] had shared with Dr. [] that the Student had different social skills than many of the other students at [] School. (Tr. 556.) Ms. [] explained that was the reason she made the suggestion that a class at [] Middle School might be something that would be beneficial for the Student. (Tr. 556.) Ms. [] suggested that, because the Student is athletic, a physical education or an allied arts class would be appropriate for the Student to begin with. (Tr. 558.) Ms. [] reported that the Student was building self-advocacy skills, but still had difficulty indicating that he was unclear with the material. (Tr. 558.) She also shared that the Student had significant weaknesses and that she was very concerned about these areas for him. (Tr. 559.)

In February of 2025, Dr. [] met with Ms. [] to discuss the Student but Ms. [] did not have any significant updates. (Tr. 561.) Ms. [] did not share that she had changed her position about whether it would be appropriate for the Student to transition to [] Middle School for some classes. (Tr. 561.) Ms. [] informed Dr. [] that grading was based only on what the Student completed, not what was assigned to the Student. (Tr. 562.) Dr. [] found this concerning because grading in that manner can misrepresent actual student performance. (Tr. 562.)

Dr. [] also found it unfortunate that there was no weekly progress monitoring data to look at the Student's learning trends over time. (Tr. 564.) Weekly progress monitoring data is standard practice. (Tr. 568.) The repercussion of not doing weekly progress monitoring was that the Student's IEP Team was missing the opportunity to

make important changes, especially if the Student was not benefiting fully from instruction. (Tr. 570.) The two graphs that she received showed some growth and some change over time, but it did not provide the context for where that growth was relative to expected growth or same age peers. (Tr. 564.) Dr. [] has not typically had trouble getting records from other day treatment or residential programs, as she has with [] School. (Tr. 565.)

The Student's oral reading fluency and accuracy scores through sixth grade indicated that he remained in the 10th percentile for sixth grade passages. (Tr. 573.) Dr. [] found this concerning because students who are accessing intensive reading instruction should move at a rate that is greater than what would be expected based on time alone. (Tr. 575.) For instance, they would want to see a student move from the 10th percentile to the 25th percentile; their rate of change over time should be greater than what they would expect for students based on their experience and education generally. (Tr. 575.) A student who is receiving intense instruction should be closing that gap and moving in their percentile closer to the average range for students at that grade level. (Tr. 575.) In addition, Dr. [] found that [] School staff administered the testing in a non-standardized manner and noted that there were data points on the graph that were not reflected in the aimsweb data records, which caused her concern about the validity of the data. (Tr. 573-74.)

The Student is still falling well below same-aged peers, which is very concerning. (Tr. 590.) Dr. [] would expect greater change, given what she knows about his cognitive profile and the instruction that he is getting at [] School. (Tr. 590.) If Dr. [] were providing the instruction, she would be doing a deep dive analysis to

understand what is it about the Student, the methodology, and the intensity of instruction that is not working, reviewing all of the different factors that contribute to an effective teaching and learning experience, and seeking to understand what needs to be changed or bolstered in order for greater growth to occur. (Tr. 592.) The lack of weekly progress monitoring by [] Staff was the most significant weakness in the Student's testing because it is the most sensitive to the trends of change over time. (Tr. 594.)

Dr. []'s original recommendation for the Student to continue with the Lindamood-Bell program was based on the information she received from Ms. [], who stated that the Student was well-engaged with the program and working hard in the program. (Tr. 602.) However, now that she has access to the Student's progress, Dr. [] is very concerned about his response to the interventions that have been provided so far. (Tr. 602.) Given the Student's cognitive profile, she would not expect such limited progress. (Tr. 602.)

Dr. [] explained that an intervention needs to be delivered with fidelity, monitored consistently for correct implementation, and assessed to ensure that it is creating a response. (Tr. 603.) In the Student's case, where he is not responding, it is absolutely critical to examine what other materials and methodologies can be used to supplement the instruction and truly help him to fill the gap. (Tr. 603.) In the Student's case, she would be closely examining the methodologies, considering other methodologies that could be used, and layering in or adding in new methodologies. (Tr. 604.)

In terms of the two special education teachers who would work with the Student at [] Middle School, Dr. [] noted that both focused on maintaining constant

and active connection to the content that is provided in the mainstream classrooms. (Tr. 612.) They also strive to differentiate different experiences so that special education students are, to the greatest extent possible, connected to what nondisabled peers are experiencing. (Tr. 612.) Dr. [] noted the higher level of expertise that the Student would be provided through literacy instruction from a highly credentialed individual such as Ms. [], who may be able to gather a better understanding of what the Student's needs are. (Tr. 612.)

Regarding student transitions, Dr. [] considers how to help a student get outside of their comfort zone, while also ensuring that there is a sense of safety and the necessary level of support. (Tr. 618.) Natural transitions, defined as a semester, a school year, or in some other way, are often most advantageous for students. (Tr. 618.)

Dr. []'s biggest worry for the Student, even as uncomfortable as it would be to transition to [] Middle School in the middle of a school year, is for his academic development. (Tr. 619.) She is concerned that if he receives all of his seventh and eighth grade instruction at [] School, where they do not have the consistent data collection, data-informed decisions, and the robust type of teaching and learning that is needed for him to make the gains that he needs, it will become hard to close his gaps in reading. (Tr. 619.)

IV. POSITIONS OF THE PARTIES

A. Parents

The Parents argue that the School District's proposed IEP and placement for 2025-2026 failed in two ways to meet the test for substantive appropriateness found in *Endrew F. v. Douglas Cty. Sch. Distr. RE-1*, 137 S.Ct. 988 (2017). First, the Parents

contend that the proposed IEP did not specify that the Student would continue reading services in a one-to-one setting using the Lindamood Bell programming he has been receiving the past two school years. Second, the Parents maintain that the offered placement at [] Middle School, with nearly half the day spent in mainstream classes, would not appropriately address the Student's individualized needs, as required by *Endrew F.*

The Parents argue that the Student requires one-to-one reading instruction using Lindamood Bell programming. The Parents note that since arriving at [] in November 2023, the Student has received a significant chunk of his literacy instruction in a one-to-one setting utilizing Lindamood Bell programming including the Seeing Stars and the Visualizing and Verbalizing programs, necessary given the depth of his deficits and the highly orthographic nature of his dyslexia. They emphasize that the School District's offer did not promise him either one-to-one instruction or Lindamood Bell programming.

The Parents maintain that these omissions in the proposed IEP for the Student are critical because the First Circuit has ruled that families cannot enforce promises of services unless they are formally documented in the Student's IEP, citing *Ms. M. v. [] School Department*, 847 F.3d 19 (1st Cir. 2017). The Parents point to Ms. [] statements at the June 2025 IEP Team meeting that the Student's program and service provider would not be named in the Student's IEP by policy of the School District and that she could not say at that time how many students would be in the Student's literacy class. The Parents argue that the School District's plan to assign the Student to the resource room for reading instruction and utilize an Orton-Gillingham

based approach to his literacy instruction ignores the reality that the Student was provided Orton-Gillingham based instruction for multiple years while he attended [] Elementary School with very disappointing results. The Parents rely on *Doe v. Falmouth*, 2021 WL 4476939 (D. Me. Sept. 29, 2021) *aff'd* 44 F.4th 23 (1st Cir. 2022), holding that the details of a student's programming, including the instructional program to be used, are important and that flexibility in methodology does not mean that a district can ignore evidence that its preferred structured literacy program has not worked and that the unique needs of a student may require school officials to provide alternative, accepted methodologies.

With regard to the literacy programming for the Student, the Parents contend that the evidence presented by those who know the Student well demonstrated that he continues to require Lindamood Bell programming, noting that the Student has not completed the Seeing Stars program, which was recommended for him specifically for his deep orthographic deficits, which are at the root of his dyslexia. The Parents note that the Student has only recently begun to work in Lindamood Bell's Visualizing and Verbalizing program to improve his reading comprehension. These Lindamood Bell programs are designed to work together, the Parents state, using a common instructional methodology with which the Student is familiar. The Parents argue that ripping the Student away from this instructional approach prior to completion of his programming would not be beneficial, especially given the promising results documented in Ms. []'s June 2025 testing.

With regard to the format of the Student's instruction, the Parents assert that the Student requires one-to-one literacy instruction given the depth of his processing

disorders and the ground he must make up. The Parents argue that although the School District attempted to justify its decision not to commit to offering him one-to-one tutorial instruction at the June 2025 IEP Team meeting by indicating that insufficient data existed to determine the Student's needs, the School District made no attempt to assess the Student either prior to the June 2025 IEP Team meeting or during the summer before seventh grade.

The Parents maintain that a placement at [] Middle School, where he would attend nearly half of his instruction in mainstream settings, accompanied by a shared educational technician whose duties are not specifically defined, is wildly inappropriate. The Parents assert that all the witnesses who knew him well made it clear that placing him in the mainstream for half of instruction would be ill-suited for him. The Parents maintain that the Student should remain at [] School, where he has been successful and which remains an approved special purpose private school that routinely educates complex students with disability profiles like the Student's in a small, safe learning environment.

B. School District

The School District maintains that the Parents have not provided evidence to support any of the three concerns they raised regarding the Student's proposed 2025-2026 IEP: (1) that the Student's IEP does not specify one-to-one instruction in literacy; (2) that the School District refused to identify, in the IEP, what literacy methodology would

be used; and (3) that the Student would not be able to access the mainstream or larger-group classes because he would “freeze.”

With regard to the Parents’ concern that the IEP does not specify one-to-one literacy instruction, the School District argues that there was no information at the time of the meeting suggesting that the Student required one-to-one instruction because [] School had failed to complete the FAR specifically and generally had not produced the expected data on the Student’s progress. The School District points out that Ms. [] stated in the IEP Team meeting that she was ready to provide the Student with one-to-one services but could not give a definitive answer at that time due to the lack of data. The School District argues that even if there had been ample data available at the time of the June 2025 IEP Team meeting, the Student at times received instruction in a four-to-one student-teacher ratio setting at []. The School District further asserts that even though some students require one-to-one instruction generally, there are occasions where an intentional grouping can be an advantage and create peer-assisted learning strategies. The School District concludes that once it reviewed the data it received in response to the subpoena it issued, it amended the Student’s schedule to include one-to-one instruction with Ms. [] and sent an email to the Parents in November 2025 proposing a gradual transition to [] Middle School to include one-to-one literacy instruction.

With regard to the Parents’ concern regarding the literacy instruction methodology to be used, the School District points out that the Student completed the Seeing Stars program in December 2025 and thus the Seeing Stars program, had it been in his June 2025 IEP, would have been inappropriate by December. The School District

notes Dr. []'s testimony questioning whether Seeing Stars was the appropriate program for the Student because of his cognitive profile and the expectation that he would have made significantly more gains over the last nearly two years given that the level of intensity and level of rigor of the instruction that had been provided if it were the appropriate program for him. The School District relies on the testimony of Dr. [] that the Student's 2025-2026 IEP provides him FAPE and that [] can implement his program as well as the testimony of every witness from the School District who testified that the Student would be appropriately educated at [] Middle School and a change of placement should not be delayed.

With regard to the Parents' concern that the IEP cannot be implemented at [] Middle School because the Student, an introvert, may shut down or be overwhelmed in that setting, the School District argues that the Student successfully attended mainstream classes at [] Elementary School until fifth grade. The School District argues there is no reason to suspect that the Student, who has not been diagnosed with anxiety, would now be unable to access a larger school environment. The School District states that even assuming that the Student feels overwhelmed or shy in larger groups, his IEP is reasonably calculated to address that alleged issue and provides him with significant accommodations when accessing the mainstream, as well as repetition, scaffolding, and extra support in small group settings. The School District also points to Dr. [] testimony that for plenty of general education classes, there are only 9 to 15 students and that the School District could accommodate the Student if he required smaller class sizes. The School District also suggests that Ms. [] could not credibly testify to how the Student performs in larger academic settings

because [] is a very small program without any opportunity for the Student to demonstrate his skills in that area.

The School District argues that the testimony of Ms. [] and Ms. [] should not be credited. The School District points to Ms. []'s inability to identify a reason that the IEP was inappropriate other than that it would be implemented at [] Middle School. The School District points out that although Ms. [] testified that the Student would shut down in larger group settings, she privately told Dr. [] and Dr. [] that the Student would benefit from classes at [] Middle School.

The School District asserts that Ms. [] lacked credibility because she testified that she was hired by Attorney O'Meara to build a case for the Student attending []. The School District also argues that Ms. []'s credibility was diminished by her rescission of a portion of her 2023 evaluation of the Student which noted that he had made significant gains in the School District in all areas since his initial identification. The School District maintains that Ms. []'s admission that she had no idea what the Student's program would look like at [] Middle School, her failure to observe the program or meet the Student's teachers, and her failure to understand how big his classes would be, undermine the reliability of her opinions.

Finally, the School District argues that regardless of the appropriateness of the Student's IEP, [] School is not an appropriate placement for the Student. The School District maintains that [] School staff are not appropriately trained or credentialed. The School District contends that the Student has made little or no progress at [] School across all areas after more than two years and three summers. The

School District asserts that the Student's placement at [] School is highly restrictive and violates his right to be educated in the LRE. Finally, the School District contends that [] School's failure to communicate or share information with the School District makes the program inappropriate. The School District requests that if the IEP is found to be inappropriate, the necessary changes should be ordered to be made to the IEP and implemented at [] Middle School.

V. DISCUSSION AND CONCLUSIONS

A. Applicable Standards

The burden of proof for consideration in this case rests with the Parents.

Schaeffer v. Weast, 546 U.S. 49, 58 (2005).

A student who has been identified as eligible for special education is entitled to a free appropriate public education ("FAPE") provided by the school district in which he resides. 20 U.S.C. § 1412(a)(1)(A); 20-A M.R.S. § 7006. A FAPE includes special education as well as related services. 20 U.S.C. § 1401(9); MUSER § II.13.

"The IEP is 'the centerpiece of the statute's education delivery system for disabled children.'" *Endrew F. v. Douglas Cty. Sch. Distr. RE-1*, 137 S.Ct. 988, 994 (2017) (quoting *Honig v. Doe*, 484 U.S. 305, 311 (1988)). An IEP is reviewed first for consideration of whether it was developed in accordance with procedural requirements and, second, whether the IEP and placement were reasonably calculated to provide the student with some educational benefits. *Board of Educ. v. Rowley*, 458 U.S. 176, 206-7 (1982) (analyzing predecessor statute to IDEA). An IEP must be designed to provide a student with "personalized instruction with sufficient support services to permit the child to benefit educationally from that instruction." *Id.* at 203. In addition, an IEP must

include the student's present levels of performance, measurable annual goals, methods by which progress towards those goals will be measured, an explanation of to what extent the student will participate with non-disabled students, and the special education and supportive services necessary to help the student advance toward his goals, make progress in the general education curriculum, participate in nonacademic activities, and be educated with other children with disabilities as well as non-disabled peers. 20 U.S.C. § 1414(d)(1)(A); MUSER § IX.3.A.

As the First Circuit Court of Appeals has explained, the IDEA “does not promise perfect solutions to the vexing problems posed by the existence of learning disabilities in children and adolescents. The Act sets more modest goals: it emphasizes an appropriate, rather than an ideal, education; it requires an adequate, rather than an optimal, IEP. Appropriateness and adequacy are terms of moderation.” *Lenn v. Portland Sch. Comm.*, 998 F.2d 1083, 1086 (1st Cir. 1993). “The ultimate question” is “whether the IEP is reasonable, not whether the court regards it as ideal.” *Endrew F.*, 137 S.Ct. at 1000 (citing *Rowley*, 458 U.S. at 206-7). The “alchemy” of a ‘reasonable calculation’ necessarily involves choices among educational policies and theories – choices which courts, relatively speaking, are poorly equipped to make.” *Endrew F. v. Douglas Cty. Sch. Distr. RE-1*, 137 S.Ct. 988, 994 (2017), 992 (1st Cir. 1990).

Whether an IEP is reasonably calculated to enable a child to receive educational benefits depends on the student's individual potential. *Rowley*, 458 U.S. at 203. Development of an IEP requires “careful consideration of the child's individual circumstances.” *Endrew F. v. Douglas Cty. Sch. Distr. RE-1*, 137 S.Ct. 988, 994 (2017). The IEP must be “reasonably calculated to enable a child to make progress appropriate in

light of the child's circumstances." *Id.* at 999. As such, "the adequacy of a given IEP turns on the unique circumstances of the child for whom it was created." *Id.* at 1001.

Further, the IDEA requires that students be educated with non-disabled peers "to the maximum extent appropriate." 20 U.S.C. § 1412(a)(5)(A); 34 C.F.R. § 300.114(a)(2); MUSER § X.2.B. As such, a public school may remove a child with disabilities from the regular educational environment only when "the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." 20 U.S.C. § 1412(a)(5)(A); MUSER § X.2.B. The educational benefit and least restrictive environment requirements "operate in tandem to create a continuum of educational possibilities." *Roland M. v. Concord Sch. Comm.*, 910 F.2d 983, 993 (1st Cir. 1990). As such, schools must make a continuum of placement options available. 34 C.F.R. § 300.115; MUSER § X.2.B. The IEP must be evaluated as of the time it was created, not in hindsight. *Roland M.*, 910 F.2d at 992.

B. Whether the School District Offered the Student an IEP for the 2025-2026 School Year that is Reasonably Calculated to Provide the Student with a Free Appropriate Public Education.

The Parents have articulated two reasons why the proposed IEP and placement for 2025-2026 are not substantively appropriate.

1. The Parents assert that the IEP is not substantively appropriate because it does not specify that the Student will receive one-to-one literacy instruction using Lindamood Bell programming.

First, the Parents assert that the proposed IEP is insufficient because it did not specify that the Student will continue reading services in a one-to-one setting using the Lindamood Bell programming he has been receiving for the past two years.

a. One-to-one literacy instruction

At the June 11, 2025, IEP Team meeting, the Student's IEP Team agreed on most aspects of the Student's proposed 2025-2026 IEP, including goals, accommodations, services, and related services. The Team disagreed, however, on the appropriate placement for the Student. In tandem, the Team discussed whether the Student would be provided one-to-one instruction, which he received some of the time at [] School.

During that discussion, Ms. [] and Dr. [] made clear that the School District lacked sufficient data to determine whether the Student required one-to-one literacy instruction, but noted that conducting assessments would be the first step in the Student's transition back to the School District, after which the data could be analyzed to determine the Student's needs.

In her July 2024 psychoeducational evaluation of the Student, Ms. [] recommended small group or individualized direct instruction in reading, writing, spelling and math. Further, the Student's experience at [] School does not reflect uniformly one-to-one instruction. During the IEP Team's December 2024 evaluation review, it was noted that the Student was working in a two-to-one grouping at [] School. During his current seventh grade school year at [] School, the Student has been in a classroom of four students and receiving one hour a day of one-to-one Lindamood Bell programming with a teacher who is certified in general education but not special education.

As Ms. [] testified, at [] Middle School, she seeks to provide students with opportunities to form peer connections in a smaller group by providing learning opportunities to receive instruction with peers if appropriate. As Dr. []

testified, if a teacher identifies that a particular area of instruction would be better accomplished with a group of two or three, the teacher is given that flexibility.

Based on information the School District received after the June 11, 2025, IEP Team meeting, it developed the Student's schedule to include one-on-one SDI in both literacy and math. Although that schedule was not provided to the Parents at the June 2025 IEP Team meeting, by then, and in subsequent outreach from the School District to the Parents, it was clear that the Parents were not willing to transition the Student to the School District. In late August 2025, the Student's schedule was posted to the PowerSchool platform, which the Parents were likely familiar with due to the attendance of their older child at schools in the School District. Dr. [] November 2025 email reiterated that literacy instruction would be one-to-one.

In addition, the record reflects that the IEP Team had insufficient information to determine the exact nature and format of the SDI to be delivered in June 2025 primarily because of the lack of testing, including an updated FAR, administered by [] School. School District staff found that [] School was not providing the same data about the Student that other special purpose schools routinely provided the School District regarding students placed with them.

As Dr. [] testified, [] School's lack of weekly progress monitoring of the Student's learning trends, which it is standard to conduct, was significant. Over time, the lack of weekly progress monitoring resulted in the Student's IEP Team being unable to make important changes given that the Student was not fully benefitting from the instruction.

Further, the testing that was conducted at [] School was not conducted utilizing standardized practices. Dr. [] noted that graphs did not provide context for whether growth had occurred relative to expected growth or same age peer growth. Dr. [] also expressed concern that there were data points on the graph not reflected in aimsweb data, which created doubt about the validity of the reported results.

Moreover, although [] School staff conducted testing of the Student the day before, the day of, and a few days after the Student's IEP Team meeting, Ms. [] testified that the testing was done at the request of the Parents rather than for the benefit of the IEP Team in creating the Student's 2025-2026 IEP. The testing results were shared with the Student's IEP Team after the June 2025 meeting in which the Student's draft IEP was shared. Further challenging the Student's IEP Team's planning in June 2025, [] School staff had replaced some of the goals in the Student's 2024-2025 school year as developed by the Student's IEP Team with different goals but had not informed the Student's IEP Team of the changes nor had the Student's IEP Team agreed to the changes.

Although the Parents argue that the School District did not attempt to assess the Student prior to the June 2025 IEP Team meeting, the School District had in fact conducted multiple observations of the Student at [] School, engaged Dr. [] to do additional review and observation, and reasonably expected that [] School would provide updated results of the Student's progress.

b. Lindamood Bell programming

With regard to the Student's need for Lindamood Bell programming, over the last few years, multiple programs have been recommended and utilized for the Student by

individuals assessing and instructing him, including [] School staff. In his September 2022 report, Mr. [] opined that the Student's teachers should use a variety of evidence-based curricula including Orton-Gillingham programs for word attack strategies. He noted that if the Student was not making adequate progress, variables to be considered would include the instruction itself, the frequency of instruction, the intensity of instruction, the duration of instruction, and the experience of the teacher. During his initial tutoring at [] School in the summer of 2023, the Student received literacy instruction through both the Seeing Stars program and elements of an Orton-Gillingham approach.

During the IEP Team's December 2024 evaluation review, Ms. [] reported that she was using an Orton-Gillingham method for reading strategies with the Student. As Ms. [] noted in her observation report in April 2025, teaching opportunities were missed during the Student's one-on-one Seeing Stars instruction at [] due to the limited skill set of the instructor and the constraints inherent in using a single packaged reading program. Furthermore, the teacher had difficulty implementing the error correction strategies in the Lindamood Bell program she was using and frequently required guidance from Ms. [].

Although Dr. [] originally recommended that the Student continue with Lindamood Bell programming based on her discussion with Ms. [], given her subsequent access to more testing results indicating a lack of progress, she is concerned about the Student's limited response to the Lindamood Bell programming he has received given his cognitive profile. Ms. [] herself expressed to Dr. [] a concern about the Student's areas of weakness when they met in November 2024.

Dr. []'s testimony made clear her alarm regarding the lack of progress that the Student has made despite over two years of intensive Seeing Stars programming. She expressed concern that the Student remained at the 10th percentile in oral reading fluency. Based upon his receipt of intensive reading instruction, she noted, he should be moving at a greater rate than expected with time alone and should be closing the gap rather than remaining status quo. Dr. [] observed that the testing of the Student at [] School was conducted in a non-standard manner, rendering the results even more concerning. Dr. [] advised that a deep dive analysis into the Student's current skill level is necessary to understand what it is about the Student, the methodology, and the intensity of instruction that is not working, to include a review of all the different factors that contribute to an effective teaching and learning experience.

Dr. [] is advocating for a close examination of potential methodologies, layering in or adding new methodologies to instruct the Student. She found that the proposed combination of intensive reading instruction with Ms. [] and speech-language services with Ms. [] would present the Student with a comprehensive approach to addressing his language-based learning disabilities. Dr. [] commented that Ms. [] expertise as an Orton-Gillingham certified advance practitioner would provide the systemic, explicit instruction essential for the Student, particularly when combined with Ms. []'s focus on oral and written language development to address the underlying language processing challenges that often accompany complicated reading difficulties.

As Dr. [] testified, not limiting the teaching staff to one program of instruction for the Student allows them to shift programs as the Student's needs and skills

develop, just as [] School has done upon the Student's completion of the Seeing Stars Program by layering in the Lindamood Bell Visualizing and Verbalizing Program and the Orton Gillingham Morphology Plus Program. As the School District points out, even if Seeing Stars were the ideal program for the Student, his most recent report card from [] School indicated that he was in the process of completing the final box of the program and as such the IEP already be outdated if it limited the Student's teaching team to only this single methodology.

As such, the School District's indication at the June 2025 IEP Team meeting that it was prepared to provide the Student one-to-one literacy instruction with Ms. [] should data support that such a need existed and its subsequent decision to include one-to-one literacy programming in literacy, not limited to Lindamood Bell programming, and math on the Student's schedule once it received more data resulted in an offer of an IEP that is reasonably calculated to provide the Student with a free appropriate public education that would create educational benefits, consistent with *Rowley*, and is based on a careful consideration of the Student's individual circumstances, consistent with *Endrew F.*

2. The Parents assert that the IEP is not substantively appropriate because the Student will spend 47% of his time in mainstream classes.

Second, the Parents argue that the offered placement at [] Middle School, with nearly half the day spent in mainstream classes, would not appropriately address the Student's individualized needs.

The Student has not participated in larger group settings during his time at [] School and as such staff at [] School could not provide any examples

of the Student freezing or shutting down in larger settings. The Student's Mother noted that he enjoyed golf lessons more when fewer students were present, but did not have any examples of the Student shutting down in social or academic settings.

In fact, Ms. [] reported to both Dr. [] and Dr. [] that she believed that the Student was ready to transition back to the School District. To Dr. [], she suggested that a physical education class would be an appropriate starting point. She did not express any concerns about class size or the Student's integration into mainstream classes. In fact, she specifically suggested that a physical education class would be the most appropriate for social reasons. Ms. [] shared with Dr. [] that the Student possessed different, presumably more advanced, social skills than his peers at [] School. She explained that the social skills opportunity was the reason that she suggested a class at [] Middle School would be appropriate for the Student. To Dr. [], Ms. [] also specifically suggested a physical education or allied arts class, without expressing any concern about class size or the Student's integration into mainstream education settings with non-disabled peers.

Ms. [] did not share that she had changed her opinion regarding the Student's readiness to transition back to the School District with Dr. [] or Dr. [] prior to the June 2025 IEP Team meeting. Nor did she provide any explanation for her change of opinion during her testimony at hearing.

As Dr. [] noted in her testimony and her September 2025 consultation note, [] Middle School offers the Student a learning environment characterized by varied instructional approaches in the mainstream and multiple special education program options. Dr. [] also noted the strong connection between special education programs

and the mainstream curriculum that allowed students in special education to share common academic experiences and reference points. This type of model will allow the Student to bridge the gap to interacting with mainstream peers.

In contrast, multiple evaluators noted the Student's more mature social skill set and lack of similarly skilled peers in the [] School setting. Ms. [] noted during her observation of the Student in math class at [] School that he was a leader in the group, demonstrating more maturity and better regulation skills than his peers. She observed that the disruptive classroom environment had a negative impact on the Student's ability to receive feedback and instruction from his teacher, which had a negative impact on the Student's learning.

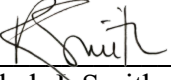
Moreover, the School District repeatedly articulated a commitment to transition the Student thoughtfully and with attention to his level of anxiety in combination with the attainment of a proximal zone of learning for him. When Ms. [] suggested to Dr. [] that a physical education class would be an appropriate initial starting point for the Student partially for social reasons, which suggests that she was not concerned about his transition to larger class sizes, School District staff accepted her suggestion. As Dr. [] November 2025 email to the parents indicated, the transition could begin with the Student visiting [] Middle School outside of school hours to tour the building and meet staff. Ms. [] testified to the process by which she would acclimate the Student to the building and staff he would be working with. Dr. [] email proposed that the Student would begin by attending [] Middle School for one class per day, potentially starting with Ms. [] literacy instruction in a one-to-one setting.

In addition, Ms. [], who would be the Student's Case Manager and would provide him with SDI in math, testified that her classroom has an open-door policy and can serve as a safe space for students who are feeling dysregulated or need additional support. Finally, [] Middle School would offer the Student outdoor space and after school activities that he does not have access to at [] School.²

As such, the IEP Team's offer of a placement at [] Middle School was consistent with the School District's mandate to educate the Student in the least restrictive environment as required by 20 U.S.C. Section 1412(2)(5)(A) and MUSER Section X.2.B.

V. ORDER

The School District offered the Student an IEP for the 2025-2026 school year that was reasonably calculated to provide the Student with a free appropriate public education.



Rebekah J. Smith, Esq.
Hearing Officer

This decision is a final administrative determination. Either party may appeal this decision by filing a civil action in state or federal court within 90 days of the date of this decision, pursuant to 34 C.F.R. § 300.516.

² When the Student's IEP Team creates a transition plan for the Student, Dr. []'s testimony regarding the benefit of a natural transition time should be considered and the transition timing and plan for the Student should be carefully assessed.