

**THE CASE:**

***Our daughter, Lia, is diagnosed with an ID. In April 2 years ago, the IEP team placed Lia in supplemental LS and SL support along with an offer of ESY. We approved the IEP and chose to send her to ESY. In preparing for her transition to middle school, we met again to revise the IEP in May. The LEA recommended social skills which we declined. LEA offered a waiver, but we rejected that too and LEA removed social skills. We signed the NOREP for grade 6. One year later in April, the LEA issued a reevaluation report to which we consented. The new IEP indicated Lia was to remain in LS the rest of the year and then transition to LSS and LS program for middle school with SL as a related service. We rejected the NOREP and requested mediation. At mediation, the LEA agreed to an IEE while the year old IEP remained in place. We obtained an IEE and an independent AT eval at the LEA's expense. We met in February of this year after the independent evals were completed to revise the previously written IEP. Both IEEs recommended LS, not LSS. Again, the LEA offered supplemental LSS and LS with ESY for the summer. We rejected the NOREP and shortly thereafter sent Lia to half day private tutoring every school day. We took Lia out of school at mid-day for the remainder of the school year because we feel the LS instruction was not meeting her needs. Additionally, the LEA assigned an aide to her last year. The aide was not appropriate because of her use of social media during class time, a lack of educationally relevant credentials, and upon our observing her, her lack of ability to instruct Lia. Plus, the aide was not written into the IEP. The LEA offered a new annual IEP this past April, after we filed for a hearing. It is now July as of this DPH. We are demanding compensatory ed and tuition reimbursement for the tutoring. We also are demanding that Lia be placed in the half day private tutoring or placement in a full day private tutoring program for the new school year.***

We have countered that our RR is a comprehensive report and that the IEP following the district RR was an offer of FAPE. We did remove social skills despite the parents not agreeing to the offer of the instruction or of the legal waiver. After mediation, in which we agreed to pay for the 2 IEEs, we did take both reports' results into consideration when we met again for an IEP meeting as a team. We do not accept the conclusion of the 2 reports that Lia would be appropriately served in LS because the evaluators did not visit the LSS program being offered by us. We firmly believe the IEP we offered is reasonably calculated based on Lia's unique circumstances. Our conclusion, based on the data at hand, is that Lia needs a combination of LSS and LS programming at the supplemental level at the middle school in order to provide FAPE. Lastly, we believe we have done our due diligence in creating an appropriate IEP from which Lia would make meaningful progress.

**THE QUESTION(s):**

- A. Did the District fail to provide FAPE to Lia for the past 2+ years?**
- B. Are the parents entitled to tuition reimbursement for the private tutoring they obtained for Lia?**
- C. Was the assignment of the aide detrimental to Lia's educational progress?**

**WHAT DO YOU THINK?**

- 1. YES to A, B, & C
- 2. NO to A, B, C
- 3. NO to A & B YES to C
- 4. YES to A & B NO to C

**~Please "VOTE" by demonstrating your choice on your response cards and hold up when asked to share your answer with the group~**

**To expand the conversation, what advice would you offer the LEA based on the content of the summary?**