

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Regional School District No. 15 Board of Education

Appearing on behalf of the Parents: **Attorney David C. Shaw**
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Appearing on behalf of the Board: **Attorney Susan C. Freedman**
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Appearing before: **Attorney Stacy M. Owens, Hearing Officer**

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Student's IEP and educational placement for the 2001-2002 school year provides the Student a free and appropriate public education sufficient to meet his special needs.
2. Whether the Student should be placed in a regular education class full day with supplementary aides and services. (Inherent in the review of this issue is whether the Board has violated the IDEA by failing to consider full day placement of the Student in regular education)
3. Whether placement at Pomperaug Elementary School or Long Meadow Elementary School is most appropriate? (noting neither of these schools is the Student's home school)

PROCEDURAL HISTORY:

The Parents requested a hearing on August 29, 2001. During the Prehearing Conference held on September 11, 2001 the first day of hearing was scheduled for September 28, 2002. On such day, the parties attempted conciliation, but were unsuccessful. Thus, the hearing moved forward on the following scheduled dates: October 4, 2001; November 1, 2001; November 8, 2001; November 9, 2001; November

20, 2001; November 21, 2001; December 5, 2001; December 11, 2001; December 12, 2001; January 23, 2002; and February 11, 2002.

SUMMARY:

The Parents filed a request for hearing on August 29, 2001 alleging the Board has failed to provide the Student with an education to meet his special needs in the least restrictive environment. The Parents seek to have the student placed in a regular education class full-day with supplementary aides and services. The Board contends the IEP developed for the Student for the 2001-02 school adequately addresses the Student's special education needs, and that the Student would not benefit from education in a regular education classroom full day.

FINDINGS OF FACT:

1. The Student was born May 6, 1994. He has been diagnosed with autism and is identified as eligible for special education services. (Exhibit B-77-B-95)
2. The Student is described as a child that loves music, is good on computers, and is able to communicate his needs. He scores within the normal range of testing for reading, mathematics, and spelling. (Tr. 11/8/01 at 27-31, Tr. 11/1/01 at 112-113)
3. The Student is known to engage in maladaptive behaviors, which include, but may not be limited to, kicking, biting, scratching, dropping to the floor and tantrums. Increased academic demands or changes in his routine trigger these episodes. (Tr. 11/8/01 at 162-164, 11/1/01 at 125)
4. The Student presently attends the Long Meadow Elementary School ("LMES") which is not his home school. As agreed to by members of the Planning and Placement Team, the Student's home school, Middlebury Elementary School {"MES"}, did not have an environment conducive to meeting the special needs of the Student. As the mother recalled, "the classroom was not a classroom" at MES. (Tr.11/9/01 at 159)
5. The Parents requested a hearing in this matter on August 29, 2001 because they were dissatisfied with the Student's IEP for the 2001-02 school. There is nothing in the record to indicate the Parents were not afforded their procedural rights and safeguards with respect to all meetings held to discuss the Student's educational plan. (Exhibits B-1-3, 6, 9, 14, 17, 22, 23, 25-27, 29, 34, 36, 37, 39, 42, 43, 54, 55, 64, 65, 68, 70, 72, 80, 86, 92, 95, 107)
6. At one stage in the hearing, evidence was presented showing that on July 12, 2001, the Parents filed a complaint against the Board with the State Department of Education, alleging the Board failed to complete recommended assessments within a reasonable time and failed to conduct a timely annual review. (Exhibit B-93)

7. However, on August 2, 2001, Brian J. Cunnane, Education Consultant for the Bureau of Special Education and Pupil Services, found the Board did not commit any procedural violations. (Exhibit B-101)
8. The Student participated in an early intervention Birth-to-Three program. As of January 1997, this program consisted of ten hours per week of Applied Behavior Analysis (“ABA”) discrete trial training at home. By March 1997, these services were increased to 26 hours per week. (Exhibit P-8; Tr. 11/8/01 at 34)
9. In May 1997, when the Student turned three, the Board assumed responsibility for his educational program. (Tr. 11/20/01 at 202)
10. During the 1997-98 and 1998-99 school years, the Student’s educational program consisted exclusively of home-based ABA training provided through the River Street Autism Program, an outreach program for the Capitol Region Education Council (“CREC”). (Exhibits B-3, 5, 9, 10, 17; Tr. 11/8/01 at 40)
11. On May 1998, based in part on a recommendation by Dr. Alan Schnee, the Parents’ own consultant, it was decided the Student was not prepared for transitioning into a school-based program because he lacked the “requisite skills which would allow him success in a pre-school setting since his compliance with instruction is still not entirely reliable.” (Exhibit B-8)
12. Accordingly, the Planning and Placement Team decided to continue the Student’s individual home-based program through CREC and to increase direct instruction time to 30 hours per week. In order to help monitor the Student’s program, the Planning and Placement Team recommended that CREC staff provide a written progress report every six weeks to the Board. (Exhibit B-3)
13. During the summers of 1998 and 1999, the Student was provided Extended School Year (“ESY”) services in accordance with his IEP and continued home-based ABA instruction. (Exhibits B-9, B-17)
14. At the PPT meeting held on June 10, 1999, the Planning and Placement Team agreed to gradually transition the Student into a school-based program accompanied by a trained ABA shadow from CREC for the 1999-2000 school year. (Exhibit B-17)
15. As a part of the plan, the Student continued to receive 30 hours per week of discrete trial training at home. The Student received eight weeks of ESY services during the summer of 1999. Home visits by a teacher and therapists were arranged prior to the start of the school year. The Student’s time in a school setting was to be increased gradually depending upon his progression and development within the classroom. (Exhibits B-17, B-18)

16. Members of the Planning and Placement Team agreed the Student's home school, Middlebury Elementary School, did not offer an appropriate program to meet the Student's special education needs. The Student was ultimately placed in the Pre-School Primary Learning Center ("PPLC") at Long Meadow Elementary School ("LMES"), a special education pre-school program that had approximately ten students with a variety of exceptionalities. (Exhibit B-23; Tr. 11/8/00 at 160-61; Tr. 11/20/01 at 165)
17. During the 1999-2000 school year, six PPT meetings were held to monitor and evaluate the Student's educational program and progress. At five of these PPT meetings, the Planning and Placement Team recommended to increase the Student's time in his school-based program. The Parents were adverse to this recommendation citing concerns with the Student's behavior and interruption of his home-based ABA services. (Exhibits B-23, 27, 29, 36, 39, 42)
18. During the September 30, 1999 PPT meeting, the Planning and Placement Team decided to transition the Student into the Pre-School Learning Center program at Long Meadow Elementary School for one hour a day two days a week beginning on October 4, 1999. The Student was assisted by a therapist/shadow responsible for pre-teaching him materials that would be required in the classroom. The Student's goals and objectives remained the same and he continued with his home-based ABA program. (Exhibit B-23)
19. At the December 20, 1999 PPT meeting, the Student's special education teacher, Deborah Kavanaugh, provided a positive report of the Student's progress and success in transitioning into the classroom setting. As a result, the Planning and Placement Team agreed to increase the Student's time in the PPLC classroom from two to three mornings per week beginning in January 2000. Again, it was decided to continue the Student's home-based ABA program. The Planning and Placement Team further discussed modification of the Student's goals and objectives to include additional group activities. (Exhibit B-27)
20. The Planning and Placement Team met again on January 28, 2000 during which it was determined the current plan and staff were working well for the benefit of the Student's educational growth. However, Gayle Martino, the Behavior Analyst from CREC, reported the Student was still adjusting to the additional day in the classroom. (Exhibits B-29, B-30)
21. During the January 2000 PPT, Mrs. Kavanaugh reported the Student was becoming increasingly attentive, although she noted his behavior had "been a concern" at times. To the Parents' objection, Mrs. Kavanaugh recommended to increase the amount of time the Student was spending in the Pre-School Primary Learning Center. (Exhibit B-20, 2)
22. Considering the expressed concerns of the Parents and Mrs. Martino of the Student's regressive behavior, the Planning and Placement Team decided not to

increase the Student's time in the PPLC classroom and to continue the home-based ABA therapy as prescribed in the IEP in addition to his one hour/ three days per week in the PPLC. The Planning and Placement Team further recommended that evaluations be completed in the areas of speech/language, physical therapy ("PT") and occupational therapy ("OT"). (Exhibit B-29)

23. A PPT meeting was held on March 7, 2000 to review the results of the Student's evaluations and to discuss the possibility of further extending the Student's time in the PPLC classroom. Again, Mrs. Kavanaugh recommended the Student spend more days in the PPLC classroom and, again, the Mother rejected this recommendation. (Exhibit B-36)
24. At the March 2000 PPT meeting, the Mother requested the Student's entire program be provided at LMES for the 2000-01 school year, but wanted to continue the home-based discrete trial instruction on Mondays and Fridays. (Tr. 11/20/01 at 214). The PPT meeting concluded with an agreement allowing the Student to continue his current placement in the PPLC three days per week, but extending his time until 1:30 p.m. each day beginning March 14, 2000 and providing related services in speech/language, physical therapy and occupational therapy as recommended by evaluation. (Exhibit B-36)
25. On March 28, 2000, the Student's speech/ language, PT, and OT therapists and Ms. Martino from CREC provided reports. The Planning and Placement Team discussed the Student's performance on the ASIEP (Autism Screening Instrument for Educational Planning), the VINELAND Adaptive Behavior Scales and the REEL (Receptive-Expressive Emergent Language Scale). (Exhibits B-39, B-40)
26. At the March 2000 PPT meeting, despite some existing behavior concerns, the Planning and Placement Team again recommended extending the Student's time in the PPLC classroom. However, the Mother and Ms. Martino again rejected the recommendation because they did not want to interrupt the Student's home-based ABA instruction. (Exhibit B-39)
27. As of the March 28, 2000 PPT meeting, the Student attended the PPLC at LMES three days per week for approximately three hours per day. He received more than 20 hours per week of ABA therapy in addition to three hours per week of related services in speech/language, PT, and OT. At that time all members of the Planning and Placement Team agreed the Student was making progress in his placement. The Planning and Placement Team began discussing possible options for the Student's 2000-01 program (Exhibit B-39)
28. The last PPT for the 1999-00 school year was held on June 7, 2000. The Student's teachers shared their reports about his progress. (Tr. 11/20/01 at 222). Theresa Dawson, the speech/language clinician reported the Student was making "steady progress," and Tina Myers, the physical therapist, noted the Student was "able to work without specific rewards" in physical education class. (Exhibit B-43, p. 2)

29. Mrs. Martino reported “noticeable progress in [the Student’s] receptive and expressive drills.” She explained the Student was able “to orient himself to the speaker and respond”, has made gains in switching attention, and his “articulation has improved a great deal.” (Exhibits B-43, B-44)
30. During the summer of 2000, the Student participated in an ESY program at PES for seven weeks that was coordinated with a camp program organized through Southbury Parks and Recreation. The composition of the program allowed students to interact with typical peers. The Student received small group instruction, direct one-to-one services, OT and PT during the program. On Thursdays, the Student’s class and campers from the Park & Recreation program were moved to Valentine Park. (11/20/01 at 226-228, 239).
31. The Student did not exhibit any difficulty transitioning while participating in the 2000 ESY program. (Tr. 1/23/02 at 64)
32. By September 2000, the Student’s entire program successfully moved from the home into the school setting. In the mornings, the Student continued his ABA therapy in a kitchenette next to the PPLC classroom and in the afternoons he participated in the PPLC with Mrs. Kavanaugh. (Exhibit B-55, Tr. 11/20/01 at 235-36)
33. Throughout the 2000-01 school year, five PPT Meetings were held in addition to regularly scheduled meetings every six weeks between the Parents and staff working with the Student. There were also meetings between the Parents and Mrs. Popowski in February, April, and August 2001 to discuss the Student’s program. (Exhibits B-49, 55, 64, 72, 82, 95; Tr. 11/20/01 at 149, 252; Tr. 11/21/01 at 17-22, 81-88)
34. Although the Student experienced episodes of noncompliance and aggressive behaviors during the fall of 2000, the Student appeared to be making progress in his school-based program. A PPT meeting was held on November 27, 2000 to discuss transitioning the Student into a regular kindergarten class at LMES. Mrs. Kavanaugh, the Student’s PPLC teacher recommended a gradual transition into kindergarten to focus on “social interactions and peer language.” The Planning and Placement Team agreed that this would be appropriate and to begin the transition after the Christmas break, building up to one hour per day. (Exhibits B-52, B-55, B-56)
35. At the November PPT meeting, Tricia Brush, the Behavior Analyst from CREC who had taken over for Mrs. Martino, noted that the Student had “made notable progress in all areas of development” and that his “receptive and expressive language development has been tremendous.” Ms. Brush also reported that the Student had recently experienced “an increase in episodes of active non-compliance and aggressive behaviors” but that such behavior had decreased once his teachers

had introduced a variety of anger management techniques and behavior strategies. Ms. Brush concluded the Student continued to require discrete trial instruction in order to “acquire novel skills” as well as the presence of a shadow to aid him in generalizing these skills to a typical environment.” (Exhibits B-55, B-56)

36. As of the November PPT meeting, the Mother attested to being “very pleased with [the Student’s] progress”. (B-55, p. 2, 60; Tr. 11/8/01 at 232, 242). She sought 15 hours of home-based instruction over the Christmas break for the Student which the Board denied, reasoning that the Student never required such support in the past nor did he exhibit signs of regression subsequent to such breaks. (Exhibit B-55, Tr. 11/21/01 at 7-8).
37. As of November 2000, the Student continued to receive speech/ language therapy, PT and OT for a total of four hours per week in a related services classroom. (Exhibit B-55)
38. The Student began his transition into a regular education kindergarten classroom in January 2001. (B-64; Tr. 11/21/01 at 9). According to Mrs. Kavanaugh, he started off “doing well” in the kindergarten classroom after vacation, but soon thereafter, began experiencing increasing episodes of aggressive, non-compliant behavior. (11/21/01; Exhibits B-52, B-59, B-64)
39. On several occasions, Mr. Gusenburg, the Principal of LMES, or Mr. Gibbs, the school’s psychologist, had to be called to the classroom to help get the Student under control. Mr. Gusenburg noted that there were times when the Student “got frustrated, or no longer wanted to do what he was asked to do, where he would drop to the floor, refused to get up, or sometimes he would kick and get violent to the point the teacher had concerns about other children getting hurt.” (Exhibit B-95)
40. As of February 2001, the Student was consistently progressing in his educational program. In a letter dated February 6, 2001 to Mrs. Popowski the Parents stated that “[f]or the past three years, [the student] has been progressing slowly but steadily,” and that “Region 15 has been wonderful to [the student].” The Parents attributed the Student’s aggression to his not having received academic services during Christmas vacation. (Tr. 11/8/01 at 232; Tr. 12/11/01 at 26; Exhibits B-55, B-56, B-60, B-61)
41. The facts have revealed, however, that the Student began to exhibit aggressive behavior in November 1999 and had actually started off well in the kindergarten classroom after the January school break. (Exhibits B-55, B-56)
42. A PPT meeting was held on February 14, 2001. The staff working with the Student agreed that some of his aggressive behavior was triggered by increased academic demands. (Exhibit B-64)

43. According to Mrs. Kavanaugh, the Student was requiring “much more re-direction and cueing” in the PPLC and she agreed that some of his defiant behavior appeared to be linked to the introduction of academic tasks. (Exhibit B-64)
44. The Mother testified that during Christmas break and a week thereafter, Laurie Orange, the paraprofessional from River Street who worked with the Student, was sick while the Student was being transitioned into the kindergarten classroom at the same time. She explained the Student, “ started to exhibit all these behaviors that he’d never exhibited before ... dropping on the floor, kicking, noncompliance.” (Tr. 11/8/01 at 58, 59)
45. Teachers and staff working with the Student agreed that he had “started off fine in the kindergarten centers and [had been] actively participating,” but that he had become “very distracted.” Despite the Student’s episodes of noncompliance “steady progress” was still reported. (Exhibit B-64)
46. Staff working with the Student further believed that some of his recent behavior was due to the various changes made in his routine since January, including the inclusion into Kindergarten, the change in the Student’s dismissal routine and the increased intervals between positive reinforcers. To address some of the Student’s behavior, staff working with him implemented a variety of behavioral strategies. (Exhibit B-64)
47. The Parents requested ABA services at home during the February and April school breaks, but the Planning and Placement Team determined the changes to the Student’s routine and not the vacation breaks attributed to his behavior. (Exhibit B-64)
48. In March 2001, Greg Smith, a Behavioral Consultant from CREC, conducted a functional behavior analysis in order to assess the Student’s program and plan and make recommendations. As part of his analysis, Mr. Smith directly observed the Student at LMES, reviewed existing behavioral data and interviewed the Mother and other members of the Student’s educational team. (Exhibit B-69)
49. During his observation, Greg Smith witnessed the Student engage in aggressive and noncompliant behavior. He noted that when the Student “was asked to give up a desired activity, was prevented from accessing something he wanted, or was asked to do a task he did not wish to do, he responded by intensifying his behavior.” (Exhibit B-69)
50. As a result of his observations and analysis, Greg Smith recommended the Team discontinue the Student’s participation in the regular education kindergarten because he believed it was “counterproductive to [the Student’s] overall educational program.” He further recommended 1) a re-evaluation of the response cost procedure; 2) prioritizing target behavior; 3) providing opportunity for physical activity; 4) developing functional teaching routines; 5) reducing environmental

triggers; 6) re-visiting a desensitization program for giving up reinforcers and 7) clarifying reactive intervention procedures. (Exhibit B-69)

51. Tricia Brush prepared a revised behavior plan incorporating Mr. Smith's recommendation which was discussed at the March 23, 2001 PPT meeting. The Planning and Placement Team noted that the Student had shown "significant improvement" in the past two weeks since the implementation of certain strategies recommended by Mr. Smith.
52. Despite Greg Smith's recommendation to discontinue the Student's inclusion in the kindergarten classroom, the Planning and Placement Team recommended the Student continue attending the class with the goal of working up to one hour per week in the kindergarten classroom. (Exhibit B-72)
53. As testified by the Mother, the Student's behavioral problems continued from January through March 2001. She stated the Student was not on a behavioral plan, and that it was not until Greg Smith, the lead therapist from River Street, developed a behavioral plan for the Student, did he improve. The Mother acknowledged Mr. Smith's recommendation, "to pull [the Student] out of the kindergarten and the team decided that was not the best thing for [the Student]." (Tr. 11/8/01 at 62, 63)
54. At the March 2001 PPT, the Parents requested an independent evaluation to include a revised Functional Behavioral Analysis ("FBA"), and Sensory Integration and Psychological Evaluation. The Parents also requested an assistive technology evaluation, reimbursement for the ABA services that they had arranged for privately during February vacation and the provision of ABA home services during the upcoming April vacation. (Exhibit B-72)
55. The Board granted the Parents' request for independent evaluations, but denied them reimbursement for ABA services which the Board had originally concluded was not necessary for the Student during the February school break. (Exhibit B-101, Tr. 11/21/01 at 7-8)
56. In April 2001, with the guidance of their advocate, Marian Lewis, the Parents selected Dr. Judith McCarty as the evaluator to perform the Student's Independent Educational Evaluation. Dr. McCarty had never done work with the Board before, but her credentials and experience were indicative of her relevant expertise and capabilities in the area of behavioral analysis of autistic children, thus she was employed to provide the Student's evaluation. (Exhibits B-74, B-75, B-77, B-79; Tr. 11/21/01 at 56, Tr. 12/11/01 at 6-18)
57. Dr. McCarty performed a complete psycho-educational evaluation of the Student on April 28 and May 5, 2001. She administered the WISC-III, WIAT, Vineland Adaptive Behavior Scales and the Beery Visual-Motor Integration Test to evaluate sensory-motor integration. Her evaluation included interviews with the Student's

parents, behavioral observations and classroom observations of the PPLC at LMES. (Exhibit B-77; Tr. 11/21/01 at 66)

58. Dr. McCarty advocates the use of “shaping,” or slowly moving away from the 1:1 setting by exposing the Student to certain skills and scaling back on the frequency of positive reinforcers in a gradual manner so that he can experience an “errorless learning procedure.” (Tr. 11/21/01 at 71, Tr. 12/11/01 at 45; Tr. 12/12/01 at 23, 60-62, 74-75; Tr. 12/11/01 at 30)
59. Dr. McCarty recommended the Student be placed into a resource room with age appropriate peers and be “mainstreamed out from that setting.” She, “did not anticipate that the Student would start the year in a first grade class all day.” (Tr. 12/11/01 at 24-26, 62)
60. Dr. McCarty recognized the Student’s progress in the school-based program, but cautioned that he should be mainstreamed at a pace that fits his individualized needs. She believed some of the Student’s performance reflected “rote” skills rather than true language ability. She explained the Student could regress if placed in a mainstream classroom full time and could begin to engage “significant behavioral difficulties.” (Exhibit B-77, Tr. 12/11/01 at 26-27, 63, 73-74, 85-86, 99, 117-118, 142)
61. Dr. McCarty reported the need to consider potential distracting environmental factors that could impact the Student’s success in an inclusive environment. This position was further reiterated by the Parents’ expert witness, Janette Johnson. (Tr. 12/11/01 at 29, Tr. 2/11/02 at 30, 80-82)
62. The mother testified that she did not disagree with Dr. McCarty’s educational and academic test results. However, despite this claim she pursued another evaluation from Dr. Linda Rammler. (Tr. 11/9/01 at 89)
63. As a result, she discovered Dr. Linda Rammler, who provided the Parents with an expert assessment geared to mainstreaming the Student full-time in a regular education classroom.
64. Dr. Rammler possesses an extensive educational background and does consulting work for numerous districts. She has testified that most of her training relating to autism, “has been extracurricular outside the school in terms of conferences and workshops.” She has not taken any academic classes specifically designed to train individuals to work with children with autism. (Tr. 10/4/2001 at 52 and Tr. 11/01/01 at 8)
65. Inclusive in her function as a special education consultant she has done evaluations, in some districts she is specifically considered an “autism consultant”, she has assisted staff in the design and implementation of individualized educational plans,

operated summer programs and some extended day programs, and assisted in staff development. (Tr. 10/4/2001 at 42-44)

66. Dr. Rammler testified that she works on specifically developing inclusive programs for students in which the outcome is that the student is, “with his or her non-disabled peers for the better part of the school day and generally only leaves that setting under three conditions.” Those conditions, as stated by Dr. Rammler were if the student’s behavior warranted a break; if there was a need to provided related services that could not be integrated into the regular education classroom; and if the student needs to go to the bathroom or work with someone in another classroom. (Tr. 10/4//2001 at 45-46)
67. Dr. Rammler deems the Student as falling somewhere in the middle on the autistic spectrum. In the course of her evaluation of the Student she observed him during his home-based ABA program; watched a videotape of his summer camp experience in the Parks and Rec program; reviewed school records, clinical evaluations, reports, IEP’s, and progress reports. She spoke with his ABA therapist and his family members, and engaged various methods of assessments and checklist tools. However, she failed to observe the Student in his school setting and did not speak to any Board staff that worked with the Student. (Tr. 10/4/2001 at 51-52, 64-65, Tr. 11/1/2001 at 18)
68. Dr. Rammler found the Student to have “pretty good fine and gross motor skills” and exhibits independent self-care abilities. She found him to be “ pretty proficient on the computer”, responsive to interactions from both peers and adults, and able to initiate appropriate expressions. As weaknesses, Dr. Rammler found the Student required structure throughout his day; could have unpredictable outbursts; had difficulty transitioning from a high preference activity to a low preference activity; and was distractible. (Tr. 10/4/2001 at 66-72)
69. Dr. Rammler acknowledged that the Mother essentially requested an evaluation, “to determine whether she was right in trying to affect a regular education placement for the Student as opposed to primarily self-contained placement.” Dr. Rammler further acknowledged that when the Student’s Mother approached her for an evaluation, the Mother indicated she wanted the Student to attend Long Meadow Elementary School. As such, Dr. Rammler geared her evaluation with the Mother’s preference in mind. Dr. Rammler admits to not knowing whether Pomperaug Elementary School is a better placement for the Student. She only knows what she has read about PES. (Tr.11/01/01 at 9, 60-72)
70. Considering the Parents already had an independent evaluation conducted by Dr. McCarty that essentially resolved the issue of appropriate placement for the Student, it is reasonable to conclude the Parent was not satisfied with Dr. McCarty’s findings as they did not recommend full-time placement in a regular education classroom with pull-outs. (Exhibit B-77, Tr. 11/11/01 at 19-104)

71. Dr. McCarty, who currently serves as a school psychologist at the Association in Manhattan for Autistic Children and has done a presentation before the National Association of School Psychologists relating to children with Asperger Syndrome (which falls on the autistic spectrum), clearly engaged a thorough method of analysis of the Student's behavior and educational program. (Exhibits B-77, B-107, Tr. 11/11/01 at 5-104)
72. In contrast, Dr. Rammler admittedly lacked specific academic training in autism. She failed to actually observe the student in his classroom setting. She did no educational testing of the Student, nor did she interview Board staff that worked directly with the Student to ascertain a clearer picture of the Student's needs and behavior. Thus, Dr. McCarty's findings and conclusions in her evaluation are deemed more probative, reliable and credible. (Tr. 11/1/01 at 8, 60-72, 114, 11/11/01 at 5-104)
73. By the end of the 2000-01 school year, the Student's educational program consisted of 12-15 hours of ABA discrete trials in the morning with approximately one half hour in a regular kindergarten classroom. During the afternoons, the Student attended the PPLC with Mrs. Kavanaugh, and was shadowed by a trained ABA specialist throughout the day. (Exhibit B-85)
74. On June 19, 2001, a PPT meeting was held to discuss the Student's educational placement for the 2001-02 school year. This PPT meeting included a discussion of Dr. McCarty's psycho-educational evaluation, the annual report from the River Street Program and reports from Mrs. Kavanaugh and the Student's related services providers. The Parents were accompanied by their advocate, Marian Lewis. (Exhibits B-84, B-85, B-86; Tr. 1/23/02 at 91)
75. The report submitted by Tricia Brush, Behavioral Analyst for the River Street Program, reflected increasing improvement in the Student's behavior and steady educational progress. Based on observations of the 1st Grade programs and facilities at LMES and PES, Ms. Brush, on behalf of River Street, recommended PES as the best location for the Student. (Exhibits B-84, B-86)
76. River Street found that the instructors at LMES expected students to follow multiple step directions, participate in independent seatwork, engage in cooperative work/play, and to discriminate abstract concepts. The average student-teacher ratio for each class was approximately 21:1. (Exhibit B-84) Further, as testified by Mrs. Popowski, the pre-school Autism program at LMES includes students ages 3 through 5 and would not be age or skill appropriate for the student. (Tr. 11/21/01 at 200; Tr. 12/12/01 at 79)
77. In contrast, the class size at PES averaged from 6-8 students. The instructor, Vicki Espeland, uses positive and differential reinforcement, extinction, prompting and a variety of other ABA instruction techniques. (Exhibit B-84)

78. During the hearing, Ms. Espeland, a Teacher of the Year nominee, enthusiastically shared her methodology and techniques utilized in the classroom. She explained that she uses, “ assistive technology in the classroom, like a typical classroom, then [she] affords it to all students.” (Tr. 12/11/01 at 113)
79. Testimony from Ms. Espeland revealed PES is on the cutting edge in its utilization of modern educational technology such as “Co-Writer” – a word prediction software, “Alphasmart” – a small portable keyboard with a co-writer piece to teach students, “Board Maker” software which provides pictures to represent words, and an assistive swing for those students that lack physical support. (12/11/01 at 109-114)
80. At the June 2001 PPT meeting, the Planning and Placement Team found the Student to be eligible for ESY services and recommended the summer program at Pomperaug Elementary School (“PES”) with a shadow for five weeks. The PES program mirrored the ESY program he participated in during the summer of 2000, inclusive of an academic component. As part of its proposal for ESY services the Board was willing to provide an additional 14 hours per week of at home instruction during the five weeks that the PES program was in session. In addition, the Board agreed to provide 15 hours per week of direct, at home instruction for the weeks of June 25th-29th, August 6th-10th and August 13th-17th, the weeks preceding and following the PES program. (Exhibits B-43, B-86; Tr. 12/5/01 at 82)
81. The Mother informed the Board of her intent not to have the Student participate in the ESY program at PES and to enroll the Student in a summer camp with typical peers in the morning (with shadow). She requested three hours of academic instruction at home by River Street staff. The Board denied this request reasoning that the proposed program was best for the Student to ensure he did not regress. (Exhibit B-86)
82. Leslie Perkins, Lead Tutor for River Street, described the summer 2001 ESY program at PES as lacking opportunities for the Student to participate with non-disabled students. She testified the Student did not interact with nondisabled peers during lunch or recess, nor did he work with non-disabled peers in the classroom. (Tr. 1/23/02 at 48-49)
83. As provided in the IEPs, the ESY program offered for the summer of 2001 is the exact same program the Student participated in during the summer of 2000 disregarding his educational and developmental advancements, as well as the socialization deficiencies that needed to be addressed as noted in Dr. McCarty’s evaluation. (Exhibits B-43, B-86, B-77)
84. In an effort to facilitate transition, the June Planning and Placement Team recommended the Student take his ABA instruction in August at PES. However, per the Mother’s request, instruction was provided at home. (Tr. 11/21/01 at 104; Tr. 12/5/01 at 82-83)

85. The Mother testified that because the Student had scored low on socializations in his evaluation, they felt his participation in the regular camp was, “the best choice for [the Student].” (Tr. 11/20/01 at 76-77)
86. The Mother believes as a result of her enrollment of the Student in the Middlebury Park and Recreation regular camp, his socialization improved. She believes this improvement is indicative of the Student’s ability to succeed in an all day regular education classroom. (Exhibit B-86, Tr. 11/8/01 at 77)
87. However, improvement in the Student’s socialization was noted earlier by Mrs. Kavanaugh at the June PPT meeting. Specifically, she reported the Student mastered six of his twelve objectives related to cognitive skills and four of his six objectives in the area of personal-social communication skills, including improvements in his ability to maintain eye contact and to engage in cooperative play. Therefore, the Student’s enrollment in the regular summer camp cannot reasonably be considered the catalyst, but maybe a factor, for his improving socialization. (Exhibit B-86)
88. The June Planning and Placement Team members discussed the proposed goals and objectives for the Student’s 2001-02 IEP. Although the Mother indicated she generally believed the goals and objectives were appropriate, Mrs. Lewis, the Parents’ advocate, objected to the way in which some of the goals were written. (Tr. 11/21/01 at 99) As a result, it was agreed that Mrs. Lewis and the Parents would review the proposed goals and objectives and provide revisions to Mrs. Popowski. (Exhibit B-86; Tr. 11/21/01 at 99)
89. During the June 19, 2001 PPT meeting, Mrs. Donna Popowski, the Director of Student Services, discussed the possibility of changing consultants for the Student’s program from River Street to the Eden Institute in an effort to consolidate and streamline the District’s consultation services. (Exhibit B-43) Mrs. Popowski testified, the goal of the District was to have its staff “use the same language” when working with autistic students. (Tr. 11/20/01 at 229)
90. Ruth Eren has been suggested by the Board as an appropriate and qualified educational consultant to work with the Student. She is affiliated with Eden’s outreach program and has worked in the Region 15 school system for the last four years. Like Dr. McCarty, Ms. Eren advocates the use of “shaping”. As a consultant, Ms. Eren has worked with over sixty students along the autistic spectrum and has extensive experience mainstreaming students into regular education classes. (Tr. 11/20/01 at 231; Tr. 12/12/01 at 3-49, 95, 105). Of the approximately sixty autistic students with whom Ms. Eren has worked, all but one have been included in programs with typical peers for at least a portion of their day. (Tr. 12/12/01 at 36-39)

91. The Parents agree the Student needs an educational consultant and believes Ms. Eren to be qualified. However, the Mother has expressed dissension towards the program and philosophies engaged by the Eden Institute program, and a preference to continue services through CREC. Specifically, she testified, "Ruth Eren comes in a package with Eden. Therefore, I reject Eden. I reject Ruth Eren." She further expressed that she, "did not know her expertise in including autistic kids in an inclusive grade." (Tr. 11/9/01 at 90-94, 125-128)
92. Thus, it is clear Ms. Eren's affiliation with Eden as well as the Parents' lack of knowledge about Ms. Eren's credentials or expertise is the motivating factor to the Parents' objection of employing her as an educational consultant for the Student. (Exhibit B-48, Tr. 11/9/01 at 90-94)
93. Ms. Eren testified there are different philosophies among the educational community as to the correct approach to working with children with autism, but there is no single approach that has been nationally recognized as most appropriate. (12/12/01 at 19, 20-25; Tr. 11/1/01 at 9)
94. CREC's program is designed in such a way that services are not provided to students beyond age 7. In consideration of the Parents' expressed preference to continue with CREC, the Board attempted to secure CREC's services, but CREC terminated its services on August 24, 2001. Therefore, the inability to contract with CREC was not within the control of the Board. (Exhibits B-50, B-78, B-91)
95. For the 2001-02 school year, the River Street Autism Program recommended the Student continue participating in 12-15 hours per week of discrete trial instruction with "partial participation in a developmentally appropriate, fully supported inclusion setting." (*Id.* at 4). Janette Johnson agreed the Student should continue to receive up to two hours of discrete trial instruction per day and that this instruction may need to be delivered outside of the regular education class. (Tr. 2/11/02 at 76, 85-86)
96. The Mother has expressed that she believes the Student's IEP for the 2001-02 school is also inappropriate because it includes goals and objectives for self-help skills (i.e toileting, brushing teeth, washing hands). In her opinion, the Student has not only made strides with these skills, but that such skills are more appropriately maybe after school. (Tr. 11/9/01 at 52, 101, 129-133)
97. As Mrs. Kavanaugh noted in her annual report, the Student continues to require prompting while engaging in activities such as hand washing and toileting and even the Mother admitted the Student was adept at tending to his toileting needs only "60% of the time." (Tr. 11/8/01 at 129, 130)
98. In further support of these goals and objectives, both Ruth Eren and Dr. McCarty found the self-help skills contained in the Student's IEP were appropriate because

they relate to his ability to be part of the mainstream and to ultimately be as independent as possible. (Tr. 12/11/01 at 36; 12/12/01 at 58)

99. Another PPT meeting was held on July 24, 2001 to finalize the Student's placement for the 2001-02 school year. The Parents were accompanied by their advocate, Ms. Lewis. Although the Parents and advocate had agreed to make revisions to the proposed goals and objectives prior to the July PPT, they failed to do so. (Exhibit B-95, Tr. 1/23/01 at 94)
100. Prior to the July PPT, the Mother, as well as CREC staff, visited the PES program in order to observe the Learning Center 1 classroom. The Mother testified that although Mrs. Espeland was an "excellent" teacher, she requested that Mrs. Espeland not attend the July PPT because the Mother had already made up her mind to reject any proposed placement at PES. (Exhibit B-85; Tr. 11/8/01 at 173-75, 178)
101. Three options for the Student's placement for the 2001-01 school year were discussed by the Planning and Placement Team. The first option was a regular classroom placement with supplementary aids and supports, including the assistance of a one-to-one aide. The second option was continued placement at LMES with support from the pre-school autism teacher. The third option was a combination of a regular first grade placement at PES with support from the Learning Center 1. (Exhibit B-95; Tr. 11/21/01 at 112-13; Tr. 12/5/01 at 61-63)
102. Through discussions, the Planning and Placement Team determined the Student's placement full-time in a regular first grade classroom with pull-outs would be "too big of a leap". Such placement would require the Student to move from the predominantly one-to-one setting, which he has been involved with for most of his programming, to a classroom of 20 to 25 students. (Tr. 12/5/01 at 61-62). Based on staff interactions and evaluator observations, the Planning and Placement Team agreed the Student was unable to "attend, focus and cope with a large group setting for a full day" and required small group instruction in addition to inclusion opportunities. (Exhibit B-95, p. 4; Tr. 11/21/01 at 112-13)
103. The Planning and Placement Team's concern with continued placement at LMES was that LMES lacked an age-appropriate setting outside the regular education classroom where the Student could receive direct academic instruction and pre-teaching in a small group environment. LMES could not provide the appropriate resource room or special education teacher to oversee the inclusive part of his program. (Tr. 11/21/01 at 115, Tr. 12/5/01 at 62)
104. Mrs. Kavanaugh, as well as another special education teacher from LMES, also visited the LC1 program at PES prior to the July PPT. They observed the class, evaluated inclusion opportunities and discussed the curriculum and role of paraprofessionals within the class with Mrs. Espeland. (Tr. 1/23/01 at 30). Mrs.

Kavanaugh fully supported placement in a first grade class at PES with support from the LC1 program. (Tr. 11/21/01 at 115)

105. Placement at PES was decided by the Planning and Placement Team to be the best option. The program at PES provides an age-appropriate environment that would allow the Student to be in a regular first grade class, but have the support that he required from appropriate, knowledgeable staff experienced in working with children with developmental disabilities. The Learning Center 1 (“LC1”) focuses on communication skills and social interaction with peers in addition to providing direct academic services. (Tr. 11/21/01 at 188, 192 and Tr. 12/5/01 at 63)
106. In making its decision to place the Student at PES, the Planning and Placement Team further considered: 1) the Student’s history of noncompliant behavior triggered by academic demands, and the fact that he will be expected to devote a significant amount of time to reading and writing; 2) the recommendations from staff and evaluators that the Student needed to slowly progress from a 1:1 setting to small group instruction; and 3) the relevant knowledge and experience possessed by PES staff to work with autistic children and their past successes transitioning students into an inclusive environment. (Exhibit B-95, 12/5/01 at 118-126)
107. Based on testimony from Dr. Rammler, it is clear that under forcible circumstances, *all* autistic children theoretically could be placed in a regular education setting full day. However, the question becomes how reasonable are the efforts to make such an inclusion.
108. In support of the need to gradually transition the Student into an all-inclusive full-time regular education classroom, Janette Johnson, a consultant with Ben Haven, testified in support of this effort. She stated that in her own administration of programs for autistic children, the programs were similar in design to that offered for the Student by the Board in this case in many respects. (Tr. 11/11/02, 132-134)
109. Dr. Rammler has suggested in instances where a student has a “meltdown,” moving an entire class of approximately 21 children out of a room, or carrying a backpack, floor mat and bean bag chair from room-to-room if the school lacks space or is overcrowded are possible strategies in dealing with aggressive behavior. Not only does this undermine the traditional flow of the educational process, but it would also take away the focus to educate the student for the sake of being readily prepared for aggressive and non-compliant behavior. (Exhibit P-8, Tr. 11/1/01 at 102, 130-132)
110. Exclusive of the ESY services for the summer of 2001, the proposed IEP for the Student for the 2001-02 school year with placement at PES is deemed appropriate to meet the Student’s individual needs. (Exhibits B-69, B-77, B-82, B-84, B-86, B-95). The goals and objectives contained in the IEP are well supported by recommendations from evaluators and trained educators who have personally worked with the Student. (Exhibits B-77, B-84, B-85; Tr. 11/21/01 at 41)

CONCLUSIONS OF LAW:

1. Under Connecticut General Statutes Section 10-76a et seq. and the Individuals with Disabilities Education Act 20 U.S.C. Section 1400 et seq., (“IDEA”), the Student is entitled to a free and appropriate public education (FAPE) as a child with a disability, that being autism.
2. In accordance with the IDEA, a child’s home school is regarded as the preferred school for placement. However, if services that adequately meet the special needs of the child cannot be provided at a home school, or in the current placement, the least restrictive environment is the next closest school in which the student’s IEP can properly be implemented. See Kevin G. v. Cranston Sch. Committee, 965 F.Supp. 261, 265 (D. R.I. 1997), aff’d, 130 F.3d 481 (1st Cir. 1997), cert. denied, 524 U.S. 956 (1998). In this particular case, both Parents and the Board agree that the Student’s home school, Middlebury Elementary School, is not equipped to provide the best services to meet the Student’s special education needs.
3. To determine whether a Board has provided FAPE, a two-prong test must be applied. First, the Board must be in compliance with all procedural requirement and safeguards established under the IDEA. Second, the Board must have developed an IEP that is “reasonably calculated to enable the child to receive educational benefits.” Board of Educ. of Hendrick Hudson Central Sch. Dist. V. Rowley, 458 U.S. 176 at 206-207 (1982).
4. With respect to the first prong of the Rowley test, there has been no information provided in the record to establish a violation of the IDEA procedural requirements. The record reveals the Board provided the Parents with information about their procedural safeguards and advance notice of all PPT meetings. All PPT meetings were attended by the Parents (sometimes with their advocate) and the Parents were granted the opportunity to provide comments and revisions to proposed educational plans.
5. In determining whether the second prong of the Rowley test has been satisfied, it must be decided whether the Student’s IEP for the 2001-02 school year is reasonably calculated to confer an educational benefit. Rowley at 200. In order to achieve an educational benefit, the IEP must be tailored to meet the unique needs of a disabled child. Rowley at 181.
6. In this case, the Planning and Placement Team developed an IEP for the 2001-02 school year that is reflective of the Student’s educational, social and developmental progress and provides specialized instruction and related services designed to meet the Student’s individual needs. The goals and objectives have been developed by a team of professionals that have worked directly with the Student supported by recommendations of expert evaluators.

7. With respect to the recommended ESY program for 2001, however, the plan fails to confer an educational benefit in the sense the program is essentially the same as that administered to the Student the year before. Clearly, based on the information provided in the record, the Student has made progress both academically and socially, regardless of the setbacks or pace. Therefore, the ESY program devised by the Board should have been tailored to meet his new level of social and educational needs.
8. As highlighted by the Board, “benefits may not always be purely academic.” Daniel R.R., 874 F.2d at 1049. In interpreting this finding, as referenced in Daniel R.R., such benefits as “self-help” skills to allow a child to become more independent are a reasonable and functional aspect to an IEP. This was further supported by Dr. McCarty’s evaluation, as well the Mother’s own admission that the Student is capable of engaging such tasks only “60% of the time.”
9. In accordance with the IDEA, children with disabilities must be educated “to the maximum extent appropriate ... with children who are not disabled ... or removed 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. Section 1412(a)(5)(A). Furthermore, the IDEA mandates that a child be educated in the least restrictive environment. U.S.C. 1412 (a)(5)(B).
10. The Parents argue that the 2001-02 IEP does not provide adequate mainstreaming opportunities for the Student. The Parents believe the Student can achieve his educational goals and objectives in a full-time regular education program with supplementary aids and services.
11. In light of the “educational benefit” requirement, such must be “meaningful” and “produce progress not regression.” Board of Educ. V. Rowley, 458 U.S, 176 at 192, 102 S. Ct at 3043-44. The Student has a history of engaging in maladaptive behavior when introduced to new academic demands or new routines. Without engaging a gradual plan to increase the Student’s time in a regular education classroom, the Board runs the risk of the Student regressing behaviorally as he has in the past and requiring behavioral management intervention to get him back on track. Furthermore, based on the nature and severity of the Student’s past behavior, being aggressive and noncompliant, it is reasonable to conclude that education, in a regular class with the use of supplementary aids and services *full time* cannot be satisfactorily achieved. 20 U.S.C. Section 1412 (a)(5)(A) (emphasis added)
12. Schools are not required to provide an exclusively mainstreamed environment for disabled children. Schools must, however, mainstream children with special needs to the maximum extent appropriate. Oberti v. Clementon Sch. Dist., 995 F.2d 1204, 1214 (3d. Cir. 1993)

13. The Parents assert that in accordance with the IDEA, an affirmative obligation is imposed on the Board to consider placing the Student in a regular education classroom setting. Oberti v. Board of Education 995 F.2d 1204 at 1216 (1993). However, this obligation is not mandated for “full-time” placement in a regular education classroom. In fact, as proven by past IEPs, the Board has, in fact, continually made efforts to increase the Student’s time in a regular education classroom setting.
14. The appropriateness of the Board’s placement of the Student has been well supported by various educators, evaluators, and members of the Planning and Placement Team who have made past recommendations for the Student’s participation in a more inclusive environment that the Parents have consistently rejected based on concerns of disrupting the Student’s ABA instruction. In fact, it was not until the development of the 2001-02 IEP the Parents expressed a preference for the Student’s placement full-time in a regular education classroom.
15. The burden of proof falls on the Board to show that it has met its mainstreaming requirements. See e.g., Oberti, 995 F.2d 1204 at 1219; Mavis v. Sobol, 839 F. Supp. 968 (N.D. N.Y. 1994). In line with the decision in Oberti, the Board has: 1) consistently made reasonable efforts to accommodate the Student in a regular classroom by devising a plan which gradually increases his placement in the regular education classroom; 2) reviewed the educational benefits available to the Student in a regular class, with appropriate supplementary aids and services, as compared to the benefits provided in a special education class by analyzing the options available to the Student at the various schools and their programs; and 3) considered the possible negative effects of the inclusion of the Student on the education of the other students in the class by assessing his maladaptive behavior, its triggers, and methods of addressing the behavior. Oberti at 1218.
16. Those factors enumerated in the Oberti decision were developed to identify: 1) “whether education in the regular classroom with the use of supplemental aids and services, can be achieved satisfactorily”; and 2) “whether the school has mainstreamed the child to the maximum extent appropriate.” Daniel R.R. v. State Bd. of Educ., 874 F.2d 1036 (5th Cir. 1989). These elements of review have been adopted in the findings of two Second Circuit District court cases. See A.S. v. Norwalk Board of Educ., U.S. Dist. LEXIS 2616 (D. Conn. Feb. 13, 2002); Mavis v. Sobol, 839 F.Supp 968 (N.D.N.Y. 1994). In this case, the Board’s plan satisfies the foregoing elements, in that, the plan provides for direct academic instruction and pre-teaching in a small group environment, as well as, the interaction and corroboration of a special education teacher with the Student’s regular education teacher on consistent basis. Together, they will develop a program that will address the Student’s individual needs, as well as, provide for a continuum of services that satisfy his on-going advances.

17. As mandated by the IDEA, Parents must be allowed to participate in the planning and placement of their child's education. However, as held in Ridgeview Community Unit Sch. Dist. No. 19, the Parents' preference alone, cannot be the determining factor for the child's placement, 36 IDELR 22 (SEA Ill. 2001). The Parents have faithfully participated in the planning and placement process for the Student's education. In fact, as mandated by statute, the Parents exercised their right to seek an independent evaluation at the Board's expense. 34 C.F.R. Section 300.502(b)(1). It is clear from the record, that in some instances, the members of the Planning and Placement Team not only recognized the Parents' concerns, but many times revised or made accommodations in the plan so as to satisfy the Parents while considering a variety of factors in the development of the IEP in accordance with the IDEA. 34 C.F.R. Section 300.346.
18. In reviewing the Student's "steady" academic progress, such cannot be regarded as "significant", but minimal at best with intervals of aggressive and non-compliant behavior hindering the pace at which he develops educationally. In a similar case in which a 7-year-old with Asperger's Syndrome was found to make minimal progress in an inclusive setting, the court rejected the parent's preference to place the child in a full inclusion program based on the child's minimal progression in inclusive settings and the similarities of each evaluator's recommendations for a different program. Norfolk Pub. Schs., 26 IDELR 249 (SEA MA 1997)
19. The Parents have relied heavily upon the findings in the case of A.S. v. Norwalk Board of Education, in its argument that the Board failed to consider the Student's placement in a regular education classroom and decided to place the Student in a program at Pomperaug Elementary School without consideration of other programs. In A.S. the court found the IEP goals were "planned with little thought to [the child's] unique needs." A.S. v. Norwalk Board of Education, 2002 U.S. Dist. LEXIS 2616.
20. In this case, however, not only has the Board exercised a practice of constant monitoring and planning that has aided in the steady progress of the Student's educational development, but it has also brought in highly qualified evaluators and professionals specifically chosen by the Parents to provide guidance and viable options to address the unique needs of the Student. Education in a regular classroom setting has not only been established as a goal, but has continually been a growing component of the Student's overall plan.

FINAL DECISION AND ORDER:

1. With the exception of the ESY component, the IEP for the 2001-02 school year is found to be adequate to meet the special education needs of the Student. Taking this into account, the Planning and Placement Team must engage the IEP, as structured, making those modifications necessary to compensate for the time that has passed to conduct these proceedings.

2. The Student should not be placed in a regular education class full day with supplementary aides and services.
3. Pomperaug Elementary School is found to be an appropriate school to provide services to the Student in accordance with his IEP.
4. Employment of Ruth Eren is found to be within the discretion of the Board.
5. The Extended School Year Services component of the 6/19/01 IEP for the summer of 2001 is found to be insufficient to meet the Student’s individualized needs. The Board must reimburse the Parents for their unilateral placement for services provided to the Student during the time in which the original camp program at PES was offered. The Parents must be compensated as follows:

Compensation for services provided by Lori Orrange (shadow) at camp:

Date:	7/26/01	Amount:	\$180.00
Date:	8/10/01	Amount:	\$170.00
Date:	8/17/01	Amount:	\$230.00
Date:	8/24/01	Amount:	\$320.00
Date:	8/31/01	Amount:	\$320.00
Date:	9/07/01	Amount:	<u>\$200.00</u>
Total:			\$1420.00¹

¹ Hearing Officer ruled during the hearing that should the ESY program offered by the Board be found inappropriate, then reimbursement would be limited to those direct services provided during the scheduled camp program.