

VIRGINIA DEPARTMENT OF EDUCATION
CASE CLOSURE SUMMARY REPORT



School Division

Name of Parents

Name of Child

Date of Decision

Counsel Representing LEA

Counsel Representing Parent/Child

Parents

Party Initiating Hearing

School Board

Prevailing Party

Hearing Officer's Determination of Issue(s):

Whether the parents were entitled to receive reimbursement for a summer program called Fast For Word that they had enrolled their child in.

Hearing Officer's Orders and Outcome of Hearing:

After the parents' testimony was concluded, the County made a motion to strike the evidence. The County's motion to strike was granted.

This certifies that I have completed this hearing in accordance with regulations and the written decision from this hearing is attached.

Signature

cc:

Dr. Judith Douglas
, Esq.
, Esq.

VIRGINIA DEPARTMENT OF EDUCATION

Special Education Hearing



v.
School Board

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In re:

Final Decision

Introduction

This case came on to be heard at the parents' request to be reimbursed for the cost of sending their child to a program called Fast For Word during the summer of . The parents argued that the child needed this training to forestall the child from having reading problems in the grade. The child is presently attending a kindergarten/first grade program in the School System. At the conclusion of the parents' presentation, the attorney for made a motion to strike the evidence of the parents in that they failed to show beyond a preponderance of evidence that the School Board had an obligation to reimburse the parents for a program that was not required for the child to receive a free and appropriate public education for the current school year. This Hearing Officer granted the motion to strike on the grounds that the law only requires that an I.E.P. is only written for the child's school year and the child was making satisfactory progress under present I.E.P. The school had no obligation to reimburse for a need that might happen in the future.

Finding of Fact

1. is a year old who has been identified as having Klinefelter syndrome.
2. Klinefelter syndrome is a multi-systemic condition with a high degree of variability that

may affect physical cognitive and emotional development. It affects _____ in speech and motor development.

3. _____ has been identified as needing special education services and has been receiving services from the _____ School System since _____ has been two years old.
4. A review of _____'s I.E.P.'s for the past 4 years show that _____ has been making steady progress and in this current school year the school system recommended the _____ be placed in _____ grade. The parents wanted _____ to remain in _____ for another year. A compromise was reached and _____ was placed in a combination _____ setting.
5. In addition to the school speech therapists and reading specialists, _____ has been seeing a _____, a well renowned expert in Neurodevelopmental Diagnostics at least twice a year. _____ has also been receiving speech therapy from private sources.
6. At the recommendation of _____, the parents placed the child in a program called Fast For Word which is a computer based program developed to improve the auditory processing skills of children with spoken language disorders. It is an intense and systematic program that a child usually takes for 2 hours a day over a six to eight week period. As a result of taking this program a child may improve its reading skills.
7. The Fast For Word program is not a methodology offered in _____.
8. _____ does not appear at this time to require any additional intervention in _____ learning program.

Conclusion of Law

An I.E.P. is written for each child identified with learning disabilities and entitled to Special Education Services and it is required to be reviewed at least annually and may be reviewed more frequently should needs arise (8 VAC 20-80-62).

In the instant case the parents were seeking reimbursement for a program called Fast For Word which they felt would maximize their child's reading ability and preclude having problems when reaches grade. "Drafting an I.E.P. to contemplate needs a student may have two or three years in the future would be contrary to the requirement that a special education child's needs be reevaluated each year." Lowell Joint Elementary School District 33 IDELR 112 (Cal. Aug 19, 1999). "IF the child does need some sort of assistance in the future, then an I.E.P. meeting can be convened to provide for his special needs if and when they arise in the future." Central Bucks School District 27 IDELR 1089 (Pa. Nov 17, 1997).

The testified that was making progress and that was pleased with the progress was making but felt that the furnishings of Fast For Word would even help to make more progress and preclude any problems that might have in future grades. "IDEA does not require the furnishing of every special service necessary to maximize each child's potential." *Hartman v. Loudoun County Board of Education* 118 F 3d 996 1001 (4th Cir. 1998). "Once a FAPE is offered the school district need not offer additional educational services." *Matthews v. Davis* 742 F 2d 825 830 (4th Cir. 1984). There is nothing in the parents' testimony or in the exhibits that demonstrate that was not receiving a Free Appropriate Public Education. If it is necessary in the future that should need a service such as Fast For Word or other similar program, it will be up to a future I.E.P. team to decide.

Order

1. That the School Board's motion to strike the parents' evidence is granted.
2. The parents' request for reimbursement is denied.

3. The parties have one year to appeal this decision to a Virginia State Circuit Court or the U.S. District Court.
4. As this is a case concerning reimbursement only, there is no need for an implementation plan to be ordered.

Dated _____

Hearing Officer

cc:

Dr. Judith Douglas

, Esq.

, Esq.