

MASC  
Conference

MURPHY, HESSE,  
TOOMEY &  
LEHANE



Mary Ellen Sowyrda and Felicia Vasudevan

# Recording of IEP meetings

- Pitta v. Bridgewater Raynham, No. 23-1513 - On September 28, 2022, a parent brought a claim based on the district's refusal to allow him to video record his child's IEP Team Meeting, a private meeting with educators, parents and other team members, to discuss and develop an Individualized Education Program (IEP) for his child. While the district offered to audio record the meeting, the parent argued that he had a constitutional right to video record the meeting. This case clarifies parental rights and district authority in the IEP process, upholding existing policy prohibiting video recording of IEP Team Meetings. The key point of the court's decision is that First Amendment protection does not apply to IEP Team Meetings. The court ruled that IEP meetings are not public forums, and recording for personal use, as the parent intended, does not constitute protected speech. This decision further upholds the district's right to regulate meeting environments.

# In Re: Student v. Worcester Public Schools

BSEA # 24-09119A

## Issue(s):

1. Whether the team decision in June 2023 finding Student ineligible for special education was appropriate or not?
2. If it was not appropriate, whether Student is entitled to compensatory services.
3. Whether Worcester failed to investigate bullying and harassment claims that resulted in a denial of FAPE to Student from April 5, 2022 through June 2023.
4. Whether Student was denied a FAPE under section 504 when Student received a rescission letter from Goddard Elementary School on June 5, 2023.

## Facts:

- The student (hereinafter, “Student”) is a 10-year-old rising fifth grade student residing in Worcester. During the 2021-2022 and 2022-2023 school years Student was enrolled at the Goddard School of Science and Technology (hereinafter, Goddard) within the Worcester Public Schools. (hereinafter, Worcester) Prior to the start of the 2023-2024 school year, Student was enrolled in a public charter school.
- The STAR testing that showed Student had made high growth in the area of reading and growth in math.
- Ms. Scicholone, Assistant Principal, provided uncontroverted testimony that she conducted an investigation after Mother made a complaint regarding Student’s interactions with a same-grade peer on two occasions in May 2022, which did not support bullying.
- Student had accumulated a large number of absences and tardies over the course of the last two school years.

## Finding(s):

- The Team ultimately concluded that Student was not eligible for special education services and this finding is supported by the record.
- Based on the uncontroverted testimony that Worcester did conduct an investigation of Mother’s complaint regarding bullying, and the lack of any evidence to support a finding that Student was a victim of bullying or that he was denied FAPE], Worcester did not fail to investigate the bullying and harassment claims raised by Mother and that Student was not denied FAPE.
- Mother did not provide any evidence as to how the issuance of the rescission letter denied Student a FAPE, especially in light of the fact that he was able to finish the year at Goddard and that Mother withdrew him from Worcester and placed him in a charter school prior to the 2023-2024 school year.

# Swansea Public Schools v. Student

## BSEA #2500115

### Issue(s):

- Whether Student requires placement in the in-district Social Emotional Program in order to receive a free appropriate public education (FAPE) in the least restrictive environment (LRE)?

### Facts:

- Student has been struggling at Swansea Public Schools since the beginning of the 2022 academic year. It is also undisputed that the frequency, intensity, and severity of his behaviors has consistently increased. Furthermore, there is no dispute that at all times Swansea has attempted to respond to Student's struggles, both formally and informally. For instance, at the end of the 2022-2023 school year, Swansea offered Student accommodations through a 504 Plan, while Student was referred for special education testing. An IEP was developed in preparation for the 2023-2024 school year with supports and services to address Student's social-emotional and behavioral difficulties. An FBA was conducted in the fall of 2023, and the IEP was revised in October to add support. The IEP was revised again in December. Once more, supports and services were augmented. Even in the context of the assignment of a 1:1 aide, his behaviors continued to escalate.
- The only time that Student was able to demonstrate success was during his C-Grid pull out sessions. These were small group services provided in a quiet environment. Ms. Williams and Ms. Galib testified convincingly that Student's success in the small group setting and significant lack of success in the larger general education setting reflect his need for the former, that is, the higher level of support.

### Finding(s):

- Based on the data and information available to Swansea in May 2024, the Team reasonably proposed a more restrictive, therapeutic placement in the District's Social Emotional Program. Mr. Scanlon's testimony regarding how the program would meet Student's unique needs and how it would address his skill deficits was convincing, as it was based both on his extensive previous work supervising the Social Emotional Program at Luther Elementary School and his knowledge of Student.

# In re Student v. Framingham Public Schools

## BSEA #231278

### Issue(s):

1. Whether the proposed Individualized Educational Program (IEP) calling for a proposed placement in a full inclusion program will provide Student with a free, appropriate, public education (FAPE), or whether he requires placement at the Learning Prep School for the 2023-2024 school year in order to receive a FAPE?

### Facts:

- Ms. Banerjea, whose expertise and background is in providing culturally responsive multilingual psycho-educational assessments to linguistically diverse students, credibly explained that Student's standardized test scores must be considered in light of his educational background in a dual language program until the second half of 5<sup>th</sup> grade. Ms. Haustein similarly advised that the results of her assessment should be viewed through the lens of Student being a dual language learner. I also credit the un rebutted testimony of Dr. Mudambi that students educated in a dual language program, regardless of having a disability, will experience an opportunity gap that begins to close starting in fifth grade.
- A true "apples to apples" comparison using the WIAT scores of the District's 2020 testing, Dr. Willoughby's 2022 testing and the District's 2023 testing, indicates that Student's scores improved in several areas over these years
- While IEPs must be viewed as a "snapshot" not a retrospective, this does not abrogate a Team from its obligation to pursue *knowable* information that could impact its determinations. The King Teams failed to do this. Thus, although I agree that decisions to reduce or eliminate C-grid services, or to replace C-grid services with B-grid services need not always be based on standardized testing information, here, that information was a critical missing component that the King Teams could have and should have sought out before making its recommendations

### Finding(s):

- The IEPs offered and implemented by the District were appropriate for Student *until* proposing to remove Student's C-grid academic supports beginning in February 2023. Student successfully accessed the general education curriculum with the supports and modifications in his "stay put" IEP in all content areas and made effective progress at King. Both Ms. O'Brien and Ms. Miller credibly testified to Student's success in his 5<sup>th</sup> grade classroom, providing specific examples of Student's progress in Reading (i.e. reading Harry Potter), Math (adding fractions with uncommon denominators), Written Language (moving from being a hesitant writer to asking for more time to write paragraphs) and Spelling (his success with the Words Your Way program). Student worked on pace with his peers on grade level curriculum, often leading the small groups, with supports or with scaffolding assistance of the special educator or assistive technology and other tools (e.g., graphic organizers, number lines, multiplication charts or fraction bars).

# Student v. West Bridgewater

## BSEA #24-03805

### Issue(s):

1. Whether the IEP and services proposed or provided for Student during the period from October 19, 2021, to the present were reasonably calculated to provide student with FAPE, and, if not, whether, prospectively, the IEP and/or services can be modified to provide a FAPE;
2. If not, whether Student requires an out-of-district, specialized, comprehensive, language-based program with like peers to receive a FAPE;
3. Whether Student is entitled to compensatory services.

### Facts:

- In July 2023, after receiving the Castro report, Parents rejected the full-inclusion placement proposed in the April 2023-April 2024 IEP, but accepted the remainder of the IEP, including all goals, services, and accommodations. After a Team meeting in September 2023 to discuss Dr. Castro's report and the rejected placement proposal, West Bridgewater issued a revised IEP that incorporated some of Dr. Castro's recommendations and, importantly, shifted the focus of the IEP to Student's significant weakness in reading comprehension, and proposed providing Student with an evidence-based program (V/V) to address this area of need.
- The subsequent proposed IEP, covering April 2024-April 2025, further refined its predecessor to reflect the recommendations of Dr. Plummer for increased instruction and support for Student's social skills as well as to clarify and intensify services to address reading comprehension. Further, pursuant to this IEP, for seventh grade, the District would place Student in a separate, language-based classroom for ELA and specialized instruction in reading comprehension with V/V. This classroom would be supported by consultation from the Landmark School.

### Finding(s):

- The IEPs covering February 2021 to February 2022 and March 2022 to March 2023 were fully accepted by Parents and have expired. As such, they may not be revisited, and may not give rise to a claim for compensatory services unless Parents can prove that these IEPs were not implemented and that Student suffered educational harm as a result.
- The evidence in the record does not support Parents' claim. Dr. Castro's recommendation for such change in placement lacks sufficient foundation to be persuasive. Neither Dr. Castro nor Dr. Kola observed Student in his educational setting and neither testified at the hearing. There is no evidence that they had any first-hand familiarity with the specifics of Student's placement. Parents' statement that Student had no friends was adopted without further probing.
- Similarly, Dr. Stephens' recommendation for a change in placement lacks sufficient foundation. Dr. Stephens observed an inclusion math class during which she found Student to be engaged, and the teacher to be using language-based strategies. She also observed an inclusion science class, where she believed that such strategies were not applied in a consistent manner. Her recommendation for an outside placement was based on the opinion that Student needed a more cohesive program to address his comprehension needs throughout the day, and a cohort of like peers so that he would not feel singled out or stigmatized. She did not dispute that Student was accessing the curriculum, or that he had made progress within the School's program.

# Belmont Public Schools v. Student

## BSEA #2402979

### Issue(s):

1. Whether the IEP proposed by Belmont Public Schools was reasonably calculated to provide Student with a free appropriate public education in the least restrictive setting at the time it was proposed?
2. Whether Student's current placement in Belmont denies her a free appropriate public education (FAPE) in the least restrictive environment (LRE)?

### Facts:

- Student is a first-grade student attending BPS through the METCO program.
- Student was found eligible for special education following a determination that she presented as a child with an emotional disability.
- When Student was in Kindergarten, it was reported that Student was sleeping for approximately 40% of the school day and displaying dysregulation through behaviors such as yelling, property destruction, and throwing objects.
- BPS, unsuccessfully, tried 8 behavior plans from 2022-2023.
- BPS made multiple DCF reports due to Student witnessing and experiencing domestic violence.
- BPS did not believe they were able to provide Student with a FAPE in the LRE and that Student needs a small-group program with intense therapeutic supports.

### Finding(s):

1. The IEP proposed by BPS , which included placing Student in a substantially separate therapeutic program, was reasonably calculated to provide Student with a FAPE in the LRE.
2. Student's current placement in Belmont denies her a FAPE in the LRE.

# In Re: Student and Springfield Public Schools BSEA #2309351

## Issue(s):

1. Whether Student was discriminated against or not provided with reasonable accommodations he was entitled to while attending the AIC College Steps program; and
2. Whether student was entitled to an provided with a licensed biology and/or licensed special education teacher as a tutor to support Student in preparing to take the biology MCAS.

## Facts:

- Student was 21 years old during the relevant time frame attending the AIC College Steps program.
- Student has an autism diagnosis.
- Student contends that he was discriminated against by SPS due to his disability in violation of Section 504.
- Student claims the discrimination consisted of constant harassment by staff, providing an example of a staff member rolling her eyes at him when he hurt his foot.
- Student passed his ELA and math MCAS retests but received a warning on his biology MCAS retest.
- Student contends he was entitled to a licensed biology or special education tutor to prepare him for the 2022 biology MCAS exam.

## Finding(s):

1. There was no legal obligation or document/agreement requiring Student to have been tutored by a licensed biology or special education teacher prior to retaking the biology MCAS exam.
2. The District did not discriminate against Student or fail to provide him with the reasonable accommodations he was entitled to.



# In Re: Benjamin BSEA #2401643

## Issue(s):

1. Whether Brockton failed to provide Student with a free appropriate public education (FAPE) and if so, what is the appropriate remedy;
2. Whether any award of compensatory services should be reduced or denied because of Parent's conduct in refusing education and related services/alternate placement or Parent's obstruction of the placement process.

## Facts:

- Benjamin is 22 years old with significant and complex disabilities. His diagnoses include autism spectrum disorder, intellectual disability, and PICA.
- In 2020, prior to Covid, Benjamin was doing an extended evaluation at the League School, which ultimately recommended a different placement.
- When Covid school closures happened, Benjamin was enrolled in Brockton and had not yet secured an out of district placement.
- Benjamin was provided with a Chromebook and access to Brockton's Life Skills Program.
- Benjamin was in multiple out of district placements between the fall of 2020 and spring of 2023, with gaps in his education in between placements.
- Parents refused to look at alternatives to CABI during an extended wait for an opening.
- Brockton provided 6 months of compensatory services for these gaps.

## Finding(s):

1. Benjamin did not receive a FAPE while he was out of school waiting an opening at CABI.
2. Parents, although well-meaning, acted unreasonably and as Brockton has already provided six months of compensatory services voluntarily, Parents have not met their burden to establish that they are entitled to the remedy of additional compensatory services.

# In Re: City on a Hill Charter Public School v. Student & Boston Public Schools BSEA #2400764

## Issue(s):

- Whether the most recent IEP and proposed placement at Excel High School offers Student a free and appropriate public education (FAPE) in the least restrictive environment.

## Facts:

- Student is 16 years old with an ADHD diagnosis. Her cognitive abilities are in the low – average range.
- When Student arrived at City on a Hill in September of 2022, Parent did not provide her IEP.
- After a behavioral incident, the school inquired about an IEP, and was informed that she did have one.
- City on a Hill asserts that Student requires a small, substantially-separate therapeutic program.
- Boston asserts that the district has multiple appropriate placements in district and has offered 2 programs: Excel High School and McCormack School.
- When Parent was offered to tour McCormack, she states she would prefer to homeschool the Student.

## Finding(s):

- Evidence in this case supports a finding that the IEP and placement developed by City on a Hill and Boston, offering placement at Excel, is appropriate for Student and fully meets the requirements of federal and Massachusetts law, offering Student a FAPE.

# In Re: Student and Westfield Public Schools

## BSEA #2401035

### Issue(s):

- Whether the proposed Individualized Educational Program (IEP) calling for a proposed placement in a full inclusion kindergarten program will provide Student with a free appropriate public education (FAPE);
- Or whether she instead requires continued placement in the inclusive early childhood program in order to receive a FAPE?

### Facts:

- Student is five years old.
- She began receiving early intervention services at 18 months old and has been provided with special education services since age 3.
- Parents assert that Student requires retention at Fort Meadow pre-school and that the proposed program is the most restrictive environment in which Student can make progress.
- The District asserts that Student does not require retention in pre-school and her needs are not unusual for kindergarten students.
- The District believes that Student is ready to be promoted to kindergarten with the proposed IEP services and supports in place.

### Finding(s):

- The 2023-2024 IEP calling for a proposed placement in a full inclusion kindergarten program with support services is reasonably calculated to provide Student with a FAPE.
- Student does not require continued placement in the inclusive early childhood program in order to be provided a FAPE.

# Student v. Natick Public Schools

## BSEA #2406355

### Issue(s):

- Whether to allow Natick Public Schools' Motion for Summary Judgement.

### Facts:

- Student's Parents are divorced and share legal and physical custody of Student.
- Mother requested an evaluation to determine if Student was eligible for special education services.
- A determination of No Eligibility was given.
- Mother rejected the finding.
- Natick issued a Notice of Proposed Action proposing a second initial evaluation of Student, which Mother consented to.
- Father filed a Request for Hearing alleging that he refused consent for further testing.
- Natick filed a Motion for Summary Judgement.
- Father filed an Opposition to Natick's Motion for Summary Judgment.

### Finding(s):

- A dispute between parents who share legal custody regarding whether the evaluation was necessary is not within the jurisdiction of the BSEA and must be decided in an alternate forum.
- Natick's Motion for Summary Judgment is **allowed**.

# In Re: Student v. Plymouth Public Schools

## BSEA #2407535

### Issue(s):

- Whether Plymouth Public Schools' Motion to Quash Subpoena for Superintendent Christopher Campbell should be allowed.

### Facts:

- Student is an eight-year-old girl in the second grade.
- She has diagnoses of autism spectrum disorder, ADHD, delayed social skills, and Generalized Anxiety Disorder.
- Parents have subpoenaed Superintendent to attend the hearing.
- District asserts that requiring Superintendent to attend the hearing over the course of several days poses an undue burden on the District and Dr. Campbell.
- District asserts that Dr. Campbell has little relevant information to provide at the hearing.

### Finding(s):

- Superintendent Campbell is not a member of the IEP team and there are other school witnesses who can testify about the district's safety procedures.
- The District's Motion is **allowed**.

# Student v. Boston Public Schools and The Children's Center for Communication Beverly School for the Deaf BSEA #2403627

## Issue(s):

- Whether Parents' Emergency Motion for Continued Placement and Stay-Put should be allowed.

## Facts:

- Student is seven years old with multiple significant medical conditions and related disabilities.
- Student's primary language is American Sign Language.
- He is currently enrolled at CCCBSD, a private, DESE-approved day school pursuant to an IEP issued by BPS.
- In October of 2023, CCCBSD notified Parents of its intention to terminate Student's placement based on upcoming tracheostomy surgery, citing a policy not to admit students with tracheostomies.
- Student's tracheostomy would only be used during his sleep.
- Parents allege that Student's situation does not meet the regulatory criteria for emergency termination.

## Finding(s):

- If Student's enrollment at CCCBSD is terminated, he will have no educational placement available.
- Such a scenario is not permissible under federal or state special education law.
- CCCBSD is Student's stay-put-placement unless the parties agree otherwise.

# In Re: Helena and Norwood Public Schools

## BSEA # 25-01731

### Issue(s):

1. Whether Norwood Public Schools had an obligation to refer Helena for a special education evaluation under Child Find, 34 C.F.R. §300.111;
2. Whether Norwood Public Schools had an obligation to hold a Manifestation Determination Review (MDR) prior to Helena's tenth day of exclusion from school under 34 C.F.R. §300.530 because the District "shall be deemed to have knowledge" that she is a child with a disability, pursuant to 34 C.F.R. §300.534(b);
3. If the answer to (2) is yes, whether it is appropriate in these circumstances for the BSEA to determine whether Helena's behavior on May 29, 2024 was a manifestation of her disability, and
  1. If so, was such behavior a manifestation of Helena's disability;
4. Alternatively, whether Norwood Public Schools lawfully excluded Helena for dangerous behavior pursuant to 34 C.F.R. §300.530(g); and
5. Whether Norwood must provide Helena with any educational services during the pendency of her suspension from school?

### Facts:

- When Parent provided Helena's then most recent School Health Record form to the District in or about August 2023, in connection with Helena's enrollment in Norwood, Helena's pediatrician had checked a box under, "This student has the following problems that may impact his/her educational experience," and a notation that an evaluation for an individualized education program (IEP) should be considered, as the family was reporting "worsening grades/struggling." Although this form did not constitute a request for evaluation, and it was presumably reviewed and maintained by the building nurse rather than submitted to a special education or building administrator, this School Health Record put Norwood on notice that Helena's medical provider believed an evaluation might be appropriate.
- **Student had academic troubles and disciplinary incidents.**
- LT, a NHS staff member, was injured attempting to separate Helena from S during the May 29<sup>th</sup> altercation; that she appeared to be upset and in pain; that her leg was broken in two places; and that she was unable to return to work as a SAC in person for the remainder of the school year or for ESY, though she was cleared to return to remote work after approximately two and a half weeks.

### Finding(s):

- Parent has met her burden to establish that Norwood violated child find by failing to evaluate Helena despite being aware of her ADHD diagnosis, her doctor's recommendation that she be considered for a special education evaluation and possibly an IEP, and her failing grades despite general education interventions.
- Particularly in light of Norwood's child find violation, these factors are sufficient to establish that in the totality of the circumstances of this unique case, Norwood is deemed to have had knowledge at the time of the May 29<sup>th</sup> altercation, which led to her exclusion from school, that Helena is a child with a disability entitled to the protections of the IDEA. Parent has met her burden to prove that Norwood should have conducted a MDR before excluding Helena from school for more than 10 days.
- Based on my review of the evidence, however, including the video of the altercation, Dr. Galligan's testimony, and the Notices issued to Parent in connection with Helena's exclusion from school, it appears that any contact between Helena and LT during the May 29<sup>th</sup> incident was incidental, rather than intentional. Comparing these circumstances with those in cases where students were found to have inflicted serious bodily injury on other students or staff members by punching them repeatedly; pulling their hair, squeezing their throat, and hitting the back of their head; standing on a chair and hitting their head with a closed fist, then repeatedly slapping them on the her or attempting to punch them, tripping into them, causing them both to fall, then kicking them, I find that Norwood has not met its burden to show that Helena may be removed from school for inflicting serious bodily injury upon another person on school premises

# In Re: Braintree Public Schools v. Student

## BSEA # 24-0930

### Issue(s):

1. Whether the Braintree Public Schools has made a good faith effort to provide Student with a free, appropriate public education (FAPE) and that Parent's alleged refusal of all offered services has impeded Braintree's ability to provide Student with FAPE;
2. Whether Braintree has offered appropriate locations to evaluate Student and whether Parent's refusal to make Student available for such evaluation, to visit those proposed locations, and/or speak with evaluators regarding proposed testing is impeding Braintree's ability to evaluate Student;
3. Whether Parent's refusal to engage in the intake process for placement at High Roads [school] and overall alleged limitation of Braintree's ability to communicate with potential placements is impeding Braintree's ability to identify a new placement for Student consistent with her IEP;
4. Whether, due to Parent's alleged refusal of all tutoring and counseling services offered by Braintree for the 2023-2024 school year as well as refusal to permit sending of referral packets in a timely manner, Student is not entitled to compensatory services for this period.

### Facts:

- Braintree then made multiple successive offers of in-person or virtual tutoring, counseling, and consultative services consistent with Student's IEP between August 30, 2023 and March 2024, all of which Parent rejected. Parent presented no evidence at hearing as to why any or all of these offers of services were inappropriate.
- From January 2024 forward, the parties had multiple Team meetings and discussions regarding the location of evaluations. According to Parent and her clinician, Student needed to be evaluated in a familiar location; Braintree secured permission from SSEC for Student to be evaluated there, as well as several other locations. Braintree offered to ensure that said locations would be quiet, and private, and that Parent and Student's home-based clinician could accompany her, and offered to let Student meet the evaluators, but Parent declined all such proposals, maintaining that Fusion would be the only appropriate evaluation site.
- After Parent eventually did authorize four referrals, she (via Attorney B) took the position that she did not need to cooperate further with the process because Student still did not have an updated IEP or current evaluations (which purportedly could only be conducted at Fusion). Counsel B further prohibited District counsel from having conversations with prospective placements, which clearly inhibited the referral process.
- There is no dispute that Student's IEP expired in April 2023, and Braintree did not issue a successor IEP until June 2024.

### Finding(s):

- Parent's conduct in this regard impeded Braintree's efforts to implement Student's last accepted IEP to the extent possible while the search for a new placement was ongoing.
- The District had both the right and the obligation to conduct updated assessments, offered multiple options relative to location so as to accommodate Student's needs. Parent's refusal to allow evaluations directly impeded Braintree's ability to fulfill its obligation to obtain the information necessary to produce an IEP. As stated above, Parent presented no evidence at hearing supporting her position that she could only be evaluated at Fusion, or could not undergo a home-based FBA.
- The uncontroverted evidence in the record is that other than ultimately signing consent forms to send referrals to various schools, Parent made no effort to cooperate or collaborate with the referral process. Indeed, through Counsel B, she made it clear that she had no intention of doing so, all in an effort to secure Fusion as a long-term placement.
- Student is eligible for compensatory services corresponding to the period of April 2023, when the IEP expired, to November 29, 2023, when Braintree issued an invitation to a Team meeting for an annual review.



# In Re: Student v. Boston Public Schools

## BSEA # 24-03492

### Issue(s):

1. Whether Boston denied Student a free and appropriate public education (FAPE) when it failed to conduct a three-year re-evaluation in December of 2021; in failing to consider the results of its own transition Assessment in November of 2022; and in failing to consider Student's independent transition assessment in April of 2023?
2. Whether Boston failed to offer Student stay-put services consistent with his IEP for the period from January 20, 2022 to January 20, 2023?
3. Whether Boston's proposed IEPs and Placements for the period from January 20, 2022 to January 20, 2023 and April 24, 2023 to June 23, 2023, which contemplated Student's graduation in June of 2023, offered Student a FAPE?
4. Whether Student is entitled to compensatory services and public funding for the SOAR Program at the Northshore Education Consortium and attendant transportation, owing to procedural due process violations by Boston during the 2023-2024 school year?

### Facts:

- By completing all required coursework and passing the MCAS, Student had met local graduation requirements by June of 2021. Clearly, Because of deficits associated with his Autism and ADHD diagnoses, his Team convened in 2021, 2022 and April 2023, and recommended extending Student's graduation date to provide him with additional transition services to better prepare him for independent living. Throughout that period of time, Parent voiced her concerns that Student's plan needed to address self-advocacy, hygiene, work/ employment readiness, finance management and household management, in order for him to have a successful transition into adult life.
- During the period between January of 2021 and April of 2023, Boston convened numerous Team meetings to address newly acquired information regarding Student's progress and interests.
- The IEP and Transition Plan offered Student a dual enrollment program through which he would attend Boston's BCLA; take two classes per semester at Bunker Hill; and participate in a range of transition services including experiences at the DISC program, and JV.
- The record is convincing that as of June 2023, in addition to having passed all of his MCAS assessments and high school graduation courses two years prior, Student was ready to transition into adult living, including pursuing his goal of attending college.
- Boston was responsible for conducting Student's re-evaluation in December of 2021 and the District did not conduct any evaluation until the late summer of 2022 when it performed Student's transition assessment. Boston, however, did not graduate Student prior to obtaining this assessment.
- Given that Parent was challenging Student's graduation on the basis of a denial of FAPE, Boston was obligated to offer Student dual enrollment services consistent with Student's prior IEP and Transition Plan.

### Finding(s):

1. The IEPs and transition services offered by Boston during the 2021-2022 and 2022-2023 school years offered Student a FAPE and as such, Student is not entitled to an additional year of compensatory services in the SOAR program.
2. Boston shall conduct internal training regarding procedural due process rights under the IDEA relative to timing for evaluations and stay-put in the graduation context.
3. Boston shall reimburse Parent for her out of pocket expenses associated with Student's courses at Bunker Hill during the 2023-2024 school year and transportation.

The image features a light blue background with numerous small, square wooden blocks scattered across it. Each block has a black question mark printed on its top surface. In the center of the image, there is a white, rounded speech bubble with a dotted border. Inside this bubble, the word "Questions?" is written in a dark purple, serif font.

Questions?