

ABSTRACT
NM SEA DPH No. 1011-28

Request and Amended Request for Due Process granted in-part. Charter School, acting for LEA, denied FAPE due to its unilateral change of segregated special education services in reading, math and written language, as well as related OT and SLP, for one school year. IEP was not implemented. Student subsequently transferred to new public school where he is receiving services.

Request for evaluation to determine lost services for compensatory education and facilitated IEP to further consider those services denied.

School year at 36 weeks. Compensatory education and related services awarded to place Student in place he would have been had services been provided. LEA to provide the services. 1.4 hours per week for four school years in special education compensatory services awarded – Student, 14 years of age, is presently receiving 17 hours a week of special education services, so four year allotment of services at an additional 1.4 hours is reasonable, rather than in lump sum. Some periodic OT and SLP awarded, as well. Services to be provided by LEA personnel, rather than requested private contractors. Reimbursement for tutoring in special education services awarded undertaken while Student at Charter School, with award for compensatory education services offset by tutoring hours received.

DPHO Morgan Lyman
12.13.2011