

**THE STATE OF NEW MEXICO**  
**BEFORE THE PUBLIC EDUCATION DEPARTMENT**

**No. DPH 0607-03**

**SUMMARY OF OPINION AND ORDER**

Dyslexic student alleges, *inter alia*, violation of FAPE due to failure to employ highly structured one-on-one multi-sensory approach to reading and writing, as well as failure to supply appropriate assistive technology. DPHO held in fact specific analysis that multi-sensory approach was required to meet Student's unique needs, to be developed by the District through whatever methods it seeks to use. Student's success at private Colorado school, regression when he returned to public school, and recommendation by educational diagnostician for a highly structured reading and writing program supported decision. Methodology was not the issue.

Reimbursement for Colorado school was denied. FAPE was being provided prior to attendance at school and District neither referred Student nor consented to Student's placement at the school.

Assistive technology evaluation is ordered by third party evaluator. Once report issued, a facilitated IEP team will meet to find the appropriate technology for Student.

Compensatory education denied as inequitable because Student received free multi-sensory reading and writing services outside of the school system while due process was pending.