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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

█████, a Student, by and through Parent
█████,
Petitioners,

V.

Arizona Montessori Charter School at
Anthem Caurus Academy,
Respondent.

No. 14C-DP-060-ADE

**ADMINISTRATIVE
LAW JUDGE DECISION**

HEARING: September 25, 2014, with the record left open to receive transcripts.¹

APPEARANCES: Petitioner Parent ██████ ("Parent") appeared on her own behalf; Respondent Arizona Montessori Chart School at Anthem Caurus Academy was appeared through non-attorney representative Judy Belkis, accompanied by school representative Jennifer Starkey. Certified Court Reporter Sheryl L. Henke, RPR, was present and recorded the proceedings as the official record of the hearing.

WITNESSES:² **Stacy Fretheim**, Speech and Language Pathologist; **Sheila King**, Speech and Language Pathologist; **Rhonda Rides**, Principal; **Stephanie Barry**, Speech and Language Pathologist; Vanessa Ramirez, **Supplemental Service Provider**; **Jennifer Starkey**, Senior Compliance Coordinator.

ADMINISTRATIVE LAW JUDGE: Tammy L. Eigenheer

Parent brought this due process action, on behalf of Student, challenging the implementation of an Individualized Educational Program ("IEP") adopted by Respondent School for the 2013 – 2014 school year with respect to the provision of speech and language services and challenging the appropriateness of the December 9, 2013 IEP. The law governing these proceedings is the Individuals with Disabilities Education Act ("IDEA"), 20 United States Code ("U.S.C.") §§ 1400-1482 (as re-

¹ Following the hearing, the parties agreed to an extension of the 45th day to December 15, 2014.

² Throughout this Decision, proper names of parents and Student's teachers are not used in order to protect confidentiality of Student and to promote ease of redaction. Pseudonyms (appearing above in bold type) will be used instead. Proper names of administrative personnel, service providers, and expert witnesses are used.

1 authorized and amended in 2004),³ and its implementing regulations, 34 Code of
2 Federal Regulations ("C.F.R.") Part 300, as well as the Arizona Special Education
3 statutes, Arizona Revised Statutes ("A.R.S.") §§ 15-761 through 15-774, and
4 implementing rules, Arizona Administrative Code ("A.A.C.") R7-2-401 through R7-2-
5 406.

6 Procedural History

7 Petitioner filed the Due Process Complaint in this matter on May 19, 2014. The
8 complaint alleged that Respondent School failed to provide the required minutes of
9 speech and language services required by Student's May 2013 IEP, which resulted in
10 the denial of a free appropriate public education ("FAPE") for Student. Petitioner also
11 alleged the method by which the services were delivered, via videoconference, was not
12 appropriate. The complaint also asserted that Student's December 9, 2013 IEP was
13 not appropriate because it called for Student to receive only 60 minutes per month of
14 speech and language services with a Speech and Language Pathologist via
15 videoconference and 120 minutes per month of speech and language "reinforcement"
16 with a supplemental service provider. Petitioners sought compensatory speech and
17 language services.

18 Evidence and Issues at Hearing

19 The parties presented testimony and exhibits at a formal evidentiary hearing
20 held on September 25, 2014. The parties presented testimony from the witnesses
21 listed above⁴ and offered into evidence Petitioners' Exhibits 1 through 4 and
22 Respondent School's Exhibits 1a through 9.

23 The Administrative Law Judge has considered the entire record, including the
24 testimony and Exhibits,⁵ and now makes the following Findings of Fact, Conclusions of
25 Law, and Order.

26
27 ³ By Public Law 108-446, known as the "Individuals with Disabilities Education Improvement Act of
28 2004," IDEA 2004 became effective on July 1, 2005.

29 ⁴ Transcripts of the testimony have been added to the record. The transcripts are the official record of
30 the hearing.

⁵ The Administrative Law Judge has read and considered each admitted Exhibit, even if not mentioned in
this Decision. The Administrative Law Judge has also considered the testimony of every witness, even if
the witness is not specifically mentioned in this Decision.

FINDINGS OF FACT

1
2 1. Student was in █ grade and attending Respondent School in May 2013.
3 Student qualified for special education services in the areas of Autism, Other Health
4 Impairment, Speech and Language Impairment, and Specific Learning Disability.

5 Implementation of the May 2013 IEP

6 2. On May 16, 2013, an IEP meeting was held to create a new annual IEP
7 for Student. The May 2013 IEP⁶ was created in May 2013 to have a transition plan in
8 place for the August 13 entry into █ grade.

9 3. The May 2013 IEP provided that Student was to receive “45 minutes per
10 week” of Speech services to be provided by an “SLP/SLT/SLP-A.” Nothing in the IEP
11 prescribed the mode by which the services were to be provided. Respondent’s Exhibit
12 1b.

13 4. Parent did not argue that the May 2013 IEP was not adequate or was not
14 reasonably calculated to provide an educational benefit to Student.

15 5. For the 2013 – 2014 school year, Respondent School changed its speech
16 and language service provider from an in-person Speech and Language Pathologist to
17 a Speech and Language Pathologist who provided services via teleconference.

18 6. At the beginning of the school year, Parent received a letter from
19 Respondent School that provided as follows:

20 I would like to introduce our Speech and Language Pathologist, (SLP).
21 Her name is Theresa Larson and works for a company called
22 Independent Speech. She is reviewing each file this week. Speech will
23 start at Caurus on August 20th.
24 Your student will see the Speech and Language Pathologist one time a
25 month for 30 minutes. The students will also be seen each week for 30
26 minutes to review and reinforce strategies provided by the Speech and
27 Language Pathologist. Theresa will also be providing additional work that
28 both the students and teachers will be able to access. We are excited to
29 implement this new and exciting way to delivery quality Speech Services.

30 Petitioners’ Exhibit 2.

⁶ Throughout this decision, the IEP created on May 16, 2013, will be referred to as the May 2013 IEP.

1 7. This letter was sent to all parents who had students receiving Speech and
2 Language services. Respondent School acknowledged this letter was sent in error and
3 should not have presented a uniform system of services.

4 8. The evidence submitted established that Student received regularly
5 scheduled services from a Speech and Language Pathologist between August 2013
6 and December 9, 2013, as follows:

7 August	30 minutes
8 September	0 minutes
9 October	60 minutes
10 November	30 minutes
11 December	0 minutes

12 Respondent's Exhibit 7.

13 9. In November 2013, Respondent School realized Student had not received
14 the appropriate number of service minutes as required by the May 2013 IEP. As a
15 result, Respondent School began providing Student with compensatory minutes of
16 services with the Speech and Language Pathologist. The evidence submitted
17 established that Student received compensatory services from a Speech and Language
18 Pathologist the remainder of the school year, as follows:

19 November	90 minutes
20 December	120 minutes
21 May	30 minutes

22 Respondent's Exhibit 7.

23 10. From August 2013 through December 9, 2013, Student should have
24 received 720 minutes of regularly scheduled services from a Speech and Language
25 Pathologist. Including the compensatory minutes outlined above, Student received
26 only 360 minutes of services from a Speech and Language Pathologist.

27 11. While not required under the IEP, Student received reinforcement in the
28 area of speech and language from a Supplemental Service Provider from August 2013
29 through December 9, 2013, as follows:

30 September	60 minutes
October	45 minutes

1 November 90 minutes
2 December 45 minutes

3 Respondent's Exhibit 7.

4 12. On December 9, 2013, a new IEP was completed.⁷ The December 2013
5 IEP provided that Student was to receive 30 minutes per month of Speech and
6 Language services to be provided by an "SLP" in a small group setting; 30 minutes per
7 month of Speech and Language services to be provided by an "SLP" in a one on one
8 setting; 90 minutes per month of reinforcement in the area of speech and language to
9 be provided by a "Supplemental Service Provider" in a small group setting; and 30
10 minutes per month of reinforcement in the area of speech and language to be provided
11 by a "Supplemental Service Provider" in a one on one setting.

12 13. The evidence submitted established that Student received regularly
13 scheduled services from a Speech and Language Pathologist between December 9,
14 2013, and February 26, 2014, as follows:

	Small Group	Individual
15 December	30 minutes	0 minutes
16 January	30 minutes	30 minutes
17 February	0 minutes	30 minutes

18 Respondent's Exhibit 7.

19
20 14. The evidence submitted established that Student received regularly
21 scheduled reinforcement in the area of speech and language from a Supplemental
22 Service Provider between December 9, 2013, and February 26, 2014, as follows:

	Small Group	Individual
23 December	90 minutes	60 minutes
24 January	90 minutes	105 minutes
25 February	120 minutes	60 minutes

26 Respondent's Exhibit 7.

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28 15. Between December 9, 2013, and February 26, 2014, Student should have
29 received 60 minutes of services from a Speech and Language Pathologist in a small
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1 group setting;⁸ 90 minutes of services from a Speech and Language Pathologist in a
2 one on one setting; 270 minutes of reinforcement from a Supplemental Service
3 Provider in a small group setting; and 90 minutes of reinforcement from a Supplemental
4 Service Provider in a one on one setting.

5 16. On February 26, 2014, a new IEP was completed.⁹ The February 2014
6 IEP provided that Student was to receive 30 minutes per month of Speech and
7 Language services to be provided by an "SLP" in a small group setting; 30 minutes per
8 month of Speech and Language services to be provided by an "SLP" in a one on one
9 setting; 90 minutes per month of reinforcement in the area of speech and language to
10 be provided by a "Supplemental Service Provider" in a small group setting; and 90
11 minutes per month of reinforcement in the area of speech and language to be provided
12 by a "Supplemental Service Provider" in a one on one setting.

13 17. The evidence submitted established that Student received regularly
14 scheduled services from a Speech and Language Pathologist between February 26,
15 2014, and May 6, 2014, as follows:

	Small Group	Individual
16 February	30 minutes	0 minutes
17 March	30 minutes	30 minutes
18 April	30 minutes	30 minutes
19 May	30 minutes	30 minutes

20 Respondent's Exhibit 7.

21 18. The evidence submitted established that Student received regularly
22 scheduled reinforcement in the area of speech and language from a Supplemental
23 Service Provider between February 26, 2014, and May 6, 2014, as follows:

25 ⁷ Throughout this decision, the IEP created on December 9, 2013, will be referred to as the December
2013 IEP

26 ⁸ The Administrative Law Judge notes that Student was to receive 30 minutes of services from a Speech
27 and Language Pathologist in a small group setting in February 2014, but those services were provided
28 under the following IEP on February 27, 2014. The totals presented here are intended to analyze what
29 services were provided versus what was required during the relevant time period. Because both IEPs
30 required 30 minutes of services per month from a Speech and Language Pathologist in a small group
setting, the minutes are identified under the IEP in which they were provided so as to be consistent. This
adjustment was also performed in the following IEPs.

⁹ Throughout this decision, the IEP created on February 26, 2014, will be referred to as the February
2014 IEP

	Small Group	Individual
February	0 minutes	75 minutes
March	90 minutes	90 minutes
April	90 minutes	90 minutes
May	30 minutes	60 minutes

Respondent's Exhibit 7.

19. Between February 26, 2014, and May 6, 2014, Student should have received 90 minutes of services from a Speech and Language Pathologist in a small group setting; 60 minutes of services from a Speech and Language Pathologist in a one on one setting; 210 minutes of reinforcement from a Supplemental Service Provider in a small group setting; and 300 minutes of reinforcement from a Supplemental Service Provider in a one on one setting.

20. On May 6, 2014, a new IEP was completed.¹⁰ The May 2014 IEP provided that Student was to receive 30 minutes per month of Speech and Language services to be provided by an "SLP" in a small group setting; 30 minutes per month of Speech and Language services to be provided by an "SLP" in a one on one setting; 90 minutes per month of reinforcement in the area of speech and language to be provided by a "Supplemental Service Provider" in a small group setting; and 120 minutes per month of reinforcement in the area of speech and language to be provided by a "Supplemental Service Provider" in a one on one setting.

21. The evidence submitted established that Student received regularly scheduled services from a Speech and Language Pathologist between May 6, 2014, and May 23, 2014, as follows:

	Small Group	Individual
May	30 minutes	30 minutes

Respondent's Exhibit 7.

22. The evidence submitted established that Student received regularly scheduled reinforcement in the area of speech and language from a Supplemental Service Provider between May 6, 2014, and May 23, 2014, as follows:

¹⁰ Throughout this decision, the IEP created on May 6, 2014, will be referred to as the May 2014 IEP

1	May	Small Group 90 minutes	Individual 210 minutes
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2 Respondent's Exhibit 7.

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4 23. Between May 6, 2014, and May 23, 2014, Student should have received
5 30 minutes of services from a Speech and Language Pathologist in a small group
6 setting; 30 minutes of services from a Speech and Language Pathologist in a one on
7 one setting; 60 minutes of reinforcement from a Supplemental Service Provider in a
8 small group setting; and 60 minutes of reinforcement from a Supplemental Service
9 Provider in a one on one setting.

10 Appropriateness of the December 2013 IEP

11 24. Parent was not in agreement with the December 2013 IEP because she
12 believed Student was in need of more speech and language services with a Speech
13 and Language Pathologist and that those services should have been provided in
14 person rather than via teleconference.

15 25. On March 21, 2014, Stacey L. Fretheim, MS, CCC-SLP, performed an
16 Independent Educational Evaluation at Parent's request. Ms. Fretheim concluded that
17 Student was in need of "[d]irect speech-language services" to address phonological
18 awareness, semantics, higher order language, pragmatic communication skills,
19 articulation, and fluency of speech. Petitioners' Exhibit 4.

20 26. Ms. Fretheim testified that under a best-case scenario, Student should
21 receive two to three hours of speech and language services per week with a Speech
22 and Language Pathologist. Ms. Fretheim also testified that, while it could be a useful
23 tool, videoconference speech and language services were not appropriate for Student
24 because Student's needs included pragmatic language skills that could not be
25 addressed via videoconference.

26 27. Parent also presented the testimony of Sheila King, the Speech and
27 Language Pathologist who provided services for Student during the 2012 – 2013
28 school year. Ms. King testified that Student would have benefited from more frequent
29 speech and language therapy sessions. Ms. King also stated that videoconference
30 speech and language services were not appropriate for Student because students with

1 autism often struggle with elements of speech that are not spoken, including body
2 language and eye contact, and cannot be addressed via videoconference.

3 28. Respondent School presented the testimony of Rhonda Rides, the
4 principal, who stated that Student made significant progress throughout the 2012 –
5 2013 and 2013 – 2014 school years. Student was able to share her opinions in class
6 and contribute to class discussions. Ms. Rides also testified to Student's social
7 progress that included her playing with classmates on the playground, being invited to
8 birthday parties, and inviting other students to her birthday party. Ms. Rides stated that
9 Student liked being in class and at times she did not want to be pulled from class for
10 services.

11 29. Stephanie Barry, Speech and Language Therapist, testified that research
12 from the Mayo Clinic and the American Speech-Language Hearing Association has
13 shown that online speech therapy is as effective as face-to-face therapy. Ms. Barry
14 asserted that Student was a good candidate for teleconference services because she
15 had the ability to participate, she was engaged in the therapy, she was relating well,
16 and she was making progress throughout the 2013 – 2014 school year. Ms. Barry
17 stated she was able to provide the skills and strategies necessary during the
18 videoconference and Student could then practice the pragmatic elements in the
19 classroom with the Supplemental Service Providers.

20 30. Neither Petitioners nor Respondent School provided any peer-reviewed
21 research demonstrating that the provision of speech and language services via
22 teleconference was appropriate or was not appropriate for the treatment of any
23 particular issue for a student with any particular diagnosis.

24 **CONCLUSIONS OF LAW**

25 1. A parent who requests a due process hearing alleging non-compliance
26 with the IDEA must bear the burden of proving that claim.¹¹ The standard of proof is
27 "preponderance of the evidence," meaning evidence showing that a particular fact is
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¹¹ *Schaffer v. Weast*, 546 U.S. 49, 126 S. Ct. 528 (2005).

1 "more probable than not."¹² Therefore, Petitioners bear the burden of proving their
2 claims and complaints by a preponderance of evidence.

3 2. This tribunal's determination of whether or not Student received a FAPE
4 must be based on substantive grounds.¹³ If a procedural violation is alleged and found,
5 it must be determined whether the procedural violation either (1) impeded the child's
6 right to a FAPE; (2) significantly impeded the parents' opportunity to participate in the
7 decision-making process; or (3) caused a deprivation of educational benefit.¹⁴ If one of
8 the three impediments listed has occurred, the child has been denied a FAPE due to
9 the procedural violation.

10 FAPE

11 3. Through the IDEA, Congress has sought to ensure that all children with
12 disabilities are offered a FAPE that meets their individual needs.¹⁵ These needs
13 include academic, social, health, emotional, communicative, physical, and vocational
14 needs.¹⁶ To do this, school districts must identify and evaluate all children within their
15 geographical boundaries who may be in need of special education and services. The
16 IDEA sets forth requirements for the identification, assessment, and placement of
17 students who need special education, and seeks to ensure that they receive a free
18 appropriate public education. A FAPE consists of "personalized instruction with
19 sufficient support services to permit the child to benefit educationally from that
20 instruction."¹⁷ The IDEA mandates that school districts provide a "basic floor of
21 opportunity," nothing more.¹⁸ It does not require that each child's potential be
22 maximized.¹⁹ A child receives a FAPE if a program of instruction "(1) addresses his
23 unique needs, (2) provides adequate support services so he can take advantage of the
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25 ¹² *Concrete Pipe & Prods. v. Constr. Laborers Pension Trust*, 508 U.S. 602, 622, 113 S. Ct. 2264, 2279
26 (1993) quoting *In re Winship*, 397 U.S. 358, 371-372 (1970); see also *Culpepper v. State*, 187 Ariz. 431,
437, 930 P.2d 508, 514 (Ct. App. 1996); *In the Matter of the Appeal in Maricopa County Juvenile Action*
27 *No. J-84984*, 138 Ariz. 282, 283, 674 P.2d 836, 837 (1983).

¹³ 20 U.S.C. § 1415(f)(3)(E)(i); 34 C.F.R. § 300.513(a)(1).

¹⁴ 20 U.S.C. § 1415(f)(3)(E)(ii); 34 C.F.R. §§ 300.513(a)(2).

¹⁵ 20 U.S.C. §1400(d); 34 C.F.R. § 300.1.

¹⁶ *Seattle Sch. Dist. No. 1 v. B.S.*, 82 F.3d 1493, 1500 (9th Cir. 1996) (quoting H.R. Rep. No. 410, 1983
29 U.S.C.C.A.N. 2088, 2106).

¹⁷ *Hendrick Hudson Central Sch. Dist. Bd. of Educ. v. Rowley*, 458 U.S. 176, 204 (1982).

¹⁸ *Id.* at 200.

1 educational opportunities and (3) is in accord with an individualized educational
2 program."²⁰

3 Implementation of the May 2013 IEP

4 4. The Ninth Circuit has held that "a material failure to implement an IEP
5 violates the IDEA. A material failure occurs when there is more than a minor
6 discrepancy between the services a school provides to a disabled child and the
7 services required by the child's IEP."²¹ This standard "does not require that the child
8 suffer demonstrable educational harm in order to prevail."²² The Court noted that "the
9 child's educational progress, or lack of it, may be probative of whether there has been
10 more than a minor shortfall in the services provided."²³

11 5. Petitioners argued that Student did not receive the required number of
12 speech and language service minutes provided by a Speech and Language Pathologist
13 during the 2013 – 2014 school year.

14 6. Between August 2013 to December 9, 2013, plus the compensatory
15 minutes throughout the year, Student received only 360 minutes of services from a
16 Speech and Language Pathologist when she should have received 720 minutes of
17 services. Therefore, Student failed to receive 360 minutes of services with a Speech
18 and Language Pathologist to which she was entitled.

19 7. From December 9, 2013, through February 26, 2014, Student received
20 only 60 minutes of small group and 60 minutes of individual services from a Speech
21 and Language Pathologist when she should have received 60 minutes of small group
22 and 90 minutes of individual services. Therefore, Student failed to receive 30 minutes
23 of individual services with a Speech and Language Pathologist to which she was
24 entitled.

25 8. From February 26, 2014, through May 6, 2014, Student received 90
26 minutes of small group and 60 minutes of individual services from a Speech and

27 ¹⁹ *Id.* at 198.

28 ²⁰ *Park v. Anaheim Union High Sch. Dist.*, 464 F.3d 1025, 1033 (9th Cir. 2006) (citing *Capistrano Unified
Sch. Dist. v. Wartenberg*, 59 F.3d 884, 893 (9th Cir. 1995)).

29 ²¹ *Van Duyn v. Baker School District 5J*, 502 F.3d 811, 815 (9th Cir. 2007).

30 ²² *Id.*

²³ *Id.*

1 Language Pathologist. This was the required number of minutes to which she was
2 entitled.

3 9. From May 6, 2014, through May 23, 2014, Student received 30 minutes of
4 small group and 30 minutes of individual services from a Speech and Language
5 Pathologist. This was the required number of minutes to which she was entitled.

6 10. Between August 2013 to December 9, 2013, Student received only 240
7 minutes of services from a Supplemental Service Provider when no such services were
8 required under the May 2013 IEP.

9 11. From December 9, 2013, through February 26, 2014, Student received
10 300 minutes of small group and 225 minutes of individual services from a Supplemental
11 Service Provider when the December 2013 IEP required that she receive 270 minutes
12 of small group and 90 minutes of individual services. Therefore, Student received more
13 minutes of service during this time period than required by the December 2013 IEP.

14 12. From February 26, 2014, through May 6, 2014, Student received 210
15 minutes of small group and 315 minutes of individual services from a Supplemental
16 Service Provider when the February 2014 IEP required that she receive 210 minutes of
17 small group and 300 minutes of individual services. Therefore, Student received more
18 minutes of service during this time period than required by the February 2013 IEP.

19 13. From May 6, 2014, through May 23, 2014, Student received 90 minutes of
20 small group and 210 minutes of individual services from a Supplemental Service
21 Provider when the May 2014 IEP required that she receive 60 minutes of small group
22 and 60 minutes of individual services. Therefore, Student received more minutes of
23 service during this time period than required by the May 2013 IEP.

24 14. The Administrative Law Judge concludes that Student did not receive 390
25 minutes of speech and language services provided by a Speech and Language
26 Pathologist that were required by the operant IEPs.

27 *Appropriateness of the December 2013 IEP*

28 15. Petitioners argued that the December 2013 IEP was not appropriate
29 because Student only received 60 minutes of services via teleconference with the
30

1 Speech and Language Pathologist monthly and other services were provided by a
2 Supplemental Service Provider.

3 16. Petitioners presented the testimony of two Speech and Language
4 Pathologists to assert that Student required in-person services for up to two or three
5 hours a week. While both of Petitioners' witnesses acknowledged services provided
6 via videoconference were appropriate in some situations, neither felt it was appropriate
7 for Student. Petitioners did not present any peer-reviewed data to establish that
8 teleconference services were not appropriate for Student based either on her speech
9 and language issues or on her diagnosis.

10 17. It is noteworthy that the IDEA mandates special education and services
11 that are required for a child to access education and make progress in the curriculum.²⁴
12 Thus, Respondent School is not required to remediate Student's disability. Ms.
13 Fretheim appeared quite knowledgeable as to what services would most benefit
14 Student; however, her opinion in this case was based on a "best-case scenario" and
15 was not consistent with the requirements under the IDEA.

16 18. The evidence shows that Student made progress with the number of
17 hours provided for speech and language services in the IEPs and with the manner of
18 delivery of those services. No persuasive evidence showing that Student did not
19 receive some benefit from those hours was presented. Therefore, Petitioners' claim
20 fails.

21 Compensatory Services

22 19. As discussed previously, Student did not receive 390 service minutes
23 provided by a Speech and Language Pathologist required by the IEPs. The majority of
24 the service minutes were to have been provided between August 2013 and December
25 2013.

26 20. Accordingly, the Administrative Law Judge concludes that Student is
27 entitled to compensatory speech and language services with a Speech and Language
28 Pathologist in a one on one setting in the amount of 7 hours.

29 21. All other claims raised in the due process complaints are denied.
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ORDER

Based on the findings and conclusions above, IT IS HEREBY ORDERED that that the relief requested in the due process complaints is **granted** as set forth above. All other relief requested in the due process complaints is **denied**. Respondent School must provide 7 hours of compensatory speech and language services with a Speech and Language Pathologist in a one on one setting.

Done this day, December 15, 2014.

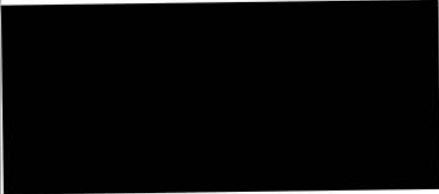
/s/ Tammy L. Eigenheer
Administrative Law Judge

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to 20 U.S.C. § 1415(i) and A.R.S. § 15-766(E)(3), this Decision and Order is the final decision at the administrative level. Furthermore, any party aggrieved by the findings and decisions made herein has the right to bring a civil action, with respect to the complaint presented, in any State court of competent jurisdiction or in a district court of the United States. Pursuant to Arizona Administrative Code § R7-2-405(H)(8), any party may appeal the decision to a court of competent jurisdiction within thirty-five (35) days of receipt of the decision.

Copy mailed/e-mailed/faxed December 15, 2014 to:

Ms. Debra Slagle,
c/o Judy C. Belkis
Arizona Montessori Charter School at Anthem
2045 W. Northern Ave.
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²⁴ See *Rowley*, 458 U.S. at 200.

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By: Cruz Serrano