



Witnesses for Respondent:

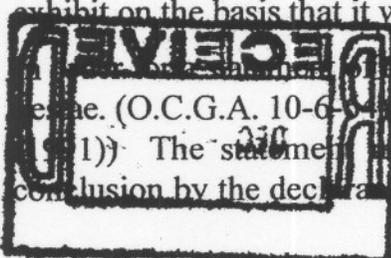
Dr. Janice Monk Reardon Reardon, Coordinator APS  
Jeannie Salyer, Oral-Auditory Teacher APS  
Dr. Charles Calmbacher  
Carol Walsh, Audiologist APS  
Eileen Barrett, Oral-Auditory Teacher  
Mary O'Hearn, Speech/Language Pathologist APS  
Jane Seaton, Consultant  
Lynn N. Holland, Acting Director Program for Exceptional Children APS

**PROCEDURAL HISTORY**

This case arose when the Respondent and the Petitioner were unable to come to an agreement regarding [REDACTED]'s Individual Education Plan (IEP). The Respondent's position is that [REDACTED] would receive a free and appropriate public education (FAPE) in its newly developed class for the hearing impaired. It is the Petitioner's position that the Respondent's new program is not appropriate for [REDACTED] at this time and further that the Respondent did not adequately comply with the procedures mandated by the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §, et seq. for developing [REDACTED]'s IEP. It is the Petitioner's contention that for [REDACTED] to receive FAPE he must remain a student in a private facility, the [REDACTED] School ([REDACTED]), at the Respondent's expense. The Respondent has agreed to pay for [REDACTED]'s tuition at the [REDACTED] until a November 23, 2000.

**EVIDENTIARY OBJECTION**

During the course of the hearing the Petitioners' introduced Petitioner's Exhibit 80 into evidence. The Petitioner's exhibit is a letter dated June 21, 2000 composed by the Respondent's counsel to counsel for the Petitioners. The Respondent objected to the exhibit on the basis that it was hearsay evidence. I asked the parties to brief the issue.



...the party's agent to be admissible, it must be part of the res  
...he. (O.C.G.A. 10-6-5 (Uniflex Corp. b. Saxon 198 Ga. App. 455, 402 S.E.2d 67  
...1)). The statement must be a statement of fact and not just an opinion or  
...conclusion by the declarant. (Howell Mill/Collier Assoc., 194 Ga. App. at 172, 390

S.E.2d at 260). Based on the foregoing, I cannot find that the letter dated June 12, 2000 is anything other than the opinion of the Respondent's counsel, and I exclude the exhibit as hearsay.

After careful consideration of the testimony and documentary evidence, and after considering the arguments made by Petitioner and Respondent's representatives, the Administrative Law Judge enters the following findings of fact and conclusions of law.

## II. FINDINGS OF FACT

1.

██████████ is a ████████-year-old hearing impaired child with a cochlear implant who qualifies for special education and related services under the Respondent's Program for Exceptional Students. ██████████ also has moderate to severe apraxia, which affects his ability to speak. ██████████ has been taught language skills by use of the Oral-auditory method and both the Petitioners and the Respondent agree that this method is appropriate for ██████████.

2.

Prior to August 1999, the Respondent lacked an appropriate oral-auditory program to address ██████████'s special needs and agreed to fund his private placement at the ████████ in order to provide him with special education in the oral approach. ████████ has been placed at the ████████ at public expense since the fall of 1997. In the 1999-2000 school year ██████████ attended a self-contained class at the ████████. There he received direct instruction in a small class of five (5) other hearing impaired children at his language and developmental level and who were also age appropriate peers for him. He also received four (4) sessions per week of small group or speech and language services with one other selected student and he received physical therapy weekly. Due to his apraxia, he received the additional direct individual services from a second speech and language pathologist for two (2) additional sessions per week. (Test. of Rajtar, Monk-Reardon and the Petitioners, P. Ex.51, 54, 59, 100). These additional services are at present funded by the Petitioners. *Id.* ██████████ also has opportunities for inclusion and/or mainstreaming, receiving services for a portion of his day in classes and with non-disabled peers. (Test. of the Petitioners). APS provided the related services of transportation to and from the ██████████ School and small group speech services. The ██████████ School, though a private school, is located in the City of Atlanta. (Test. of Rajtar).

3.

The Respondent developed an oral-auditory program within the public school system that commenced in the fall of 1999. The Petitioner's rejected, as an inappropriate placement, the Respondent's offer to place [REDACTED] in the public school program. In December 1999 the Petitioners filed a hearing request on [REDACTED]'s behalf. The parties signed a settlement agreement in March 2000, with the Petitioners reserving the right to request an administrative hearing on the issue if necessary. (Test. of Monk Reardon)

4.

In the Consent Order, the parties agreed that [REDACTED] would remain at the [REDACTED] for the remainder of the 1999-2000 school year. The parties also agreed to have the Respondent's oral-auditory program (program) evaluated by an independent assessor, permit [REDACTED] to be observed in the [REDACTED] setting, and conduct an IEP meeting to plan for his 2000-2001 school year placement by May 15, 2000. (Test. of the Petitioners)

5.

In April 2000, Jennifer Kolzak of Soundbridge/CREC was retained to conduct an assessment of the program. Ms. Kolzak completed her assessment on May 22, 2000 and submitted her report on June 6, 2000. Ms. Kolzak found that the program was inadequate to meet [REDACTED]'s needs. Specifically, Ms. Kolzak found that the teaching methods used were inadequate and that the room was too noisy for hearing impaired students. Ms. Kolzak recommended that [REDACTED] remain at the [REDACTED]. (Test. of Kolzak)

6.

In addition to Ms. Kolzak's review, Ms. Jean Seaton was contracted by the Respondent to be an educational programming consultant to the program in February 2000. Ms. Seaton found the classroom located at [REDACTED] Elementary School to be appropriate for the program, but made the following recommendations: 1. the classroom be divided into learning centers, 2. individual assessment tool be implemented, 3. the addition of instructional materials, 4. integration of the regular education curriculum, staff training and 5. the students' assistive technology devices be assessed and spare parts maintained. (Test. of Seaton and R. Ex. 79) Ms. Seaton's report was not made available to the Petitioners until an open records request was filed during the IEP process.

7.

The Respondent proposed a date of June 5, 2000 for the Petitioners and the Respondent

to meet and discuss [REDACTED]'s IEP. The date was inconvenient for the Petitioners, and the Petitioners proposed that the IEP team on June 8, 2000. The June 8, 2000 date was inconvenient for the Respondent. The Respondent and the Petitioners eventually agreed to meet on July 12 and 26, 2000. (Test. of Monk Reardon ).

8.

On July 12, 2000 the Respondent convened an IEP meeting at the [REDACTED] Elementary School to plan for [REDACTED]'s 2000-2001 school year. The meeting convened at or about 1:00 p.m. and adjourned at 4:30 p.m. the Petitioners, their attorney, representatives of the [REDACTED]S including Ms. Rajtar, [REDACTED]'s teacher, and speech pathologist, representatives of the Respondent, Dr. Monk Reardon, Lynn Holland, Jeannie Salyer, Ms. Nix, a regular education first grade teacher at [REDACTED] Elementary, the school cluster coordinator, Ms. Carol Guist, and counsel for the Respondent attended in person. Ms. Kolzak attended by telephone conference call. Dr. Monk Reardon called the meeting to order and delivered to [REDACTED]'s parents a pamphlet explaining Parent Rights and Procedural Safeguards under the IDEA. Petitioner's counsel was present and no questions were asked concerning the statement of parents' rights. (Test. of Monk Reardon, Salyer, and the Petitioners)

9.

During the meeting Ms. Kolzak recommended, based on the observation of the program and the [REDACTED]S as of May 22, 2000, that [REDACTED]'s needs would be appropriately met in the [REDACTED]S program and not in the Respondent's program. In response, Dr. Monk Reardon explained the Respondent's efforts to address each of the recommendations contained in Ms. Kolzak's report. Although Georgia regulations do not require the Respondent to employ an administrator for the oral-auditory program, Dr. Monk Reardon agreed that the Respondent would contract with a qualified consultant to provide mentoring and in-service training to its oral-auditory teacher, Ms. Salyer. Without seeing the program enhancements, Ms. Kolzak was unwilling to change her recommendation. The IEP team next addressed development of goals and objectives for [REDACTED]'s 2000-2001 school year IEP. The team first discussed mathematics because this was perceived to be a strength area for [REDACTED]. The Petitioners rejected a proposal that [REDACTED] be mainstreamed into a first grade math class and recommended that he remain in a special education setting for math. The Petitioners' recommendation was accepted. Because of the hour, having only begun one goal, the IEP team recessed the meeting and Dr. Monk Reardon asked Ms. Salyer to draft proposed goals prior to the next scheduled meeting based on the previous year's IEP and the present levels of [REDACTED]'s accomplishments. Dr. Monk Reardon and the

Petitioners agreed to meet again on July 26 to continue the meeting. In the interest of time, Ms. Salyer was to provide draft goals to the Petitioner for her review prior to the July 26 meeting. Dr. Monk Reardon mailed the Petitioners draft goals prior to the July 26 meeting and the Petitioners reviewed and made modifications to the goals. (Test. of Monk Reardon, Salyer and the Petitioners)

10.

The next IEP meeting took place on July 26 at [REDACTED] Elementary School. Both [REDACTED]'s parents attended with counsel. Dr. Monk Reardon, Ms. Salyer, Ms. Holland, APS school speech therapist, Mary O'Hearn and the APS counsel also attended. The meeting began at approximately 1:30 p.m. and concluded at 2:50 p.m.. The Petitioner ([REDACTED]'s mother) had an appointment for her children and could not attend the IEP meeting past 3:00 p.m. At the July 26 meeting, the IEP team discussed the development of speech/language goals with Ms. O'Hearn. The Petitioner reviewed [REDACTED]'s progress in articulation of specific consonant sounds and phonemes and discussed the methods for assessing his progress. The Petitioners' suggestions were accepted. (R. Ex. 73, p. EM330-35). The Petitioners' were concerned that [REDACTED] would regress if placed in a classroom with peers of lower levels of language functioning.

During the proceeding school year, the students in the program had a range of spontaneous language abilities with two (2) students functioning at the two (2) to three (3) word sentence level, two (2) students at the four (4) to five (5) word level, and one at the five (5) to six (6) word level. (R. Ex. 73, p. 307).

11.

The Petitioners' requested access to the students' test scores to determine whether they considered the oral class at [REDACTED] appropriate for [REDACTED]'s needs. [REDACTED]'s parents stated that they did not intend for APS to disclose personally identifiable information and that they would accept test scores with the students' names redacted. APS could not release the students' test scores because of the small class size and the potential ability to identify specific students even without the children's names. The parties disagreed on this point. (Test. of the Petitioners and Holland).

12.

Because of Ms. Kolzak's concern about the program classroom's noise level, Dr. Calmbacher has contracted to test the classroom's noise level. Prior to January 2000, the program classroom was carpeted and had been treated to provide an acoustical environment for educating hearing impaired students. Throughout August and September 2000, additional noise reduction modifications to Ms. Salyer's classroom

continued. Dr. Calmbacher recommended certain sound-reducing and absorbing measures to treat the room including adding sound reducing materials to the walls and ceilings and screening the metal cabinets with a curtain. (R. Ex. 80, p. EM399).

13.

At the adjournment of the July 26 meeting, the IEP team agreed to reconvene on August 11, 2000. At the time of scheduling Dr. Monk Reardon was unaware that [REDACTED]'s would be holding open house for its new students and parents on August 11.

Since the meeting room was not available at [REDACTED], Ms. Holland contacted the Petitioners in an attempt to hold the meeting an alternative location. The Petitioners would not agree to relocate the meeting because of the inconvenience and because they wanted to view the progress made on the program classroom. Consequently, no meeting was held on August 11. (Test. of Monk Reardon).

14.

The 2000-2001 school term began on August 14, 2000 for students enrolled in APS and the [REDACTED]S. [REDACTED] returned to his private school placement at the beginning of the school year, and APS continues to fund this placement to date. The parties do not dispute that the [REDACTED]S is a proper placement for [REDACTED] and that he has made reasonable educational progress while a student in the [REDACTED]S.

15.

Due to [REDACTED]'s father's unavailability until the week of August 21, 2000, Ms. Holland and the Petitioners agreed to reconvene the IEP on August 23, 2000. The final IEP meeting was held at [REDACTED] and began at approximately 1:00 p.m. and concluded at 4:00 p.m. The August 23 meeting resulted in the proposed IEP, with special education and related services for [REDACTED] to be delivered in the deaf/hearing impaired, oral-auditory program at [REDACTED] Elementary School. (R. Ex. 73, p. EM300-338; R. Ex. 77, p. EM343-381). The IEP team recommended full time, self-contained placement in the oral-auditory classroom with academic instruction goals in reading, social studies, science, oral communication and written expression. In addition, the IEP called for [REDACTED] to receive speech/language services in "small group (2-3 students) of comparable ability level" four (4) times per week for thirty (30) minutes per session. (R. Ex. 73, p. EM300, 336). The face page of the IEP indicated that [REDACTED] would receive audiological services, but did not indicate any specific level of service or frequency. Carol Walsh, audiologist for APS is monitoring all of the students in the class on a weekly basis, performing monthly audiological tests on the students' equipment and is available on-call, as needed. The IEP developed for [REDACTED]

15. also called for him to receive assistive technology of a portable sound-field unit.

16.

An essential related service for [REDACTED] is the provision of audiological services. This can include direct services from the audiologist, training by the audiologist of staff, student and Family, and goals on the use and maintenance of hearing equipment. (R. Ex. 73. Test. of Seaton. See also, Pet. Ex. 25). Periodic consultative services of the audiologist are also generally available if children require such services. *Id.* In 1999-2000 Atlanta had one audiologist for its entire school system. (Test. of Seaton, O'Hearn, and Walsh) The APS hired a second audiologist after August 24, 2000. (Test. of Monk Reardon). The Petitioners did not agree to the IEP, or give informed consent, as they did not know what the audiological services would be. (Testimony of the Petitioners).

17.

The August 23 IEP provided that [REDACTED] would be "mainstreamed" with non-disabled peers for thirty (30) minutes per day, five (5) days per week in a regular education kindergarten classroom. R. Ex. 73, p. EM309. APS identified a regular education classroom and teacher to facilitate [REDACTED]'s acclimation in the mainstream environment. The teacher is Ms. Sears, assisted by a classroom paraprofessional. The IEP team recommended that [REDACTED] commence in the recommended placement on September 18, 2000. Ms. Holland recommended a September commencement date to permit [REDACTED] to observe in the Rivers classroom and have Ms. Salyer observe [REDACTED] in the [REDACTED] setting.

18.

The goals and objectives were developed based on [REDACTED]'s then current level of performance as identified in the comprehensive educational assessments provided, input from his current teachers and staff at the [REDACTED]S, and directly involved the Petitioners' oral reports and written revisions to many of the goals and objectives and the format for assessing [REDACTED]'s progress under the IEP. The Petitioners' provided a draft goal concerning educating [REDACTED] with language appropriate peers for academic and non-academic time. (R. Ex. 75, p. EM341)

19.

APS's oral-auditory program at [REDACTED] Elementary School is appropriately staffed with a certified teacher of the deaf/hearing impaired, who is trained in the oral-auditory methodology, adequately assisted by a paraprofessional. Ms. Salyer is appropriately

trained in the education of deaf/hearing impaired students and has experience in the oral-auditory methodology. Ms. Salyer holds Bachelors and Masters degrees and hold a valid Georgia teaching certificate in the field of hearing impaired (P Ex. 12). (R. Ex. 86, p. EM424). Ms. Salyer has received, and will continue to receive, on-going inservice training. Most recently, Ms. Salyer attended the A.G. Bell Association's annual conference and attended training in the oral-auditory approach. (R. Ex. 90, p. EM435). Further, Ms. Salyer has attended workshops and training provided by the Network of Educators of Children with Cochlear Implants (NECCI) and the Auditory-Verbal Center of Atlanta. (R. Ex. 88-89, p. EM430-31) (Test. of Salyer).

20.

Ms. Salyer understands the oral-auditory techniques and the oral education methodology. Ms. Salyer would implement the goals and objectives contained in [REDACTED]'s August 2000 IEP if he were enrolled in her class.

21.

[REDACTED]'s IEP also calls for speech/language services to be administered by Mary O'Hearn, the speech language therapist at [REDACTED]. Ms. O'Hearn holds a valid Georgia certificate in the area of speech and language pathology (P Ex.12) and she is appropriately trained and holds credentials to enable her to provide speech/language services. Ms. O'Hearn would implement the speech/language goals and objectives contained in [REDACTED]'s August 2000 IEP if he were enrolled as a student at [REDACTED].

22.

The current class-size of five (5) students to one (1) teacher complies with Georgia regulations. The student to staff ratio is 2.5 to 1.

23.

The classroom facility meets with current Georgia regulations that self-contained classrooms for the hearing impaired "present an appropriate acoustical environment." After the August IEP meeting, APS made additional acoustic enhancements to Ms. Salyer's classroom including placing wallboard and carpeting on three (3) walls, screening the metal file cabinets and recessed alcove with a sound absorbing curtain and adding insulation in the ceiling. In October, Dr. Calmbacher conducted additional noise level testing of [REDACTED] classroom 206. Dr. Calmbacher's second report, (R. Ex. 80A, p. EM403A-D), indicated that the rooms ambient background noise level ranged from 12.3 to 35.9 dBA. Dr. Calmbacher calculated the room reverberation to be less than or equal to 0.44 seconds. (R. Ex. 80A, p. EM403C-D). The teacher's signal to

noise ratio was 70dBA to an average of 35.9 dBA. The current ambient noise level in classroom 206 is equivalent to a library and for the room to be made any quieter would be the equivalent of a radio broadcast studio. The acoustical environment of the proposed classroom is appropriate to educate deaf/hearing impaired students.  
(Test. of Calmbacher)

24.

The class is taught in accordance with appropriate "sequential curricula" for the deaf/hearing impaired. The curricula is interfaced with the Quality Core Curriculum as mandated in regular education classes within APS. Most importantly, Ms. Salyer implements a oral approach in teaching her students and requires listening and oral responses as appropriate and specified to address each student's individual needs.  
(Test. of Monk Reardon and Salyer).

25.

██████████'s primary language is English and his communication mode is oral. The oral program at ██████████ is consistent with ██████████'s language and communication mode. However, Ms. Kolzak and Ms. Rajtar observed the APS oral program during the 1999-2000 school year and believed the program inadequate for ██████████ at the time of their observations. Neither witness has observed or considered the program as it existed on August 24, 2000 or at present. APS has implemented all of the program modifications Ms. Kolzak recommended. Ms. Kolzak's opinion was limited to her impressions of ██████████ and the APS program in May 2000. Ms. Rajtar has not observed the APS program since December 1999. (Test. of Monk Reardon, Salyer and Rajtar).

26.

██████████ could make educational progress in the Respondent's oral-auditory class, but not as much progress as he is making at the ██████████ S. (Test. of Oliver, ██████████'s current teacher).

27.

APS's proposed oral-auditory program is located at ██████████ Elementary School. ██████████ is a regular education facility for pre-kindergarteners through fifth grade students. ██████████ is located five (5) to ten (10) minutes from ██████████'s residence and he would be the last student on the bus in the mornings and the first to be returned home in the afternoon. The oral program is a self-contained special education class housed in room 206 of the facility. In addition to the above-detailed regular education

mainstream opportunity, the proposed IEP also provided [REDACTED] access to non-disabled, typically developing peers daily for lunch, physical education, and assemblies. (Test. of Seaton and Salyer).

### III. CONCLUSIONS OF LAW

1.

The Petitioners and the Respondent stipulated prior to hearing that the Respondent carries the burden of showing that it has offered and will provide a Free Appropriate Public Education (FAPE) to [REDACTED]. This burden includes whether appropriate IEP procedures were followed and whether the APS program will provide [REDACTED] the opportunity to make reasonable educational progress in the least restrictive environment.

2.

The Supreme Court has directed a two-part review of the IEP in examining appropriateness:

First, has the state complied with the procedures set forth in the Act? And second, is the individual education program developed through the Act procedures reasonably calculated to enable the child to receive educational benefits? The court relies on adherence to procedures as the mechanism from which a substantively appropriate education should result. *Hendrick Hudson School Dist. v. Rowley*, 458 U.S. 176, 206-07 (1982).

3.

The Petitioners' have alleged that the Respondent failed to follow appropriate procedures as to [REDACTED]'s IEP. More specifically, the Petitioners allege that the violations include the failure of the Respondent to provide them with Ms. Seaton's report, Respondents failure to complete [REDACTED]'s IEP by August 14 2000, the Respondent's failure to give the Petitioners' notice of the change of placement, the Respondent's failure to provide redacted information regarding the students in Ms. Salyer's class, and that the Respondent predetermined [REDACTED]'s placement in its

program prior to the IEP meeting. The court in *Doe v. Alabama State Department of education*, 915 F.2d 651 (1990) found that not all procedural irregularities are *per se* violation of FAPE. Like *Doe*, the Petitioners were very involved in the IEP process. Although the Petitioners argue that the Respondent delayed the process by denying access to Ms. Seaton's report and to the information requested on the students in Ms. Salyer's class, I cannot conclude that these two actions actually delayed the progress of the IEP meetings. Even though Ms. Seaton's report should have been given to the Petitioners at their request, the report does not appear to provide pertinent information that was not already available to the Petitioners. Moreover, the Respondent could not provide information to the Petitioners regarding the students in Ms. Salyer's class because it might breach the children's right to confidentiality. Based on the evidence presented to me, I can only conclude that the IEP process was, in fact, delayed by scheduling problems on part of both the Respondent and the Petitioners. Further, I have found no evidence that the Respondent predetermined [REDACTED]'s placement prior to the initial IEP meeting or that it gave insufficient notice of a change of placement. Although Ms. Salyer prepared a draft of IEP goals for [REDACTED], her work on the draft IEP occurred after the first IEP meeting. Based on the evidence presented and because [REDACTED] has started school at the APS at public expense, I conclude that no educational harm occurred to [REDACTED] from any alleged IEP deficiency. See *Weiss v. School Bd. Of Hillborough*, 141 F.3d 990 (11<sup>th</sup> Cir. 1998).

4.

The Petitioners' second allegation is that the IEP is inadequate and denies [REDACTED] access to FAPE under the IDEA. The test set forth in *Rowley* is whether "...the individualized educational program developed through the Act's procedures reasonably calculated to enable the child to receive education benefits." The court in *Greer v. Rome City School Dist.*, (C.A. 11<sup>th</sup> Cir. (Ga.) 1991) further held that "...no single factor will be dispositive under this test. 'Rather, our analysis is an individualized, fact-specific inquiry that requires us to examine care fully the nature and severity of the child's handicapping condition, his needs and abilities, and the schools' response to the child's needs.'" See Georgia State Regulations, Code § 160-4-7-.03(4). Although arguably, [REDACTED]'s education would progress at a faster rate at the [REDACTED]S, the great majority of the testimony presented at hearing was that he would continue to learn if placed in the Respondent's program as it currently exists. In essence, the Respondent's program uses the same techniques as the [REDACTED]S, and the Respondent has taken steps to provide an adequate acoustical environment for a child with a cochlear implant. Further, Ms. Salyer may not be as experienced as [REDACTED]'s current teacher at the [REDACTED]S, but she is certified to teach the program in Georgia, and

current teacher at the [REDACTED]S, but she is certified to teach the program in Georgia, and that certification must be given deference. Additionally, the Respondent has now hired a second audiologist to meet the needs of its deaf and hard of hearing students. Although the specifics of how [REDACTED]'s audiological goal would be met were absent from the proposed IEP. The evidence presented at the hearing showed that any audiological problems that [REDACTED] may encounter would be met in a reasonable period of time.

Understandably, the Petitioners want the best education for [REDACTED]; however, the definition of FAPE does not mean that the child receive the best education possible. FAPE, as it has been defined, means that if the educational benefits are adequate based on surrounding facts, [IDEA] requirements have been satisfied. See *J.K. v. Hendry County School Board*, 941 F.2d 1563 (11<sup>th</sup> Cir. 1991). I conclude that [REDACTED] will make measurable and adequate progress in the Respondent's program, the Respondent has met IDEA requirements and the second part of the *Rowley* test.

5.

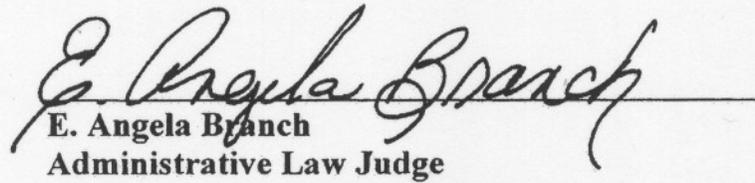
The facts presented in this case have shown that [REDACTED] will be mainstreamed to a level appropriate with his handicap in the Respondent's nonacademic programs. Although there was testimony regarding the ability and inability of [REDACTED] to use a totable soundfield device, it is my conclusion that the use of such a device will allow [REDACTED] to mainstream into the general curricula classrooms as required by the IDEA. See *Greer v. Rome City School Dist.*, (C.A. 11<sup>th</sup> Cir. (Ga.) 1991).

#### IV. FINAL DECISION

**IT IS HEREBY ORDERED THAT** the Respondent's program will offer [REDACTED] a free appropriate public education and that the proposed IEP is appropriate for [REDACTED]'s education at this time.

**IT IS FURTHER ORDERED THAT** since [REDACTED] has already started his school year at the [REDACTED] School, the IEP be **REMANDED** to the IEP team to develop a plan that will provide [REDACTED] with a smooth transition to the Respondent's program. The Respondent will continue to reimburse the tuition for [REDACTED] until the transition can be made.

SO ORDERED THIS 27<sup>th</sup> day of November, 2000.

  
E. Angela Branch  
Administrative Law Judge