

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Greenwich Board of Education v. Student

Appearing on behalf of the Parent:

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Appearing on behalf of the Board:

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Appearing before:

Mary H.B. Gelfman, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Shall the Board fund an independent evaluation, including speech/language, neuropsychological and educational assessments?

PROCEDURAL HISTORY:

This hearing was requested on January 31, 2006, and the hearing officer was appointed on February 2, 2006. A pre-hearing conference was held on February 13, 2006. The hearing convened and was completed on March 9, 2006. The deadline for the final decision and order was set for April 16, 2006.

All motions and objections not previously ruled upon, if any, are hereby overruled.

SUMMARY:

Student was provide speech/language services by the Birth to Three program, and received similar services in the Board's pre-school program. She received speech/language services in kindergarten, first, and second grades. At the end of second grade, the Board's Planning and Placement Team (PPT) exited her from special

education, based on a triennial evaluation by the Speech/Language Pathologist (S/LP) who had been providing her services, and classroom observations.

Parent noticed increasing problems with articulation and language in Student's fourth grade year, and requested an independent evaluation. The Board refused this request and requested a hearing, pursuant to the requirements of 34 C.F.R. §300.502(b).

To the extent that the procedural history, summary, and findings of fact actually represent conclusions of law, they should be so considered, and vice versa. *Bonnie Ann F. v. Calallen Independent School District*, 835 F. Supp. 340, 20 IDELR 736 (S.D. Tex. 1993).

FINDINGS OF FACT:

From a review of all documents entered on the record of the hearing and testimony offered on behalf of the parties, I make the following Findings of Fact.

1. Student was born on January 30, 1996, and is now ten years of age. She has attended the Board's school starting in Kindergarten and is now in Fourth Grade. (Exhibit B-3)
2. Parents noticed that Student's speech was developing differently when she was 18 months old, and sought an evaluation and services from the Birth to Three program. When Student became eligible for services from the Board, the Board's pre-school program provided speech/language services. (Testimony, Parent)
3. The Board evaluated Student for Speech and Language on April 30 and May 7 and 14, 2001, while she was attending a private nursery school. The S/LP performing this evaluation noted that, although Student was "... very social and verbal...at times [Student's] speech was difficult to understand, particularly as her utterances became longer and more complex." On the Goldman-Fristoe Test of Articulation, Student's 23 sound errors resulted in a percentile rank of 6. An oral motor evaluation revealed some movements of the jaw, lip, and tongue that were not well executed. Some difficulty with sequencing/motor planning was also noted. On the Assessment Link Between Phonology and Articulation, there were many misarticulations and phonological process errors, resulting in a score below the first percentile. This evaluator summarized:

This current evaluation revealed that [Student] has well developed pragmatic language skills. She was able to produce both simple and complex sentences and her length of utterance was age appropriate. Speech intelligibility continues to be an area of weakness for [Student]. According to this testing, she exhibits both a phonological disorder and dyspraxia. A rapid rate of speech and grammatical errors (some related to speech, some related to language) contribute to this "break down" of intelligibility. Some oral motor weaknesses remain (particularly with tongue movements). However, this is not considered to be significant at the present time. (Exhibit P-1)

4. Student received one hour a week of speech/language services in Kindergarten, 2001-2002. The Board's PPT met on October 9, 2001, with Mother present. Current functioning/Present levels of educational performance were all "age/grade appropriate" except for communication. Her communication strengths were:
[Student] is a friendly girl who is very verbal. She is willing to try presented activities to improve her speech and language skills.
Concerns/Challenges/Needs were:
[Student] presents with oral motor difficulties, articulation errors, and some grammatical errors in her sentence production. Articulation errors impact her intelligibility of speech, particularly as her utterances become longer.
Disability impact:
[Student's] articulation errors and grammatical errors in connected speech make it difficult for her teachers and peers to understand her in the classroom. (Exhibits B-20, B-21)
5. Student's goals and objectives for the 2001-2002 Kindergarten year were:
 - #1. To increase coordination and movement of oral motor structures.
 - A. [Student] will complete presented oral motor activities, given a model and/or verbal directions.
 - B. [Student] will imitate a two-sequence oral motor movement pattern, given a model and a mirror for visual cues.
 - #2. To increase auditory awareness of targeted speech sounds.
 - A. [Student] will identify her targeted speech sounds, given a list of speech sounds including her targeted speech sounds ("s, st, pl").
 - B. [Student] will identify the presented word, given a pair of words differing in one sound (including her targeted sounds "s, st, pl")
Ex[ample] stop vs. top.
 - #3. To increase production of three syllable words.
 - A. [Student] will produce 3 syllable words in phrases, given a picture prompt and a model.
 - B. [Student] will produce 3 syllable words in self-generated phrases, given a picture prompt.
 - #4. To increase production of the "s" phoneme.
 - A. [Student] will produce "s" in isolation, given direct SLP intervention and a visual cue.
 - B. [Student] will produce "s" in syllables. Given direct SLP intervention and a visual cue.
 - C. [Student] will produce "s" in the initial position of words, given direct SLP intervention, a picture prompt, and cues (i.e., auditory, tactile, visual, and/or kinesthetic)
 - D. [Student] will produce "s" in the final position of words, given direct SLP intervention, a picture prompt and cues (i.e., auditory, tactile, visual, and/or kinesthetic)
 - #5. To increase production of consonant blends.

- A. [Student] will produce the “st” blend in isolation, given a model and cues (i.e. auditory, tactile, visual, and/or kinesthetic)
 - B. [Student] will produce the “st” blend in syllables, given a model and cues (i.e. auditory, tactile, visual, and/or kinesthetic)
 - C. [Student] will produce the “st” blends in the initial position of words, given a model and cues (i.e. auditory, tactile, visual, and/or kinesthetic)
 - D. [Student] will produce the “pl” blend in isolation, given a model and cues (i.e. auditory, tactile, visual, and/or kinesthetic)
 - E. [Student] will produce the “pl” blend in syllables, given a model and cues (i.e. auditory, tactile, visual, and/or kinesthetic)
- #6. To increase use of auxiliary and copular verbs.
- A. [Student] will use the auxiliary verbs (is, am, are) + verb + ing (Ex[ample] I am eating), given a structured activity and a model.
 - B. [Student] will use the copular verb “is” in phrases and sentences (Ex[ample] He is happy), given a naturally occurring classroom activity. (Exhibit B-21, 8 through 13)
6. Student’s Kindergarten report card showed that by the end of the 2001-2002 school year, she “demonstrates consistently” various skills in social development, work habits, fine motor skills, language arts (oral language, writing, and reading), social studies and science. Her year-end grades in all areas were VG, defined as “has achieved all, or almost all, kindergarten objectives.” Almost all categories had been marked “significant progress shown” for the first trimester: by the end of the year, the report card showed “significant progress shown” in a few areas: “waits for a turn to speak”, “subtracts by counting objects”, and “identifies and understands the use of clock, scale, ruler, thermometer”. The kindergarten teacher’s year-end comment: [Student] has excellent social skills. She is not shy in the least! Sometimes [Student] worries about others too much and ends up having to rush through her work. When she puts all of her[self] into her work, she produces masterpieces. [Student] can write using beginning, middle, and ending sounds while incorporating sight words. She reads well with fluency and expression. Her math skills are also well developed. Currently she is adding number[s] with more than ten. Keep up the good work! [Student] has been fun to have in class. Have a safe and happy summer. Don’t forget to read! (Exhibit B-10)
7. The Board’s PPT convened on October 1, 2002, for Student’s annual review. Mother was present. Current functioning/Present levels of educational performance listed all areas except communication as “age/grade appropriate.” Her strengths were: [Student] is a verbal student who enjoys interacting with her peers and teachers. When presented with models and cues, [Student] is able to modify her articulation productions to formulate the targeted sounds.
- Concerns/Challenges/Needs were: [Student] presents with articulation errors at the word, phrase, sentence level and in connected speech. As [Student’s] utterances become longer it is, at times, difficult to understand her. She needs continued practice with generalization and self-monitoring of correct production of targeted sounds.

Disability impact:

[Student's] articulation errors in connected speech impact her intelligibility of speech in the classroom setting. At times it is difficult for peers and teachers to understand Student.

The PPT planned one hour a week of speech/language services for Student. (Exhibit B-17, pp. 3-5)

8. Student's goals and objectives for her First Grade (2002-2003) year were:
 - #1. To increase production of "s" in sentences and connected speech.
 - A. [Student] will produce "s" in the final position of words in sentences, given a picture prompt.
 - B. [Student] will self-correct her production of "s" in the initial or final position of words, given [Student] engaged in a naturally occurring conversation and [Student] misarticulating the "s" phoneme, when given a visual cue/gesture.
 - C. [Student] will produce "s" in the middle position of words, given a picture prompt and one verbal cue.
 - D. [Student] will produce "s" in the middle position of words in phrases, given a picture prompt and one verbal cue.
 - #2. To increase production of "th" in words and phrases.
 - A. [Student] will produce "th" in the middle position of words, given a picture prompt and one model.
 - B. [Student] will produce "th" in the final position of words, given a picture prompt and one model.
 - C. [Student] will produce "th" in the middle position of words in phrases, given a picture prompt and one verbal cue.
 - D. [Student] will produce "th" in the final position of words in phrases, given a picture prompt and one verbal cue.
 - #3. To increase production of "z" in words and phrases.
 - A. [Student] will produce "z" in the initial position of words, given a picture prompt and a model.
 - B. [Student] will produce "z" in the final position of words, given a picture prompt and a model.
 - C. [Student] will produce "z" in the initial position of words in phrases, given a picture prompt and one verbal cue.
 - D. [Student] will produce "z" in the final position of words in phrases, given a picture prompt and one verbal cue.
 - #4. To increase production of "l" blends in connected speech.
 - A. [Student] will produce "l blends" in the initial position of words in sentences, given a picture prompt and visual/gestural cue.
 - B. [Student] will self-correct her production of the "l blend" in the initial position of words, given [Student] engaged in a naturally occurring conversation and [Student] misarticulating an "l blend", and given a visual cue/gesture.
 - #5. To increase production of the "r" phoneme.

- A. [Student] will produce “r” in isolation, given a model, visual, verbal and tactile cues.
- B. [Student] will produce “r” in CV syllables, given a model, visual, verbal and tactile cues.
- C. [Student] will produce “r” in one syllable words, given a model, visual, verbal and tactile cues. (Exhibit B-17, 6 through 10)

9. Student’s progress on IEP objectives for 2002-2003 was reported as follows:

	11/15/02	3/14/03	6/6/03	10/16/03
Goal #1 Objective A	S	M		
Objective B	S	S	S	M
Objective C	S	M		
Objective D	S	S	S	M
Goal #2 Objective A	S	M		
Objective B	S	M		
Objective C	S	S	M	
Objective D	S	S	M	
Goal #3 Objective A	M			
Objective B	M			
Objective C	S	S	M	
Objective D	S	S	M	
Goal #4 Objective A	S	M		
Objective B	S	S	M	
Goal #5 Objective A	S	S	S	M
Objective B	NA	S	S	M
Objective C	NA	S	S	S

(NA – Objective was not addressed; S – Satisfactory progress – likely to achieve objective/goal; M – Objective mastered/satisfactory progress toward goal)
(Exhibit B-18)

10. Student’s report card for First Grade showed end-of-the-year grades:

- Reading, above grade level, Very Good
- Writing, on grade level, Excellent
- Oral Language, Very Good
- Mathematics, on grade level, Excellent
- Social Studies, Very Good
- Science, Very Good
- Social development, 2 Very Goods, 1 Excellent
- Work Habits and Attitudes, Very Good

Teacher’s end-of-year comments included:

[Student] is a very dependable student. She frequently helps her classmates without being asked to do so. She takes great pride in all of the work she does and always does a neat job.
[Student’s] reading has improved considerably throughout the year. Please continue to practice reading with her nightly. She has been successful at reading

longer phrases and adjusting her voice when reading to show intonation and attention to punctuation. ... (Exhibit B-9)

11. The Board's PPT convened on October 21, 2003, for Student's annual review.

Mother was present. All areas were again "age/grade appropriate" except communication. Strengths in communication were:

[Student] is a friendly, Second Grade student who enjoys interacting with teachers and peers. [Student] has made progress towards her targeted speech goals and is beginning to self-monitor her productions. With minimal cueing, [Student] can correct a production appropriately.

Concerns/Challenges/Needs were:

[Student] presents with some articulation errors and decreased coordination of her tongue in connected speech. [Student] has specific difficulty with production of "r" at the word level, and generalization of "s", "th", and "z" in conversational speech. [Student] also uses a rapid rate of speech which impacts her articulation skills.

Disability impact:

[Student's] articulation errors and rapid rate of speech may decrease her intelligibility in the classroom setting. [Student's] peers and teachers may not be able to understand her answers, ideas, and opinions. (Exhibits B-15, pp.3-5; P-2)

12. Student's goals and objectives for her Second Grade (2003-2004) year were:

#1. To increase correct production of "s", "z", and "th" in conversational speech.

A. [Student] will correctly produce "s" in words in conversational speech, given [Student] engaged in a natural conversation in the therapy setting, and one verbal cue prior to the conversation.

B. [Student] will correctly produce "z" in words in conversational speech, given [Student] engaged in a natural conversation in the therapy setting, and one verbal cue prior to the conversation.

C. [Student] will restate the sentence correctly producing "th", given [Student] engaged in a natural conversation in the therapy setting, and verbal cue when [Student] misarticulates the "th" sound.

#2. To increase the production of "r" in words.

A. [Student] will produce "r" in the initial position of words, given a picture prompt, verbal, visual and tactile cues, and a model.

B. [Student] will produce "r" in the final position of words, given a picture prompt, verbal, visual and tactile cues, and a model.

C. [Student] will produce "er" in the final position of two syllable words (i.e., teacher), given a picture prompt, verbal, visual and tactile cues, and a model.

#3. To increase intelligibility of speech by decreasing her rate of speech.

A. [Student] will imitate the modeled slower rate of speech, given an auditory model of a slower rate of speech, a verbal and visual cue.

B. [Student] will repeat her sentence with a slower rate of speech, given a structured therapy activity, a visual and verbal cue, and a verbal direction to say a sentence again. (Exhibit B-15, 6 through 8)

13. At the October 21, 2003, PPT meeting, Student’s speech/language services were reduced from an hour a week to a half hour a week. Plans were made for Student’s triennial re-evaluation. The evaluation was planned to focus on articulation. No individual educational, developmental, or psychological testing was planned. (Exhibits B-14, B-15, pp. 17-18; P-2)

14. Student’s triennial re-evaluation took place on January 26, 2004. The S/LP, who has an M.A. in Speech/Language Pathology from Gallaudet University and ten years of experience in clinical and school settings, had been providing services to Student since kindergarten. The S/LP found Student’s articulation skills within the average range on the Goldman Fristoe. The S/LP mentioned observing articulation problems with “r” and “th” and a fast rate of speech. On the CELF Screening Test, Student scored within the average range for language skills. The S/LP reported “no identified language weaknesses.” Student’s classroom teacher completed a checklist for articulation skills in the classroom, reporting that articulation errors did not impede intelligibility in the classroom or interfere with social interactions. (Exhibits B-6, pp. 3-4; P-3; Testimony, S/LP)

15. The Board’s PPT convened on March 25, 2004, to review the triennial evaluation. Mother was present. After discussing the evaluation, the PPT decided to re-convene in June to consider whether to discontinue speech/language services. At that time, curriculum-based assessments would be reviewed. (Exhibits B-6; P-4)

16. Student’s Second Grade teacher reported that she was reading on grade level and her oral language was “very good.” She agreed with the S/LP that Student’s speech was intelligible and did not have a negative impact on her educational progress. This experienced classroom teacher reported that Student misarticulated “the same sounds reading aloud or when spelling that she does when speaking.” (Exhibit B-6 p. 4; Testimony, Second Grade Teacher)

17. The Board’s PPT re-convened on June 16, 2004. Mother was present. The PPT record includes, under Actions Proposed:
 - [Student] is performing at grade level. Some of the following assessments were used: DRA, social studies writing prompt and informal writing samples.
 - [Student’s] articulation skills are within average range for her age.
 - She has mastered all but one objective on her IEP.
 - [Student] will be exited from Special Education Services. Her speech & language is not educationally impacting her school performance.
 - [S/LP] will meet with the third grade teacher in the Fall to discuss strategies to be used with [Student]. (Exhibits B-5; P-5)

18. Student’s IEP progress report for 2003-2004 showed the following:

		11/14/03	2/27/04	6/11/04
Goal #1	Objective A	S	S	M
	Objective B	S	S	M

	Objective C	S	M	
Goal #2	Objective A	S	S	M
	Objective B	S	S	S
	Objective C	S	S	M
Goal #3	Objective A	NI	M	
	Objective B	NI	S	M (Exhibit B-13)

19. Most of the standardized test scores submitted by the Board for this hearing were actually performed after the June 16, 2004, decision to exit Student from special education. On Degrees of Reading Power (DRP) administered in September 2003, and May 2004, she scored in the 45th and 74th national percentiles respectively. Later DRP scores were similarly varied: September 2004, 64th percentile; May 2005, 65th percentile; and September 2005, 38th percentile. On the Stanford Achievement Test in September 2004, her scores were rated as high in total math, problem solving, procedures and spelling; mid [level] in total reading, word study skills, reading comprehension, and language; and low in reading vocabulary. (Exhibit B-23)
20. Mother reported that although she was worried about the decision of the PPT at the time, she deferred to their professional expertise. The S/LP also reported Mother's worries about discontinuing speech/language services. (Testimony, Mother; Testimony, S/LP)
21. Student's Second Grade report card end-of-year grades showed that she was on grade level in reading, writing, and mathematics. She was marked "Very Good" in reading, writing, oral language, mathematics, social studies, and science. Under social development, she had two "Satisfactory" and one "Very Good", and under work habits and attitudes, she had one "Excellent", four "Very Good", and one "Satisfactory". Her teacher's end-of-year comment:
- I was delighted to have [Student] in our class. She worked hard throughout the year. I'm especially pleased with her progress in writing. Her enthusiasm for math was a good model for all her classmates. Her solid knowledge of the addition and subtraction facts is commendable. I appreciated the extra effort she put into her homework. With the interest [Student] puts into her work I'm certain she'll do well in third grade. (Exhibit B-12)
22. The only evidence submitted concerning Third Grade was Student's report card for that year (2004-2005). Oral language was graded "very good", defined as "very good; frequently exceeds expectations." Other year-end grades included:
- Reading, Satisfactory, On grade level
 - Writing, Satisfactory, On grade level
 - Mathematics, Very Good, On grade level
 - Social Studies, Very Good
 - Science, Very Good
 - Physical Education, Very Good
 - Media, Very Good
 - Art, Excellent

- Music, Excellent
Social Development, Very Good
Work Habits & Attitude, Very Good (Exhibit B-4)
23. Mother reported that although Student did well in Third Grade, she was “falling apart” in fourth grade. Mother reported that at times, family members cannot understand Student’s speech. She consulted an attorney and an independent S/LP. The Board’s Fourth Grade teacher consulted the S/LP who had provided services in the past, and they devised an intervention plan to address “minor articulation issues”, including fluency and multi-syllabic words. (Testimony, Mother; Testimony, Fourth Grade Teacher)
24. The record of the hearing does not include the dates that concerns were raised, Fourth Grade Teacher and S/LP consulted, or when the intervention plan was initiated.
25. By letter dated January 11, 2006, Parents informed the Assistant Principal of Student’s elementary school that they disagreed with the 2004 evaluation and requested an independent evaluation. (Exhibit P-6)
26. The Board’s PPT met with Mother on January 26, 2006, to discuss her request for an independent evaluation, which was rejected by the PPT. The Board planned to continue their intervention plan, and Student’s status would be reviewed on February 14, 2006, and if necessary, she would be referred for further evaluations at that time. (Exhibit B-3)
27. The Board then requested this hearing. (Exhibit HO-1)
28. Parents offered expert testimony by Nelson J. Dorta, Ph.D., a licensed clinical psychologist, who reported that neuropsychological evaluations of children with speech problems have often revealed language problems as well. Having reviewed Student’s records provided by Parent and met briefly with Student, he recommended a speech/language evaluation, a neuropsychological evaluation, and educational assessment. He described the 2004 evaluation as “inadequate”, because it did not include any evaluation of Student’s connected speech. He also questioned the use of the CELF screening test to evaluate progress. (Testimony, Dr. Dorta)

CONCLUSIONS OF LAW AND DISCUSSION:

1. Pursuant to Section 10-76d-9, Regulations of Connecticut State Agencies (R.C.S.A.), each child who has been referred and may require special education shall be evaluated, and students receiving special education shall be re-evaluated at least every three years. A re-evaluation shall be conducted upon the request of the parent or personnel working with the child. A parallel requirement is found at 34 C.F.R. §§300.320 and 300.536. Federal and state regulations are silent on the status of a student formerly eligible for special education although not eligible now.

2. Federal regulation 34 C.F.R. § 300.532 (and Section 10-76d-9, R.C.S.A.) set forth the requirements for evaluation of students. Of particular importance are the following:

...

(b) A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent, and information related to enabling the child to be involved in and progress in the general curriculum ...

...

(f) No single procedure is used as the sole criteria for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

(g) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

Re-evaluation is also required under § 504 of the 1973 Rehabilitation Act. At 34 C.F.R. § 104.35(a), re-evaluation of students with disabilities is required prior to “any significant change in placement”.

3. Parents may request that the school district fund an independent evaluation “if the parent disagrees with an evaluation obtained by the [school district].” If a parent requests an independent evaluation funded by the school district, the district is required to either 1) provide such an evaluation or 2) initiate a due process hearing to “show that its evaluation is appropriate” (34 C.F.R. § 300.502(b); Section 10-76d-9(c), R.C.S.A.).

4. While the plan for each evaluation is developed by the PPT to address the child’s unique strengths and needs, Section 10-76d-9(a), R.C.S.A., requires a “complete evaluation study” for students referred for special education. Further, this regulation states:

The evaluation study shall include reports concerning the child’s educational progress, structured observation, and such psychological, medical, developmental and social evaluations as may be appropriate in determining the nature and scope of the child’s exceptionality.

The PPT has discretion in planning evaluations and selecting evaluative instruments. When a student is on grade level and doing well in all the areas normally measured in the classroom, the PPT may choose to assess more narrowly than when a student is demonstrating difficulties. However, the minimalist approach demonstrated by the Board in 2004 appears to have focused on articulation alone. Dr. Dorta’s questions concerning language, connected speech, and the reference to dyspraxia in Student’s 2001 evaluation indicate that a wider evaluation prior to discontinuing special education services would have been appropriate. The least such an evaluation might accomplish is greater parental confidence that a decision to end special education services is valid. In the alternative, a thorough triennial may suggest additional areas of need.

5. Parent argues that she can “disagree” with the Board’s 2004 evaluation at any time up to the two-year limit for requesting a special education hearing. The Board argues that the Parent never questioned the evaluation at the time, and therefore should not be allowed to raise this issue almost two years later. There is no regulatory timeframe for exercising the right to request an independent evaluation. Section 10-76h-4, R.C.S.A., provides that a hearing may be requested within two years of when:
[the Board] proposed or refused to initiate or change the identification, evaluation or educational placement of, or the provision of a free appropriate public education to the child.
6. A related procedural issue is whether the Board gets “first chance” to evaluate now. Given the Board’s intervention timeframe, a decision of whether to evaluate would follow six weeks of intervention and a PPT meeting to review results. As of this hearing, the Board has made no commitment to evaluate.
7. Several recent hearing officer decisions in other jurisdictions have focused on the issue of evaluation prior to an eligibility decision. Hearing officers upheld several decisions based on thorough evaluations, and rejected decisions based solely on good grades or inappropriate interpretations of test results. In several cases, speech problems were deemed too minor to merit therapy.
 - In *San Francisco Unified School District*, 41 IDELR 50 (California, 2004), the use of older, higher achievement test scores was rejected by the hearing officer in favor of more recent, lower and more varied subtest scores plus evidence of a processing disorder in finding that a decision to end eligibility for a twelve-year-old could not be sustained.
 - In *Kenston Local School District*, 41 IDELR 47 (Ohio, 2003), a state review officer rejected a decision to end eligibility of a sixth grader based solely on a student’s good grades.
 - In *Keller Independent School District*, 42 IDELR 54 (Texas, 2004), a hearing officer upheld the school district’s denial of eligibility on the basis of good grades and the ninth grade student’s failure to demonstrate a significant discrepancy between achievement and intellectual ability. An evaluation showed a weakness in speech/language, but her functional language was found “sufficient for the school environment”.
 - In *Board of Education of the New Paltz Central School District*, 42 IDELR 52 (New York, 2004), the school district had rejected speech/language concerns raised by an independent evaluation of an 11-year-old. The state review officer found that the school district should have administered a more thorough evaluation.
 - In *Duval County School Board*, 43 IDELR 134 (Florida, 2005), an administrative law judge sustained the school district’s finding of no eligibility because a five-year-old’s speech impairment did not “adversely impact” his education.
 - In *Hanover Public Schools*, 43 IDELR 21 (Massachusetts, 2005), a hearing officer agreed with the school district that the nine year old student’s articulation issues did not make him unintelligible to his teachers and his classmates, and that therefore he was not eligible for speech services.

- In *Jurupa Unified School District*, 43 IDELR 77 (California, 2005), a hearing officer upheld the school district's denial of funding for an independent evaluation for a 10-year-old student who had not previously been identified as in need of special education, based on a "sufficiently comprehensive" evaluation that included a variety of tests, classroom observations, and rating scales.
8. Student's 2004 evaluation was neither thorough nor comprehensive. Therefore, Parents are entitled to an independent speech/language evaluation. The educational testing performed by the school, combined with Student's very good academic record, is sufficient: no independent educational evaluation is necessary at this time. Whether a neuropsychological evaluation is indicated is a decision for the PPT.

FINAL DECISION AND ORDER:

The Board is responsible for funding an independent speech/language evaluation for Student. Following this evaluation, the PPT shall convene to consider whether a neuropsychological evaluation or other additional, in-house, evaluations are needed.