COMMONWEALTH OF MASSACHUSETTS

DIVISION OF ADMINISTRATIVE LAW APPEALS

BUREAU OF SPECIAL EDUCATION APPEALS

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DECISION

STUDENT v. ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT

BSEA # 2509385

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BEFORE

HEARING OFFICER

ALINA KANTOR NIR

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PARENTS, PRO SE

TOM DELMAR, ATTORNEY FOR THE SCHOOL

**COMMONWEALTH OF MASSACHUSETTS**

**DIVISION OF ADMINISTRATIVE LAW APPEALS**

**BUREAU OF SPECIAL EDUCATION APPEALS**

**In Re: Student v. Acton-Boxborough Regional School District BSEA # 2509385**

**DECISION**

This decision is issued pursuant to the Individuals with Disabilities Education Act (20 USC 1400 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the state special education law (MGL c. 71B), the state Administrative Procedure Act (MGL c. 30A), and the regulations promulgated under these statutes.

A hearing was held at the offices of the Bureau Special Education Appeals on April 29, 2025 before Hearing Officer Alina Kantor Nir. Parents appeared pro se. Acton-Boxborough Regional School District (ABRSD or the District) was represented by counsel. Those present for all or part of the proceedings were:

Student’s Father[[1]](#footnote-2)

Thomas Delmar Attorney for ABRSD

Abby Gould, Attorney for ABRSD

Matthew Kidder Out-of-District Coordinator, ABRSD

Mary Emmons Interim Director of Special Education, ABRSD

Timothy Mahoney Principal, Milestones Day School and Transition Program

(Milestones)

Joshua Krell Attorney for Milestones

Melissa Lupo Court Reporter

The official record of the hearing consists of documents submitted by Parents and marked as Exhibits P-1 to P-82; documents submitted by ABRSD and marked as Exhibits M-1, M-2, S-1 to S-12; approximately one day of oral testimony and argument; and a one-volume transcript produced by a court reporter. The record closed following oral closing arguments on April 29, 2025. A transcript of the proceedings was sent to the Parties.

**ISSUES IN DISPUTE:**

1. Whether the Individualized Education Program (IEP) for the period 9/8/2023 through 9/7/2024 (2023-2024 IEP) and the psychological services proposed by the District in the IEP for the period 9/9/2024 to 9/8/2025 (2024-2025 IEP) and accepted by Parents on March 7, 2025, were implemented?
2. Whether the 2024-2025 IEP was reasonably calculated to offer Student a free, appropriate public education (FAPE) in the least restrictive environment (LRE)?
3. Whether Parents were denied meaningful participation in the IEP process?
4. If the answer to any of the above is affirmative, what is the proper remedy?

**FACTUAL FINDINGS[[2]](#footnote-3):**

1. Student is a 21-year-old female resident of Acton, Massachusetts. She currently attends the post-high school (PHS) program at Milestones Day School and Transition Program (Milestones) in Waltham, Massachusetts, where she was placed by ABRSD, the Local Educational Agency (LEA) responsible for providing Student with a FAPE. Student is eligible for special education and related services pursuant to the following disability categories: Autism Spectrum Disorder, Vision Impairment: Duane’s Syndrome, Communication Disorder, and Emotional Disorder. (S-1, S-4, S-5 to S-9)
2. Student has a quick-witted sense of humor. (Mahoney) She often expresses concern for peers; has strong mental math skills; expresses herself clearly in written language; and enjoys learning, watching movies, spending time with family and friends, and working at her part-time job bagging groceries at Roche Brothers. (S-4, S-7, S-8, S-9)
3. Student’s autism affects her ability to interpret nonverbal cues, take perspective, think flexibly, and follow social norms. Motor deficits interfere with academic and functional tasks. Her emotional disorder and poor impulse control contribute to dysregulation and impact focus, learning, safety, and functional performance. (S-1, S-9)
4. The Department of Developmental Services (DDS) is involved with Student. (Parent, Kidder, S-1, S-9) Parents are exploring a self-directed program for her when she turns 22. (Parent)
5. Student began attending Milestones in 2015 at the middle school level and later transitioned to the high school program. (Parent, Mahoney) Parents expressed dissatisfaction with the high school, citing a lack of academic rigor, absence of certain subjects, and the omission of homework and syllabi. (Parent)
6. Student has satisfactorily fulfilled her MCAS requirements for graduation. (Kidder, S-1, S-9) Her anticipated graduation date is July 22, 2025. (Mahoney, S-2)
7. In 2021, the District re-evaluated Student as part of her three-year re-evaluation. The Functional Behavior Assessment (FBA) recommended continued use of a Behavior Support Plan (BSP) to address behaviors such as maintaining a safe body, respecting her peers' right to a calm and safe learning environment, and accepting responses to her questions.(P-77, P-78)
8. The 2021 Occupational Therapy evaluation revealed that Student experienced significant motor and visual challenges that hinder her ability to move safely and complete tasks effectively. Her social-emotional difficulties and frequent dysregulation, including perseverative thoughts and rigid behavior, further impacted her functioning in classroom, social, and community environments. She occasionally used compensatory strategies but often resisted change or alternative approaches. At times, her dysregulation escalated to physical aggression and elopement. Student struggled to express her emotions and needs in the moment. Ongoing occupational therapy, both in school and outpatient settings, was recommended to support her coordination, endurance, and use of strategies for greater independence and success. (P-71)
9. The 2021 Neuropsychological Evaluation **demonstrated that Student** performed well in areas like vocabulary, general knowledge, and auditory working memory. However, she struggled with processing speed, fine motor skills, and perceptual reasoning, which particularly affected her writing abilities. The Wechsler Adult Intelligence Scale - Fourth Edition (WAIS-IV) results reflected Verbal Comprehension and Working Memory scores within the Average range. Her Perceptual Reasoning score was 75 (5th percentile), and her Processing Speed score was 74 (4th percentile), both in the Low range. Student’s Full Scale IQ (FSIQ) was 80 (9th percentile), placing her in the Borderline range.[[3]](#footnote-4)

The evaluation went on to find that executive functioning challenges, such as difficulty with impulse control, attention, and task completion, further impacted Student’s academic success. Socially and emotionally, Student was seen as friendly and kind when not overwhelmed by anxiety, which manifested as intrusive thoughts, physical symptoms, and compulsive behaviors (e.g., checking, repeating, mental rituals, hair pulling). Generalized Anxiety Disorder and Obsessive-Compulsive Disorder (previously diagnosed) significantly interfered with her daily functioning. Feelings of inadequacy and low self-esteem also posed risks to her mental health. Student continued to show symptoms related to her Autism Spectrum Disorder, Level 2, such as rigidity, high need for reassurance, and extreme responses to change and sensory input.

**Recommendations included c**ontinuing placement in a therapeutic school setting; ongoing participation in social skills and emotional regulation groups; addition of targeted anxiety-management goal to her IEP; and individual therapy. In addition, it was recommended that Student would benefit from slow and calculated exposure to transition plans, as too much information at once is likely to increase her anxiety and cause disruptive behavior (as has historically occurred). (P-72)

1. Based on the 2021 Transition Assessment, Student required ongoing direct instruction and regular exposure to real-world experiences across all post-secondary goal areas: education, employment, independent living, and self-determination. Practicing and generalizing these skills in everyday contexts was essential for her continued development and increasing independence. In the area of education and training, Student needed focused instruction in functional academics, especially consumer math skills. These skills were recommended to be taught and reinforced through hands-on practice in community settings, with greater intensity in a post-high school environment. It was also advised that she be introduced to a variety of assistive technology tools to support calendar use, time and task management. Regarding employment, Student required continued involvement in diverse work experiences, including paid jobs in her home district and structured, in-house work trials, with expanded opportunities after high school. Recommendations regarding independent living and community access, included therapeutic interventions—such as occupational therapy and social skills training—focused on practical instruction and real-world application. Continued practice in money management, was also necessary. Student was noted to benefit from participation in community-based instruction that emphasized goal-setting and self-reflection to increase self-awareness and help guide her future planning. Ongoing support in occupational therapy, social skills training, and psychological services remained essential, with a consistent focus on applying learned skills in everyday settings. (P-75)
2. In the summer of 2022, Student transitioned to the Milestones Post High School Program (PHS). (Parent, Mahoney, S-1)
3. Timothy Mahoney has spent approximately 25 years in special education. He is currently the Principal of Milestones, including PHS, having begun working in such capacity in August 2020. (Mahoney)
4. PHS offers individualized, multi-year programming for students aged 18–22, focusing on the transition to post-secondary education or employment. The program emphasizes self-determination, self-advocacy, and independence through direct instruction in six core competencies: independent living, community participation, college and career readiness, therapeutic support, executive functioning, and next-step preparation. (Mahoney, Kidder, S-9) PHS students participate in coursework including learning strategies, financial literacy, technology, health and wellness, fitness, and cooking, along with weekly community outings. PHS is supported by a board-certified behavior analyst (BCBA) who serves all Milestones students, as well as a speech-language pathologist, occupational therapist, and psychologist who work exclusively within the PHS program. Susan Foster serves as the Program Transition Manager. (Mahoney) Mr. Mahoney described PHS as a community-centered program. Students participate in a cohort attending Mass Bay Community College (Mass Bay) with comprehensive staff support, including transportation, on-campus assistance, and post-class debriefing. (Mahoney)
5. Milestones serves students with autism, anxiety, executive functioning, emotional, and/or behavioral challenges. The program is highly structured. Mr. Mahoney testified that Student’s needs fall well within the scope of Milestones’ expertise and that she is not atypical in the context of the program. (Mahoney)
6. Parents described the PHS program as “ambiguous” and stated they are unsure of what Student does during the school day. Despite their requests, Student does not receive homework. (Parent)

Mr. Mahoney testified that homework is not a component of the PHS program, as it is inconsistent with the program’s focus. Mr. Mahoney further opined that homework is not inherently essential to a high-quality educational program. (Mahoney)

1. Although PHS provides a weekly newsletter outlining themes, activities, and suggestions for generalizing skills at home, it does not issue daily schedules or lesson plans to parents. Mr. Mahoney testified that such practices are not standard or functional in similar programs. Student's schedule is reviewed with her regularly throughout the day. (Mahoney) According to Mr. Mahoney, Student participates in the following daily classes: Functional Math, Literacy and Communication, Emotional Regulation, Social Skills, Daily Living, Fitness, and Internship. Weekly, she participates in a Social/Leisure class and a planning/reflection/previewing class. (Mahoney)
2. Matthew Kidder, the District’s Out-of-District Coordinator since 2007 with 35 years of special education experience, has worked with Parents during Student’s placement at Milestones. Mr. Kidder testified that the objective of a transition program is not to guarantee college admission, employment, or independent living, but to equip students with the skills necessary to pursue those goals. A transition program is one designed to provide instruction that supports students in working toward their postsecondary vision, including exposure to employment, community access, leisure, and further education opportunities, followed by structured reflection. Accruing college credits is not the focus of a transition program. (Kidder)
3. Student’s vision as she transitioned to PHS included increasing her independence, taking college classes, attending a program that would allow her to go into the community and work part-time, and living at home with her parents and eventually with roommates. (S-2)
4. As Student transitioned from high school to the PHS program, she exhibited behavioral and academic difficulties, including inconsistent use of coping and self-regulation strategies. (Mahoney, P-6)
5. On September 12, 2022, the District held an Annual Review Team meeting and developed an IEP for the period September 12, 2022 to September 11, 2023 (the 2022-2023 IEP). (S-1) During the meeting, Parents raised concerns about Milestones’ ability to support transition preparedness and provide quality academic instruction or curriculum. (P-1 to P-4) They requested that Student be given access to “meaningful homework.” (Parent, P-3, P-4) Additionally, Parents expressed concern that Student was missing academic instruction due to pull-out interventions and therapies. (Parent, P-1, P-2, P-3, P-5, S-1)
6. According to ABRSD and Milestones, services were not scheduled during academic instruction, and many services were provided via a push-in model. (P-1, P-2)
7. The 2022-2023 IEP proposed several accommodations, including continued exposure to functional and community activities with structured therapeutic support, a heavy level of support in the community, and ongoing review and repetition of safety awareness. (S-1) The IEP proposed goals in the areas of Executive Functioning, Employability, Psychological, Daily Living, Pragmatic Language/Social Skills, and Behavior as well as the following services Grid A Consultation Services by a BCBA and Direct Services in Community Transition, Individual Psychological Therapy, individual and group Occupational Therapy, Speech and Language Therapy, and Social Skills/Pragmatics. A Transition Planning Form (TPF) was completed. Placement was proposed at a separate private day program at Milestones. (S-1) Parents accepted Student’s placement but rejected the 2022-2023 IEP in full. (P-9, S-1)
8. Parents expressed a desire for Student’s programming to focus on transition and independence, prioritizing major goals, such as planning for post-PHS activities, and addressing smaller tasks, like cooking or trips to a restaurant/pharmacy, as supplementary activities. They felt Milestones was not providing a sufficiently structured approach with adequate repetitions, which they believed Student required. (Parent, P-7, P-8, P-9, P-13, P-45)
9. Milestones permitted Student to engage in a remote Mass Bay course and a self-paced Cisco Networking Academy course, but determined she was not ready to attend classes on the Mass Bay campus. (Mahoney, P-7, P-45)
10. Mr. Kidder testified that Parents prioritized Student’s participation in multiple college courses and the pursuit of a technical degree with economic potential. However, this objective did not align with the mission of PHS, which focuses on exposing students to various experiences and developing the functional skills needed to navigate those settings. (Kidder)
11. Parents stated that Student was frequently “banned” from off-campus activities and expressed concerns about a lack of transparency, structure, and transition planning at Milestones. They criticized the program’s emphasis on what they deemed “meaningless activities” and therapies they felt were harmful. Parents believed Student’s behavior was worsened by years of limited independence and over-restrictive control at Milestones, which they argued damaged her self-esteem. They also advocated for dual enrollment, viewing college classes as an essential transition activity to improve Student’s maturity, independence, executive functioning, and job prospects. (Parent, P-7, P-8, P-9, P-10, P-13, P-42, P-43, P-45, P-48, P-50, P-11, P-12) Parents believed Milestones was intentionally making it harder for Student to access college experiences. (Parent, P-14, P-16, P-15, P-17, P-45, P-46)
12. Mr. Mahoney testified that interventions and therapies listed on Student's service delivery grid were designed to improve her emotional regulation, which would then enable her to access all aspects of the program. (Mahoney)
13. Milestones staff stated they were not "banning" Student from off-campus trips but had safety policies in place. If a student engages in unsafe behavior (e.g., hitting, kicking) within 24 hours of a trip, she is not allowed to participate. This policy ensures safety for all students. (Mahoney, P-10, P-42, P-43, P-45, P-50)
14. Mr. Mahoney testified that Student often couldn’t participate in off-campus trips due to unsafe behaviors. At times, Student chose to act unsafely to avoid community outings, but she did not advocate for herself not to attend. (Mahoney) Milestones staff explained that its policy, part of a broader behavioral plan, aimed to replace unsafe behaviors with more appropriate ones, thereby reducing the likelihood of these behaviors in the future and ensuring Student could participate in community activities long-term. (P-28)
15. Mr. Kidder testified that although Student’s behavior did not impede her education, it raised safety concerns that limited her participation. Her anxiety and aggression often led to shame, and Milestones aimed to avoid repeating overwhelming situations. (Kidder)
16. On May 31, 2023, Parents, the District, and Milestones met and agreed to revise Student’s service delivery. (S-1) On June 6, 2023, the District revised the 2022-2023 such that all therapies would be delivered via a "push-in" model. This revised IEP was accepted in full on June 11, 2023. (P-79, S-1)
17. Parents independently enrolled Student in a Mass Bay on-campus morning class one day per week transporting her there themselves. However, instead of returning her to Milestones for the afternoon, she went home with Parents, thus missing part of her Milestones programming. Mr. Mahoney testified that staff were concerned about Student’s missed day at Milestones, noting she struggled with anxiety and transitions. Returning to campus after weekends was difficult for her, and the additional mid-week absence further complicated her schedule. (Mahoney)
18. Mr. Kidder testified that Student benefitted from remote college classes as they involved similar steps to in-person classes, such as signing up, reviewing syllabi, organizing, and communicating with professors. He believed removing Student from Milestones one day per week created inconsistency and was not beneficial. (Kidder)
19. Prior to the August 30, 2023 IEP meeting, Parents emailed the District requesting that the meeting focus on a meaningful transition plan. They expressed concern that Student was not receiving sufficient reinforcement at Milestones, negatively impacting her progress. Parents emphasized the need for homework to reinforce skills. (Parent, S-2)
20. Student’s August 2023 Progress Report showed inconsistent progress across goals and objectives. (P-68)
21. On September 8, 2023, the Team reconvened and developed an IEP for the period September 8, 2023 to September 7, 2024 (the 2023-2024 IEP). (S-2)
22. At the September 2023 Team meeting, Staff reported that Student had been working on coursework such as employability, community engagement, internships (both on and off-site), functional math and literacy, and cooking. She received ongoing support in areas such as independence, social skills, and functional academics. (S-2, P-28)
23. During the meeting, Parents requested increased communication between school and home to better support Student in generalizing skills. They emphasized the need for information on what was being taught at school to help Student develop the necessary skills to achieve her goals and become independent. Parents also expressed the desire for a greater focus on connecting Student's IEP to her future and fostering her responsibility for learning. They noted that Milestones' therapies contributed to increased anxiety for Student. (S-2, P-28)
24. Student’s vision was to attend a program that would allow her to work part time and take college classes. She planned to live with her parents. (S-2)
25. Goals were proposed in the areas of Daily Living Skills, Executive Functioning, Employability, Pragmatic Language/Social Skills, Behavior, Coping and Regulation Skills. Services were proposed as follows: Grid A BCBA Consultation (1 x 15 minutes/week representing an increase from the prior IEP) and Direct Services in Community Transition (5 x 347 minutes/week, an increase from the prior IEP), push-in Individual Psychological Therapy, Group Occupational Therapy, Speech and Language Therapy, and Social Skills/Pragmatics. Student’s Nonparticipation Justification stated that Student required an intensive therapeutic, year-round milieu with integrative speech, social skills, and coping/regulation training. Parents accepted the placement at Milestones Day School but rejected 2023-2024 IEP in full. (S-2)
26. On November 14, 2023, the parties executed a Mediation Agreement whereby, in relevant part, Parents accepted in full the 2023-2024 IEP and placement at Milestones, and the District agreed to implement same until Student’s graduation in July 2025. In addition, Milestones agreed to reimburse Parents for Student’s three community college courses provided that Student’s enrollment in any community college course between January 1, 2024 and June 30, 2025 would not interfere with her attendance for the full school day schedule at Milestones. (M-1)
27. Parents continued to object to Milestones' policy of "24-hour banning" from off-campus activities after unsafe behavior, calling it punitive and inappropriate. (Parent, P-18, P-28) While Student participated in some successful outings, she continued to struggle behaviorally and sometimes refused to participate. (Mahoney, P-21, P-66)
28. Parent testified that Student had two incidents of maladaptive behaviors when she started her job at Roche Brothers, but no further incidents over the next two years, except for two isolated occurrences. She had no incidents during her college classes and even took in-class exams. (Parent) Student is proud of her work in the community. (Parent)
29. By June 2024, Parents felt their relationship with Milestones had reached a "new low." Although they did not want to withdraw Student completely from Milestones due to her social connections, they wanted to reduce her time there to provide real transition experiences. Parents expressed frustration that Milestones had prohibited Student from attending Spanish Club, which was important to her, after a behavioral incident. They felt Milestones’ approach to Student's anxiety was ineffective and harmful, leading to her feeling restricted and "treated as garbage." (P-19, P-20, P-21, P-49)
30. The Team met on July 10, 2024. ABRSD and Milestones supported continued placement at Milestones, while Parents expressed concerns about unmet transition needs. (S-3) ABRSD offered to send referral packets to ACCEPT Collaborative and LABBB Collaborative, which they considered appropriate for Student’s transition needs. (Kidder, S-3) Parents declined the options as Student would be turning 22 in July 2025, and they had previously considered these programs but found them unsuitable—LABBB lacked a community college component, and ACCEPT was too far and unresponsive. (Parent, P-22, P-23)
31. At the July 2024 meeting, Parents proposed removing Student from Milestones one day per week for community-based activities, but ABRSD rejected the idea, citing reduced time in an approved special education program. The District offered to collaborate with the family and DDS on an earlier transition before Student turned 22, but both Parents and DDS rejected the option. (Kidder, Parent, S-3)
32. Also in July 2024, the Team proposed a behavior support plan (BSP) to address Student’s increasing dysregulation and unsafe behavior in the community. According to Milestones, Student’s anxiety and difficulty with transitions hindered her community participation, and emotional regulation, communication, and problem-solving skills were necessary for her success in transition-related activities. (P-22, P-23, P-25)
33. Parents felt the behaviors stemmed from emotional distress caused by Milestones' restrictive policies and inadequate transitional curriculum. They criticized the slow implementation of a previous BSP and questioned the focus on anxiety mitigation rather than educational and transitional experiences. (P-22, P-23, P-25, P-52)
34. Parent provided verbal consent to implement a BSP at the July 10, 2024, Team meeting. (P-74) A BSP was developed to target physically unsafe behavior, perseverative behavior, and encourage use of behavior regulation strategies. (S-6)
35. Student underwent a three-year re-evaluation in July 2024, comprising neuropsychological, speech and language, and occupational therapy evaluations, and a vocational observation. Student’s neuropsychological evaluation noted that Student’s desire for independence and self-determination led to frequent dysregulation. When dysregulated, she struggled to access or recall coping strategies, and her verbal communication became difficult to understand. Since December 2022, Student appeared to have regressed. She sought more independence and opportunities to make her own choices, but when these were limited by school rules or family expectations, she became increasingly distressed. Over time, this distress escalated into more aggressive and unsafe behaviors. (P-69, P-70, S-7)
36. Cognitive testing performed as part of the neuropsychological evaluation revealed a range of cognitive abilities. Student’s WAIS-IV results showed her Verbal Comprehension score at 93 (32nd percentile), and her Working Memory score at 89 (23rd percentile) in the Average range. Her Perceptual Reasoning score was 71 (3rd percentile), and her Processing Speed score was 68 (less than 1st percentile) in the Low and Extremely Low ranges, respectively. Her FSIQ was 76 (5th percentile), placing her in the Borderline range.[[4]](#footnote-5) Student displayed strengths in verbal knowledge, auditory working memory, long-term memory, and inhibition during academic tasks. She faced challenges with higher-order tasks involving complex reasoning and abstract thinking. Vision impairment contributed to significant difficulties in perceptual reasoning, planning, visual tasks, processing speed, visual working memory, and spatial organization. Tasks requiring manipulation of objects or generating visual information from memory were especially difficult. Despite strengths in some executive functioning skills, Student struggled with tasks that involved switching between mental processes. (P-69, P-70, S-7)
37. Results on Student's social/emotional/behavioral functioning elicited as part of the neuropsychological evaluation were inconsistent across raters. Her father highlighted challenges in adaptability, social skills, leadership, communication, and daily living, while her teacher reported significant issues with hyperactivity, aggression, depression, and conduct problems. Both noted withdrawal tendencies. Although Student showed strong inhibition skills in executive tasks, she struggled with behavior inhibition in school, particularly with adapting to routine changes. This was linked to frustration, anxiety, and difficulty regulating emotions, often resulting in aggression or rule-breaking. (P-69, P-70, S-7)
38. Despite reported challenges, Student maintained a positive self-concept and mood, though she experienced mild distress from a lack of control and social stress. She endorsed feeling little control over her life, causing frustration and anxiety. A score on the Gilliam Autism Rating Scale suggested substantial support was needed. Student often avoided tasks she found challenging or when she feared failure but could self-advocate for support. (P-69, P-70, S-7)
39. Recommendations by the neuropsychologist included a therapeutic educational setting to develop emotional regulation and executive functioning skills, participation in social and extracurricular activities for peer relationships, and individual counseling to address emotional difficulties and coping strategies. (P-69, P-70, S-7)
40. Student also participated in a speech and language evaluation in which a battery of tests was administered. The evaluator found inconsistent substitutions and lateral lisp affected intelligibility, especially for unfamiliar listeners, and her prosody was atypical. While she produced grammatically correct, complex sentences, she struggled to develop detailed narratives and convey emotions. She had difficulty interpreting nonliteral language but advocated by asking for clarification or reflecting with trusted staff. Student also had challenges tuning into subtle cues, self-regulating, and engaging with new communication partners, with her visual impairment further impacting her ability to "read the room.” Recommendations included supports for social communication skills, structured practice in various settings, and speech therapy to improve situational awareness, inference, problem-solving, and communication breakdowns. (S-8)
41. Student’s occupational therapy (OT) evaluation revealed that motor and visual deficits significantly impacted her ability to complete tasks like fixing her hair, cutting food, and performing home management duties, such as cleaning and stovetop meal preparation. These challenges also hindered her ability to navigate the community safely, requiring individualized instruction for tasks like crossing streets. Her inconsistent use of executive functioning and compensatory strategies, such as timers, checklists, and digital reminders, affected her independence. Additionally, social-emotional deficits contributed to dysregulation and behaviors such as physical contact with staff and refusal to follow routines. Continued occupational therapy was recommended to support her independence. (P-76, S-4)
42. A vocational observation was also completed.[[5]](#footnote-6) Milestones offered Student three weekly internship shifts, rotating monthly across different sites with a job coach or supervisor at each location. A transition specialist or clinician also joined for assessment or instruction. Student received training through verbal explanations, visual demonstrations, checklists, and hands-on practice. Observed at three sites—Office Administration, the Salvation Army, and City Sprouts—Student showed inconsistent frustration tolerance, task endurance, and completion. The assessment indicated that Student benefited from structured work opportunities with therapeutic and job coaching support, focusing on foundational skills like problem-solving, time management, and self-advocacy. Continued exposure to work and community settings was essential for reducing anxiety and promoting skill generalization and independence. (P-73, S-5)
43. A behavioral summary conducted as part of Student’s July 2024 re-evaluation indicated no progress on her behavior goal over the past IEP year. Behavioral regression significantly limited her ability to engage meaningfully in Milestones’ programming and transition activities. Student often refused to use coping strategies, expressing beliefs that such tools were weak or unnecessary. While she occasionally used putty to self-regulate, she frequently made unsafe statements and exhibited behaviors requiring extensive safety interventions. These included rerouting buses, relocating peers, redirecting hallway traffic, calling parents for early pickups, escorting her to safe spaces, and modifying her daily schedule when community access was restricted due to unsafe behavior. (P-74)
44. Parent agreed that the evaluations accurately reflected Student at the time, but disagreed with the recommendations, stating they repeated past strategies that had not helped. (Parent)
45. Mr. Mahoney identified anxiety as Student’s primary challenge, affecting her emotional regulation, especially around her upcoming transition at age 22. He and Mr. Kidder also noted external stressors, including her work schedule and multiple online classes. (Mahoney, Kidder)
46. Parent agreed Student was anxious about turning 22 and leaving Milestones, which remains her primary social outlet. However, he believed her aggression was driven more by the “24-hour rule” and her strained relationship with Milestones than by the transition itself. (Parent)
47. Although a BSP was implemented on July 29, 2024, Student’s behaviors continued to be challenging throughout the summer session. Milestones noted that the plan began during a transitional summer period with schedule changes, and it’s common for behaviors to spike after a new plan is introduced. Staff emphasized the importance of continuing the BSP and incentive plan. (Mahoney, P-58, P-74, S-6)
48. Mr. Kidder testified that Milestones’s BSPs were evidence-based, adaptive, and implemented with ongoing observation and support. (Kidder)
49. Dr. Doreen Karoll, Student’s long-time developmental pediatrician, was of the opinion that Student’s panic stems from cognitive inflexibility and unresolved issues and recommended that the school BCBA focus on understanding the antecedents to Student’s behaviors. (P-44)
50. Parent testified that Dr. Karrol did not review Student’s IEP. Her concern was the BSP. (Parent)
51. Student’s August 2024 Progress Report showed progress in some areas, but that dysregulation and reduced participation in Milestones impacted her ability to make progress. (P-68)
52. In August 2024, Parents rescinded consent for ABRSD and Milestones to communicate with DDS outside of their presence. Mr. Mahoney noted that Milestones typically collaborates openly with DDS during post-22 transitions. Mr. Kidder stated that in his 37 years, he had never encountered such a withdrawal of consent. (Mahoney, Kidder)
53. Parent testified he was open to communication between ABRSD, Milestones, and DDS, but only in his presence to ensure transparency. He felt the District withheld valuable information about post-22 options. (Parent)
54. In response to Student’s unsafe behaviors (including bolting, aggression, self-harm threats, and inappropriate physical contact with staff), Milestones created a Safety Protocol in September 2024. (P-57)
55. The Team convened on September 9, 2024 to review the re-evaluation reports and develop an IEP for the period September 9, 2024 to September 8, 2025 (the 2024-2025 IEP).[[6]](#footnote-7) (P-81, S-9)
56. At the meeting, Parents expressed their belief that Student received insufficient direct support aligned with her post-Milestones goals and that recent behavioral plans worsened her situation. They felt potential transitional efforts were either hidden, dropped, or banned without appropriate accommodations. Parents preferred focusing directly on transition rather than OT, PT, or behavior supports. They limited Student’s participation in Team meetings, citing her difficulty discussing the future in high-stress group settings. (P-81, S-9)
57. Milestones reported that Student’s social-emotional challenges significantly hindered progress in independent living skills. She often became dysregulated, displayed aggression, and refused to engage in activities like laundry, cleaning, and budgeting. Her impulsivity when dysregulated posed safety risks, though she demonstrated safety when regulated. (S-9, P-26, P-27, P-29, P-33, P-65)
58. ABRSD and Milestones maintained that Student required a therapeutic program with transition supports, which Milestones provided. (S-9)
59. Student’s vision was to take more college classes, work as a cashier at a retail store, and live in her Parents’ basement. (S-9)
60. The Team agreed that Student should continue building transition-related skills, including community safety, task initiation, attention to non-preferred tasks, time management, and using sensory strategies to manage anxiety. (P-81, S-9)
61. To support postsecondary goals, Student would receive instruction in time management, self-awareness, accommodations, job readiness, financial literacy, and workplace etiquette. Social skills instruction (e.g., self-advocacy, pragmatics, conversation) would be delivered via speech-language services and peer interactions. Executive functioning would be supported by occupational therapy and organizational technology tools. Self-determination instruction would focus on goal-setting, problem-solving, and understanding learning style. Life skills would be addressed in OT groups and functional literacy and math classes. (S-9) For employment readiness, Student would participate in internships, community-based instruction, and job exploration activities. She would receive therapeutic and academic support for work-based learning, practice daily living and self-determination skills, and work part-time in her home district. (S-9) To foster independence, Student would connect daily living skills to real-life applications, develop self-monitoring and social pragmatics, and participate in community-based instruction targeting budgeting, navigation, shopping, time management, and leisure. Support would focus on generalizing self-determination skills across settings. (S-9) IEP Accommodations included structured schedules with previews of changes, organized materials, task breakdowns, frequent prompts and reviews, calming strategies, and reinforcement systems to support prosocial behavior. (S-9) Goals were proposed in the areas of Utilizing Coping Strategies, Work Skills, Functional Engagement, Community, and Community Mobility. The following services were proposed. In addition, the following services were offered: Grid A Consultation Services with the BCBA (1 x 15 minutes/week); and Direct Services in: Community Transition (5 x 347 minutes/week), Individual pull-out Psychological Therapy (1 x 30 minutes/week, a new service), and push-in Occupational Therapy, Speech and Language Therapy, and Social Skills/Pragmatics. The Nonparticipation Justification section of the IEP indicates that Student required an intensive therapeutic, year-round, 12-month program milieu, with integrative speech, social skills, executive functioning skills, and coping/regulation skills training. (P-81, S-9)
62. Mr. Kidder testified that pull-out psychological services were recommended because push-in support was insufficient; Student needed private, individual therapy to build rapport. Some performance criteria were lowered to reflect Student’s behavioral and self-regulation challenges at the time. Mr. Kidder testified that the IEP was appropriate. (Kidder)
63. Mr. Mahoney testified that he felt this IEP was appropriate for Student and addressed all her transition-related needs. (Mahoney)
64. Parent testified that Student’s Transition Goal was removed from the 2024–2025 IEP. Mr. Kidder explained that the new IEP format labels goals by skill areas rather than “transition,” though all goals still targeted transition-related skills. (Parent, Kidder)
65. Mr. Mahoney described the IEP meeting as contentious. Parents declined to review evaluations in detail, though the Team explained it was required. Mr. Mahoney felt time was lost to objections, but Parents still had the chance to share input and discuss results. (Mahoney)
66. In late September 2024, Parents informed the District that conditions at Milestones were “unacceptable” and its methods “provoked” Student. They requested an alternative placement. (P-47)
67. In September and October 2024, Student continued to display aggression toward Milestones staff, inappropriate touching, increased self-harm statements, and perseveration on off-topic subjects. (P-26, P-27, P-29, P-30, P-31, P-33)
68. Mr. Mahoney testified that Student’s BSP was amended in October 2024 due to the additional behavior of sexualized grabbing.. (Mahoney)
69. Mr. Mahoney testified that from October 2024 to January 2025, Milestones relaxed the “24-hour policy” for Student, offering her two daily opportunities for community outings. Despite this, she was unable to maintain safety to participate. (Mahoney, P-51)
70. Mr. Kidder stated that although Student’s community outings were limited, she continued receiving instruction in related community-based skills, and he did not believe she had regressed. (Kidder)
71. On October 23, 2024, the parties signed a second Mediation Agreement allowing Student to attend outside programming one day per week, thus increasing to two. While the District and Milestones agreed to this flexibility, they expressed concerns about its potential impact on Student’s progress and disclaimed responsibility for outcomes outside Milestones. The District also agreed to reimburse Parents up to $1,500 for three sessions with a transition specialist, which Parent found helpful. (M-2, Parent)
72. Mary Emmons, the District’s Interim Director of Special Education, met with Parent post-agreement and provided transition resources, which Parent did not find helpful. (Emmons, Parent)
73. Parent later regretted signing the agreement, stating it restricted Student’s ability to participate in on-campus college classes. (Parent)
74. On October 25, 2024, Parents rejected the 2024-2025 IEP in full and refused the placement at Milestones Day School. Parents asserted that the IEP misrepresented their input and failed to address their major concerns, which they were unable to fully discuss due to the meeting being dominated by evaluation reviews. They felt the IEP disregarded their suggestions and repeated past approaches they believed had been ineffective and harmful to Student. (P-80, S-9)
75. Parent testified that while he did not object to any specific accommodations or services, he felt Student needed more direct, relevant transition support than Milestones provided. He also expressed concerns about the effectiveness and implementation of interventions like speech and occupational therapy, particularly since they were not applied off-campus. Parent wanted accommodations that would enable Student to attend college classes and off-site job opportunities, and believed Parents’ involvement should be included as an accommodation to better prepare Student. He also emphasized the need for real shadow jobs, community experiences, and more challenging academic classes, as Student found her current classes boring. Additionally, Parent felt the goals lacked ambition and questioned their ability to help Student “survive.” (Parent, S-9)
76. Parent questioned the behavior goals and BSP used at Milestones, calling it a "battle plan" that suggested conflict with Student. Parent also felt that isolating Student or restricting off-campus activities led to her being cut off from peers, especially typical peers. Parent thought the best strategy for managing Student’s anxiety and perseveration was to agree with her or promise her what she wanted in order to allow her to de-escalate. Mr. Mahoney disagreed, stating he was uncomfortable with this approach from an educational perspective. (Parent, Mahoney)
77. On October 28, 2024, the District proposed a FunctionalBehavior Assessment (FBA) in the home, community (work), and school settings. (P-82, P-53, S-11)
78. Student’s November 2024 Progress report demonstrated inconsistent progress on goals and objectives. Milestones noted that “[g]iven [Student’s] ongoing difficulties with staying regulated and her reduced participation in the program, it [was] unclear if [she would] make progress [] if her participation remain[ed] inconsistent.” (P-56) Mr. Kidder testified that it is difficult to separate Student’s lack of progress in behavior from Student’s progress in other goals. (Kidder)
79. The Team reconvened on December 16, 2024, to address Parents' concerns about Student’s engagement at Milestones. It was observed that Student’s anxiety and related behaviors were affecting her performance, particularly with getting off the van in the morning. Next steps included allowing Student to continue using texting/calls with parents, previewing information, and employing de-escalation strategies, such as humorous communication. Milestones’ psychologist requested consent to communicate with Student's psychiatrist, and Parents agreed to the psychological services in the proposed IEP.[[7]](#footnote-8) (S-10)
80. On March 5, 2025, the Team reconvened. Milestones noted Student’s anxiety about turning 22 and leaving the program, particularly her ongoing struggles with transitioning off the school bus and into the building. Staff suggested a pro re nata (PRN) medication, which Parents agreed to. The Team also discussed the possibility of Parents driving Student to school in the morning.[[8]](#footnote-9) (S-11, P-53)
81. The District suggested referrals to LABBB and ACCEPT Collaboratives, but Parents felt these were inappropriate, asserting that they were as restrictive as Milestones and that Student needed a less restrictive setting. (Parent) They inquired about Nashoba Learning Group, but the District disagreed, citing cognitive and adaptive abilities differences between Student and that population. (Kidder, S-11, P-53)
82. The District and Parents discussed the difficulty in finding a placement for Student due to her age. Parents requested funding be made directly to them to set up a program until Student turned 22, or alternatively, a reduction in Student’s participation at Milestones. (S-11, P-53) ABRSD rejected the request, stating that they were required to place Student in an approved special education program. (S-11, P-53)
83. Parents accepted the FBA on March 7, 2025 but added the following language: “Assessments in the school and home (with written consent) settings ONLY. Assessments in the community/work setting must be discussed first and require[] written consent, as it may negatively impact [Student’s] situation at her work or community.” (P-82, P-53, S-11)
84. Mr. Kidder testified that the District contracted with ARISE Consulting to conduct the FBA, noting his previous positive experiences with them. According to Mr. Kidder, ARISE reached out to Parents but has not received a response. Thus, no FBA has been conducted. (Kidder)
85. Parent testified that the FBA was unnecessary due to recent extensive evaluations. He also did not want the evaluator in Student's workplace, as work was a source of pride for her, and he feared it would cause anxiety. (Parent)
86. From January to March 2025, Student’s behaviors continued to be a challenge at Milestones. After an unsafe van incident, she was no longer allowed to participate in off-campus activities due to safety concerns. (Mahoney, P-32, P-36, P-41, P-60 to P-64)
87. Parents attributed the increase in behaviors to the continued reduction in off-campus opportunities, which they felt were crucial to Student’s development. Without these outings, Student struggled in similar situations, and Parents felt that community trips, a core part of the program, were now being replaced by worksheets. (Parent, P-35)
88. Milestones staff insisted that Student’s programming balanced on-site and off-site learning, with each month’s thematic programming closely aligned with her transition goals. Student’s programming shifted to on-campus instruction, although she was still exposed to transition activities in a different format. On-campus community programming included structured lessons, hands-on practice, and assessments to develop real-world skills. The goal was to help Student generalize skills across settings, including home and work. Workplace readiness tasks, such as business office, IT help desk, and customer service, were integrated into her programming. However, due to behavioral difficulties during off-campus activities, (P-4, Mahoney, P-35)
89. Parents objected to Milestones’ de-escalation methods, particularly using, what Parents termed, “the isolation room,” which they felt was detrimental to Student’s mental health.[[9]](#footnote-10) They described Milestones as “toxic” for her. (P-38) Staff use de-escalation strategies to help Student regulate, and sometimes Student voluntarily goes to the space. There is no lock on the door, and staff monitor Student through a window. (Mahoney, S-12, P-54) Mr. Mahoney testified that Safe Rooms are not used as punishment but rather to de-escalate students. Staff observe students through a window while they are in the room. (Mahoney) Parent disagreed with the distinction between a closed or locked door, stating it was not meaningful to him. (Parent)
90. On March 7, 2025, Parents accepted the pull-out psychological services (1 x 30 minutes) on Student’s 2024-2025 IEP. Mr. Mahoney testified that this service was implemented immediately. (S-9, Mahoney)
91. Parent agreed that the psychological services were necessary but felt it was “too late to help now.” (Parent)
92. On April 10, 2025, the Team convened to discuss concerns about Student's self-regulation progress and the use of safe space during behavioral incidents. Parents expressed concern about staff’s approach to working with Student. (S-12, P-54) Milestones staff reported that Student was working on a behavior incentive to eat at the cafe daily. Her mornings remained challenging, but a flexible afternoon schedule had been helpful. (S-12, P-54) Parents’ major concern was that Milestones had consistently disregarded their input and lacked transparent communication. They felt Milestones had no new strategies to address Student’s issues, and the school’s core programming was replaced with unclear initiatives, making it difficult to understand the support Student was receiving. (Parent, P-39)
93. Mr. Mahoney opined that Student required the therapeutic response Milestones provided to improve emotional regulation for full program participation. A transition to another program as she was approaching her 22nd birthday would cause significant anxiety due to the difficulty she has with transitions and rapport-building. Mr. Mahoney opined that Student “still has areas for growth” and could benefit from continuing to attend Milestones. Milestones is capable of implementing both Student’s 2023-2024 and 2024-2025 IEPs. Mr. Mahoney testified that progress is not always linear. Although Student has not made progress in behavioral areas, she has made significant progress in other areas, particularly with her work at the business office on campus. This internship, which had not been explored earlier because Parents preferred an IT internship, is a success. Mr. Mahoney emphasized that the goal of rotating internships is to explore Student’s interests, and students also need to practice in less preferred internships to build essential skills for non-preferred situations. (Mahoney)

ABRSD agreed that Milestones has the expertise to appropriately plan for Student, and Student has been making progress towards her goals. (Kidder, P-1, P-2)

1. According to Mr. Mahoney, Parents were active participants in all Team meetings. Many of their suggestions were adopted, although some could not be implemented due to the difference between what parents feel comfortable doing and what schools can provide. Mr. Kidder testified that the District values Parents’ input but does not expect them to develop their own solutions. Parent, in particular, is “an incredible participant” and a knowledgeable Team member. (Mahoney, Kidder)
2. Student currently works at Roche Brothers for 3 hours per week, volunteers at a local library for 2 hours per week, takes 2 online college classes (totaling 14 hours per week), and attends Milestones on Mondays, Tuesdays, Thursdays, and Fridays. (Parent)
3. According to Parent, Student’s progress at Milestones does not align with her abilities. The appropriate program for Student would include an in-person college component with support, employment, a job coach, a job search specialist, transportation, psychological services for address her anxiety, and parental involvement. (Parent)
4. Throughout Student’s time at Milestones, Parents, ABRSD, and Milestones communicated frequently via email and held multiple meetings to address Student’s needs and Parents’ concerns. (Kidder, Mahoney, Parent, P-1 to P-52)
5. Mr. Mahoney testified that Milestones fully implemented both Student’s 2023-2024 IEP and the accepted portion of the 2024-2025 IEP. Parents had never raised any concerns regarding the non-implementation of accepted services. (Mahoney)

**DISCUSSION:**

1. Legal Standards
   1. *Free Appropriate Public Education in the Least Restrictive Environment.*

The Individuals with Disabilities Education Act (IDEA) was enacted "to ensure that all children with disabilities have available to them a free appropriate public education" (FAPE).[[10]](#footnote-11) To provide a student with a FAPE, a school district must follow identification, evaluation, program design, and implementation practices that ensure that each student with a disability receives an Individualized Education Program (IEP) that is: custom tailored to the student's unique learning needs; "reasonably calculated to confer a meaningful educational benefit"; and ensures access to and participation in the general education setting and curriculum as appropriate for that student so as "to enable the student to progress effectively in the content areas of the general curriculum.”[[11]](#footnote-12)  FAPE is delivered through an educational program, including secondary transition services, that offers the student the chance to meet challenging objectives and, in light of the student's circumstances, is appropriately ambitious and reasonably calculated to enable a student to make progress.[[12]](#footnote-13) A student’s IEP must be individually tailored.[[13]](#footnote-14)  When developing the IEP, the Team must consider parental concerns; the student's strengths, disabilities, recent evaluations and present level of achievement; the academic, developmental and functional needs of the child; and the child’s potential for growth.[[14]](#footnote-15) Evaluating an IEP requires viewing it as a "a snapshot, not a retrospective. In striving for 'appropriateness,’ an IEP must take into account what was . . . objectively reasonable . . . at the time the IEP was promulgated.”[[15]](#footnote-16)

FAPE does not require a school district to provide special education and related services that will maximize a student’s educational potential.[[16]](#footnote-17) In *Endrew F. v. Douglas Cty. Reg'l Sch. Dist.*, the Supreme Court explained that appropriate progress will look different depending on the student.[[17]](#footnote-18) An individual analysis of a student’s progress in his/her areas of need is key.[[18]](#footnote-19) The educational services provided to a student, therefore, need not be, "the only appropriate choice, or the choice of certain selected experts, or the child's parents' first choice, or even the best choice."[[19]](#footnote-20)

Under state and federal special education law, a school district has an obligation to provide the services that comprise FAPE in the "least restrictive environment."[[20]](#footnote-21) This means that to the maximum extent appropriate, a student must be educated with other students who do not have disabilities, and that "removal . . . from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services, cannot be achieved satisfactorily."[[21]](#footnote-22) "The goal, then, is to find the least restrictive educational environment that will accommodate the child's legitimate needs."[[22]](#footnote-23) In addition, the IDEA recognizes the need to educate some children in more restrictive settings, such as “in the home, in hospitals and institutions, and in other settings.”[[23]](#footnote-24)

* 1. *Procedural Violations and Meaningful Participation*

FAPE also requires compliance with the procedural protections embedded in IDEA, and procedural  errors may amount to a deprivation of a FAPE  if “the procedural inadequacies – (I) impeded the child’s right to a free appropriate public education; (II) significantly impeded the parents’ opportunity to participate in the decision-making process regarding the provision of a free appropriate public education to the parents’ child; or (III) caused a deprivation of educational benefits.”[[24]](#footnote-25) These procedural benefits serve a dual purpose; they provide for meaningful parental participation and they ensure each eligible child receives a FAPE.[[25]](#footnote-26)

Although parental participation in the planning, developing, delivery, and monitoring of special education services is central in IDEA, MGL c. 71B, and corresponding regulations, school districts are obligated to propose what they believe to be FAPE in the LRE, “whether or not the parents are in agreement.”[[26]](#footnote-27)

* 1. *Implementation Failures*

“[H]earing officers are precluded from revisiting or re-opening accepted IEPs that have expired where parents participated in the development of the IEP. The purpose of this rule is plain; deciding upon which goals and methods to include in any student's IEP is not an exact science, and allowing parents to second guess IEP decisions after it has expired would only undermine the process of providing students with the educational services they need.”[[27]](#footnote-28) Nevertheless, "[t]o provide a free and appropriate public education to a student with disabilities, the school district must not only develop the IEP, but it also must implement the IEP in accordance with its requirements."[[28]](#footnote-29) Where an IEP has been accepted in full and has expired, the analysis focuses on implementation.[[29]](#footnote-30) The generally adopted standard requires "more than a de minimis failure" to prevail on an implementation claim  under the IDEA.[[30]](#footnote-31) Specifically,

“a court reviewing failure-to-implement claims under the IDEA must ascertain whether the aspects of the IEP that were not followed were ‘substantial or significant,’ or, in other words, whether the deviations from the IEP's stated requirements were ‘material.’ A material failure occurs when there is more than a minor discrepancy between the services a school provides to a disabled child and the services required by the child's IEP. This standard does not require that the child suffer demonstrable educational harm in order to prevail; rather, courts applying the materiality standard have focused on the proportion of services mandated to those actually provided, and the goal and import (as articulated in the IEP) of the specific service that was withheld.”[[31]](#footnote-32)

Courts have found FAPE violations where (1) the “failure” to implement was “complete”; (2) the variance from the special education and related services specified in the IEP deprived the student of a FAPE; and (3) the provision of special education and related services failed to enable the student to make “progress” toward the achievement of the goals stated in the IEP.[[32]](#footnote-33)

* 1. *Burden of Persuasion*

In a due process proceeding, the burden of proof is on the moving party.[[33]](#footnote-34) If the evidence is closely balanced, the moving party will not prevail.[[34]](#footnote-35) Here, Parents bear this burden.

1. Application of Legal Standards:

It is not disputed that Student is a student with a disability who is entitled to special education services under state and federal law. The fundamental issues in dispute are set out above.

At the outset, I note that all witnesses who testified in this matter were credible. Parent’s testimony was particularly compelling, reflecting a steadfast and consistent commitment to advocating for his daughter’s needs. The disputes between the parties arose from sincerely held, differing views as to what constitutes a FAPE. It is neither surprising nor inappropriate that the Parents held a more expansive view of what was necessary to support their daughter—not merely for short-term educational benefit, but to promote her long-term ability to function and survive meaningfully and independently in the world. Their advocacy in this regard is entirely understandable.

After reviewing the legal standards above, the robust documentary evidence, the testimony of witnesses, and the thoughtful arguments of Parents and District Counsel, I find that Parents have failed to meet the burden of persuasion with respect to their claims. I examine each below.

1. The 2023-2024 IEP And The Psychological Services Proposed By The District In The 2024-2025 IEP And Accepted By Parents On March 7, 2025 Were Implemented.

Parents accepted the 2023–2024 IEP through a Mediation Agreement executed in November 2023. I found Mr. Mahoney’s testimony that, following this acceptance, Milestones implemented all services and accommodations specified in the IEP, to be credible. On March 7, 2025, Parents accepted the pull-out psychological service included in the proposed 2024–2025 IEP. Mr. Mahoney again credibly testified that this service was implemented immediately upon acceptance. Parents presented no evidence to the contrary. Rather, the core of Parents’ dispute with respect to the implementation of the 2023–2024 IEP lies in their concerns about *how* transition services were delivered by Milestones—not in whether such services were provided.

Under 34 C.F.R. § 300.43(a), transition services are defined as a "coordinated set of activities for a child with a disability" designed to be "within a results-oriented process" that focus on improving the child’s academic and functional achievement to facilitate the transition from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, and community participation. These services must be "based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests," and may include "instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation." Neither the IDEA nor its implementing regulations dictate a specific method or setting for the delivery of transition services, but services must be delivered in a manner reasonably calculated to enable the student to make effective progress toward her IEP goals. In this case, Parents preferred that Student’s postsecondary education, employment, and community experiences occur off-campus. However, due to Student’s increasingly challenging and unpredictable behaviors—which lacked discernible antecedents—Milestones appropriately provided many of these services through on-site opportunities.

The record contains no evidence that the manner in which Milestones implemented Student’s transition services constituted a “variance” from the services and accommodations set forth in the IEP. Student’s 2023-2024 IEP  did not specify that services needed to be provided on the Mass Bay campus or in off-site employment settings. These locations, therefore, were not deemed necessary by the school-based team for providing a FAPE.[[35]](#footnote-36) Student continued to receive instruction in all areas of identified transition-related need and had access to opportunities to practice those skills. The fact that such practice occurred in a different setting than Parents preferred does not render the implementation deficient.[[36]](#footnote-37)

Parent argued that implementation of transition services at Milestones, rather than in community-based settings, deprived Student of services in the LRE. This argument is unpersuasive. First, the 2023-2024 IEP does not reference access to non-disable peers[[37]](#footnote-38); in fact, the Nonparticipation Justification in that IEP states that Student required an intensive therapeutic, year-round milieu with integrative speech, social skills, and coping/regulation training. In addition, the LRE requirement must be balanced against the District’s obligation to provide a FAPE. As courts have recognized, “the LRE requirement is not absolute. It does not require a school district to place a student in the single least restrictive environment in which [s]he is capable of any satisfactory learning…. The school must aim to minimize the restrictiveness of the student's environment while also considering the educational benefits available in that environment, seek[ing] an optimal result across the two requirements.” [[38]](#footnote-39)

In *del Rosario ex rel. Burke v. Nashoba Regional School District*, the U.S. District Court for the District of Massachusetts held that a student did not fail to receive a FAPE merely because the IEP did not include training in a commercial (baking( setting. The Court concluded that the student nonetheless received a FAPE because the services provided were designed to equip her with the skills needed to work in such a setting in the future. [[39]](#footnote-40) Similarly, in this case, Mr. Mahoney and Mr. Kidder credibly testified that staff made a considered decision not to continue exposing Student to off-campus scenarios in which she was unsuccessful. Instead, staff focused on building Student’s transition skills in an environment in which she could succeed, namely Milestones. Simultaneously, staff continued to work with Student on developing her coping, self-regulation, and behavioral skills, with the goal of enabling her to generalize those skills in community settings in the future. [[40]](#footnote-41)

The evidence supports the conclusion that Milestones delivered transition services in a manner that allowed Student to access and benefit from them at that point in time, with the ultimate objective of transferring those skills to less restrictive environments when appropriate. At the time that the 2023-2024 IEP was implemented, Student’s LRE did not include taking off-site college classes or participating in off-site employment opportunities, because to do so would not have provided her with a FAPE. [[41]](#footnote-42)

Finally, Mr. Kidder and Mr. Mahoney testified that the purpose of a transition program is not for a student to attend college or secure immediate employment, but rather to be exposed to a range of opportunities that prepare her to pursue such goals. Here, Student was offered a variety of on-campus internships and opportunities to develop and practice her skills. While Student’s behavioral needs required adjustments to her participation in off-campus community activities, she nonetheless participated in comparable on-campus instruction and internship opportunities. Mr. Kidder testified that, despite limitations on community outings, Student continued to receive instruction in the skills necessary for successful community integration.

Parents did not meet their burden of proof on this claim. As such, I find no failure in implementation.

1. The IEP For The Period 9/9/2024 To 9/8/2025 Was Reasonably Calculated To Offer Student A FAPE In The LRE.

To establish that the 2024-2025 IEP, including the proposed transition services, failed to provide Student a FAPE, Parents must show that the IEP was inadequate at the time of formation.[[42]](#footnote-43) Here, Parents rejected the IEP “as ambiguous, not adequate and not sufficient.”

* 1. The 2024-2025 IEP Is Not Ambiguous.

Parents expressed concern that they were not provided with a daily schedule or information regarding homework assignments for Student. As a result, they reported feeling unaware of the specific activities in which Student was engaged during the school day. However, Mr. Mahoney credibly testified that the level of detail requested—namely, daily lesson plans and a detailed next-day schedule—exceeds what is typically provided by public educational institutions.[[43]](#footnote-44) Nevertheless, in accordance with Student’s IEP, Student was always offered a preview of her schedule, upon arrival, dismissal, and throughout the day.[[44]](#footnote-45) In addition, Parents were provided a weekly newsletter documenting themes, activities, and ideas for generalization of skills at home. Student’s programming includes monthly thematic units that align with her transition goals and are reinforced through structured lessons, experiential activities, and data-informed assessments. Mr. Mahoney testified that these thematic and hands-on activities are intended to support skill generalization across environments, including home and future workplaces.

Parents contend that the lack of specificity in Milestones' newsletters, combined with the absence of detailed daily schedules, hindered their ability to participate meaningfully in Student’s education. This assertion is not supported by the evidentiary record. The documentation reflects a pattern of consistent and responsive email communication between Milestones staff and Parents, during which staff regularly provided clarification in response to specific inquiries. Moreover, the Team convened on multiple occasions to address concerns raised by Parents regarding Student’s engagement and programming at Milestones. Accordingly, there is insufficient evidence to conclude that any alleged lack of detail in the IEP or accompanying communications deprived Parents of the opportunity to participate fully and meaningfully in the development of Student’s educational program, as required by the IDEA.[[45]](#footnote-46)

The evidence further reflects that the 2024–2025 IEP contains substantial information regarding the nature and structure of Student’s educational programming. Although the IEP does not include a daily schedule, it delineates in detail the instructional components and experiential learning opportunities provided to Student. These include instruction in time management, identification and understanding of personal strengths and challenges, use of accommodations, job search skills, resume development, interview techniques, job trials and shadowing, workplace etiquette, financial literacy (including budgeting and personal finance), self-advocacy, problem-solving, and pragmatic language skills. These services are delivered both in integrated classroom settings and through structured group interventions facilitated by a Speech-Language Pathologist. Student practices social communication skills with peers across diverse contexts to promote generalization. Student also receives embedded support from an Occupational Therapist using a push-in service delivery model. Instructional support includes the use of organizational technologies to manage assignments, as well as direct instruction in self-awareness, goal setting, and problem-solving strategies delivered collaboratively by teachers and clinical staff. Student participates in group-based occupational therapy sessions within the Living and Learning Lab, where she applies and practices independent living and functional academic skills. This includes functional literacy and math instruction focused on practical applications such as money management and life skills. Additionally, Student is engaged in work-based learning opportunities both on- and off-campus. These include internships and community-based instruction that expose Student to goal setting, employment exploration, safe navigation of community environments, and the development of workplace and self-determination skills. Instructional periods include practical components such as informational interviews, community interaction, and travel training. Student receives continuous support from the therapeutic, transition, and academic teams in building her understanding of employment expectations, identifying personal strengths, and preparing for long-term vocational success. Throughout the program, Student also develops daily living and self-monitoring skills, supported by integrated instruction and activities across varied settings. The IEP includes repeated opportunities to practice essential soft skills such as assertive communication, planning, and decision-making, as well as functional tasks like purchasing, budgeting, and safety awareness within the community. Workplace readiness skills are embedded throughout Student’s programming. These include exposure to structured tasks involving professional communication, task completion, and the use of workplace tools. Student participates in simulated employment settings such as Business Office functions, IT Help Desk responsibilities, and customer service experiences to support the development of transferable employment skills in a supervised and supportive setting.

In light of the foregoing and based on the documentary record and testimony of Mr. Mahoney, I find that the 2024–2025 IEP is sufficiently specific and not ambiguous.

* 1. The 2024-2025 IEP Is Ambitious.

Parents contend that the 2024–2025 IEP was not sufficiently ambitious to meet Student’s educational needs. [[46]](#footnote-47) In support of this assertion, they argue that Student was not assigned homework as part of her placement in the PHS program. However, the PHS program is a transitional educational setting in which homework is not a customary or required component. Mr. Mahoney, a special educator with more than twenty years of experience, credibly testified that the absence of homework does not render a program insufficiently rigorous. The IDEA does not require that homework be included as a component of a FAPE, nor is homework inherently necessary to ensure educational benefit. Parents have not presented any credible evidence demonstrating that the absence of homework impeded Student’s access to a FAPE or that homework was required for Student to make meaningful progress in her transitional educational program. While Parent testified that Student was not working to her full potential, there is no evidence in the record establishing a causal relationship between the lack of homework and any alleged failure to reach that potential.

Parents also argue that the IEP’s goals reflected low expectations and that the performance criteria for several objectives had been reduced. The record demonstrates, however, that at the time of the IEP’s development, Student was experiencing elevated anxiety and behavioral dysregulation that materially affected her ability to demonstrate skills and make educational progress. The Team accordingly crafted goals that were aligned with Student’s then-current functioning. The U.S. Supreme Court has clarified that an IEP must be “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”[[47]](#footnote-48) Student’s 2024 re-evaluation noted an increase in her anxiety and behavioral challenges, including perseveration, episodes of dysregulation involving aggression, and refusal to engage in instrumental activities of daily living (e.g., laundry, cleaning, budgeting). On multiple occasions, Student exhibited unsafe behaviors, including bolting across parking lots and roadways, evidencing a need for targeted intervention in both emotional regulation and community safety. Student’s IEP goals were grounded in her present levels of performance. They were not inherently unambitious; rather, they were individualized to Student’s then-current needs. Parents offered no expert opinion, evaluative data, or persuasive evidence that the performance criteria in Student’s goals and objectives, though lower than in the prior IEP, were inappropriately low or that the goals failed to correspond to Student’s actual capabilities.

In addition, to address increasing concerns with Student’s anxiety and behavioral regulation, the 2024-2025 IEP included new and enhanced services, such as individual psychological services aimed at supporting self-regulation, as well as the development and revision of a BSP by Milestones staff. Additionally, the District proposed an FBA on October 28, 2024, to further assess behavior and inform future programming. Parents did not consent to the implementation of the psychological services until March 2025. Further, Parents did not consent to the FBA until approximately six months after it was proposed, and even then, imposed restrictions that prevented its completion. Delays in implementation of such core services were not attributable to the District, and it is not implausible that the delays contributed to Student’s lack of measurable progress during that time.

Parents were concerned about the elimination of a specific Transition Goal. Massachusetts requires that the IEP in effect when a child is 14 years old[[48]](#footnote-49), and all subsequent IEPs, include “appropriate measurable postsecondary goals based on age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills,” and that it describe the “transition services (including courses of study) needed to assist the child in reaching those goals.”[[49]](#footnote-50) According to Mr. Kidder, the new IEP form[[50]](#footnote-51) focuses on skill development. Hence, while Student’s 2024-2025 IEP did not include a goal titled “transition”, all of Student’s goals were related to transition but were titled in accordance with the skill being targeted. In fact, the 2024–2025 IEP was directly informed by the results of Student’s 2024 comprehensive re-evaluation, which identified multiple areas of skill deficit. The IEP included goals addressing: (1) Utilizing Coping Strategies; (2) Work Skills; (3) Functional Engagement; (4) Community Safety; and (5) Community Mobility. These areas directly aligned with Student’s demonstrated needs as assessed by the re-evaluation. The following services were proposed to enable Student achieve these goals: Consultation Services by a BCBA (1 x 15 minutes/week); and Direct Services in: Community Transition (5 x 347 minutes/week), Individual Psychological Therapy (1 x 30 minutes/week); Occupational Therapy Push-in (2 x 30 minutes/week); Group Occupational Therapy (1 x 40 group push-in); Speech and Language Therapy (Individual or Dyad) (1 x 30 minutes/ week push-in); and Social Skills/Pragmatics (1 x 40 minutes/ week push-in).

At hearing, Parent testified that she did not object to the content of the goals but believed they would not “help [Student] survive.” From this, it appears that Parents sought IEP goals oriented toward ultimate life outcomes such as competitive employment or college coursework. While such outcomes are laudable, the IDEA does not guarantee any specific postsecondary result.[[51]](#footnote-52) Rather, it mandates the provision of a FAPE through specially designed instruction that addresses a student’s disability-related needs. The exclusion of goals specifically related to future employment or college attendance does not render an IEP legally deficient if the program otherwise addresses the underlying skill deficits necessary for future college attendance or employment and offers appropriate educational benefits.[[52]](#footnote-53)

Parents further argue that the student’s limited progress during the 2023–2024 school year indicated that the proposed 2024–2025 IEP would also be inappropriate, as it was substantially similar in methodology. The IDEA does not guarantee that students will reach specific milestones, nor does it require that students achieve every goal identified in an IEP. [[53]](#footnote-54) The IDEA is “not a guarantee of a particular outcome, but rather a framework to provide access to specialized instruction and related services.[[54]](#footnote-55) Here, the record demonstrates that delays in implementation of key services, largely attributable to Parents’ delayed consent, contributed to the lack of progress. Moreover, credible testimony from Mr. Mahoney and Mr. Kidder established that Parents’ decision to reduce Student’s participation in the Milestones program—from five to four days per week—disrupted consistency and affected progress. Although Student did not meet all of her IEP goals and objectives during the 2023–2024 school year, and some evaluative data indicated regression in behavioral presentation between 2021 and 2024, such findings do not, in and of themselves, render the proposed IEP inappropriate.[[55]](#footnote-56) All witnesses, including Parent, agreed that Student’s heightened anxiety about turning 22 and transitioning out of Milestones increased her behavioral challenges. Although Parents disagreed with Milestone’s method in addressing these challenges, they offered no evidence that a different strategy would have been more appropriate or successful. The FBA, proposed by the District in October 2024, could have shed some light on Student’s struggles, as could the psychological services proposed by ABRSD, but neither was consented to by Parents until March 2025.

In addition, despite Parents’ assertion that Student’s “scores” on her 2021 and 2024 assessments demonstrated a decline in skills, they provided no expert testimony to indicate that any decreases in scores were statistically significant nor unrelated to her unique circumstances, particularly her anxiety about turning 22 and leaving Milestones.[[56]](#footnote-57) Indeed, the 2024–2025 IEP directly addressed these challenges by providing enhanced psychological and behavioral supports.

Parents also assert that Milestones became a harmful environment, citing the use of a safety room and limitations on community-based programming as factors that exacerbated Student’s anxiety. I recognize Parents’ concern regarding the use of safe spaces. Nevertheless, Massachusetts state regulations allow for the use of time-out as “a behavioral support strategy developed pursuant to 603 CMR 46.04(1) in which a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff, for the purpose of calming. During time-out, a student must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times.”[[57]](#footnote-58)

Although Parent argues that calming spaces, or time-out spaces, are inappropriate for Student, he presented no supportive evidence that Student did not, in fact, require such a behavior support strategy[[58]](#footnote-59) or that Milestones’ interventions violated state regulations. To the contrary, Mr. Mahoney testified that at times Student sought this room to calm herself, and when escorted there, it allowed her to de-escalate safely. He also testified about the absence of any lock on the room and the ability of staff to monitor Student at all times in the safe room.

Parent may be correct that Student does not require such interventions at home, but the school setting is different. Parent is not a behavior specialist, and he did not present any evidence from any behavioral or educational expert who has observed Student in such a setting.[[59]](#footnote-60) Moreover, Parents presented no expert testimony or objective evaluation linking these interventions to a deterioration in Student’s mental health. Although they cite Dr. Karrol’s October 2024 recommendation that Student’s BSP focus more on antecedents, Dr. Karroll did not review Student’s IEP nor did she observe Student in the school setting. Moreover, the District updated Student’s BSP and proposed an FBA to address Student’s behaviors—yet the FBA remains incomplete due to delayed and conditional parental consent.

* 1. The 2024-2025 IEP Offers Appropriate Transition Services.

In September 2024, Student’s vision was to take more college classes, work as a cashier at a retail store, and live in her Parents’ basement. Student’s 2024-2025 IEP and transition services were “based on [Student’s] individual [] needs, taking into account [her] strengths, preferences, and interests.”[[60]](#footnote-61)  The record shows that the District administered a thorough re-evaluation to Student in July 2024.[[61]](#footnote-62) Given Student’s struggles, the Team recommended that Student continue to work on critical, transition-related skills in the upcoming IEP cycle, such as improving her community safety skills, initiating tasks, sustaining her attention (particularly during non-preferred tasks), prioritizing and managing her time more efficiently while completing tasks, and expanding her independence in accessing sensory strategies to cope with anxiety.

According to Parents, Student required more direct, relevant transitional support than that which was offered through the Milestones Transition program. Parents were concerned about the implementation of transition services on site at Milestones rather than in the community and on the Mass Bay campus. Parents were especially concerned that Student missed out on off-campus opportunities when Milestones prohibited her attendance at same due to behavioral dysregulation occurring within 24 hours thereof. Parents felt that community trips were a “core component” of the PHS program, and they were now being “replaced with [] worksheets (or a variation [thereof])” as Student was denied off-site outings. In Parents’ opinion, this rendered her placement at Milestones more restrictive than necessary.

Student’s 2024 re-evaluation did not include a recommendation that Student take college classes or be employed in an off-site setting. Rather, the recommendations emphasized the importance of providing opportunities and exposure to such experiences. Therefore, participation in these specific experiences was not considered necessary to ensure a FAPE by the school based team.[[62]](#footnote-63)

However, the evidence shows that Milestones attempted to collaborate with Parents regarding its 24-hour policy, trying to balance Parents request for off-site opportunities with the safety of Student, staff and the public. Mr. Mahoney testified that from October 2024 to January 2025, Milestones relaxed its “24 hour policy” for Student. If a trip was planned for a specific day, Student was required to remain safe from arrival until the time of the trip in order to be able to participate. When this proved unsuccessful, Student was provided with two opportunities per day to participate in a community outing, one of which was planned especially for her. This allowed her a “reset.” Even so, Student could not maintain safety for community outings. Notably, in October, the District proposed pull-out psychological services and an FBA for Student. Parent did not consent to either until March 2025. It is plausible that 6 months of weekly psychological pull-out services and the results of an FBA by an experienced organization, like ARISE, would have resulted in some progress and or recommendations that would have allowed Student to participate more in off-site activities.

Although Parents blamed the increase of behaviors on Milestones’s reducing Student’s ability to explore off-campus opportunities, there is no evidence to support this claim. Nor could Parent articulate what type of additional accommodations Student required in order to be able to participate in off-site experiences. Although Parents asserted that Student’s behavioral challenges were exacerbated by Milestones staff and methodologies, they failed to provide any substantive evidence in support of this claim. Their contention rested solely on the assertion that alternative strategies employed at home appeared to be effective. However, the home and school environments differ significantly in terms of structure, expectations, and available supports, and success in one context does not necessarily translate to the other. Furthermore, while Parents occasionally observed instances of Student’s dysregulation in the school setting, they did not conduct any formal observations of Student during the school day, nor did they obtain expert evaluations or recommendations proposing alternative interventions to those implemented by Milestones.

I further find persuasive Mr. Kidder’s testimony that even though Student’s exposure to the off-site experiences was restricted, she continued to be instructed in the related skills necessary for community and college involvement. Student indeed received the benefit of transition services despite the fact that they did not take place in the community or on a college campus.[[63]](#footnote-64)

This matter is analogous to *Lessard v. Wilton Lyndeborough Cooperative School District.[[64]](#footnote-65)* In *Lessard*, the appellants argued that the transition services in an IEP were insufficiently individualized and lacked the intensity needed to meet the student's unique needs, because the student's behavioral challenges often prevented her from participating meaningfully in community-based outings. In challenging the sufficiency of a specific service—namely, community-based activities—the appellants attempted to isolate one element of the IEP and argue its inadequacy. However, the court rejected this piecemeal approach. It emphasized that IEPs must be evaluated as a whole, not by dissecting individual components. The legal standard under the IDEA requires that the IEP, in its entirety, be reasonably calculated to enable the child to receive educational benefits, not that each individual service be ideal or perfectly suited on its own. Furthermore, the court found that the community-oriented services, considered in conjunction with the broader suite of transition supports, were sufficient to meet the student's needs. The IDEA does not mandate the provision of ideal or maximally beneficial services—only those that are appropriate in light of the student’s circumstances. Thus, while the appellants might have preferred more intensive community integration, the court concluded that the transition services in the IEP met the legal standard of adequacy and educational benefit. Accordingly, the IEP was upheld.[[65]](#footnote-66)

Here, as in *Lessard*, Parents may have preferred off site employment, on campus college participation, and more intense transition services, but there is no evidence that Student could not make progress with the level of frequency and duration of the transition services offered in her 2024-2025 IEP which were being implemented at Milestones.[[66]](#footnote-67) The 2024-2025 IEP as a whole offered Student the opportunity to participate in transition activities and to make progress on individualized, assessment-based and skill-focused transition goals. FAPE does not require “the furnishing of every special service necessary to maximize each handicapped child's potential.”[[67]](#footnote-68)  Additionally, an IEP “need not necessarily provide the optimal level of services that parents might desire for the child.”[[68]](#footnote-69)

Based on the totality of the evidence, I find that the 2024–2025 IEP was reasonably calculated to enable Student to make progress in light of her individual circumstances. The goals were appropriately ambitious, reflected Student’s unique needs, and were aligned with both evaluative data and legal standards.[[69]](#footnote-70) Accordingly, Parents have not met their burden to prove that the IEP was deficient or that the District failed to offer FAPE.

1. Parents Were Not Denied Meaningful Participation In The IEP Process.

Parents’ claim that “the school ha[d] consistently disregarded parental input” is not supported by the record. The IDEA provides that parents of a child with a disability must be afforded the opportunity “to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education.”[[70]](#footnote-71) This participation must be meaningful and not a matter of “mere form.”[[71]](#footnote-72) School officials are obligated to approach meetings with an open mind and a genuine willingness to consider parental input. Meaningful participation is not established simply by a parent's physical presence or ability to speak at meetings.[[72]](#footnote-73) At the same time, while parents are full members of the IEP Team, “they do not have the right to control it.”[[73]](#footnote-74) As courts have noted, “[t]his is not to say that the Courts would overlook a School District simply permitting the parents to make a token contribution, and then summarily discarding it. The right to participation must require that parents' contributions be honestly considered.” However, parental disagreement with an IEP is not, *per se*, a denial of meaningful participation pursuant to the IDEA.[[74]](#footnote-75)

In this matter, the persuasive testimony of Mr. Kidder and Mr. Mahoney established that Parent was an active and consistent advocate for his daughter in all Team meetings. The Team recognized him as an engaged and thoughtful participant whose input was welcomed and, when feasible, incorporated. Mr. Mahoney credibly testified that, while the school made every effort to implement Parents’ suggestions, certain strategies that were effective in the home could not be replicated in a school setting due to contextual constraints.

Throughout Student’s enrollment at Milestones, the record reflects ongoing communication and collaboration among Parents, ABRSD, and Milestones. This included frequent email exchanges and multiple meetings convened specifically to support Student, address parental concerns, and respond to any rejections of proposed IEPs. For example, at the September 2023 Team meeting, Parents emphasized the importance of focusing the IEP on developing the skills necessary for Student to achieve her vision and maximize her independence. In response, the Team increased Student’s Community Transition services to address concerns about enhancing her post-22 independence and employability. [[75]](#footnote-76) Additionally, the Team adjusted Student’s service delivery by replacing certain pull-out services with a push-in model to alleviate Parents’ concern that she was overwhelmed by “therapies.” When Parents expressed dissatisfaction with Milestones as a placement, the District responded by offering to send referrals to alternative transition programs and to consult with DDS regarding an early transition plan supported by ABRSD.[[76]](#footnote-77) Parents' frustration—also apparent in email communications between the parties— and disagreement with the Team’s determinations do not, in themselves, establish a denial of meaningful participation in the IEP process.[[77]](#footnote-78)

Based on the foregoing, I find that the evidence supports the conclusion that Parents were provided with the opportunity for full and meaningful participation in all relevant decision-making processes. Accordingly, Parents have not met their burden on this claim.

**ORDER:**

Parents did not meet their burden on their implementation and meaningful participation claims. In addition, the 2024-2025 IEP developed by ABRSD was reasonably calculated to provide a free, appropriate public education to Student in the least restrictive setting.

So Ordered,

By the Hearing Officer,

/s/ Alina Kantor Nir

Alina Kantor Nir, Hearing Officer

May 19, 2025

COMMONWEALTH OF MASSACHUSETTS

BUREAU OF SPECIAL EDUCATION APPEALS

EFFECT OF BUREAU DECISION AND RIGHTS OF APPEAL

# Effect of the Decision

20 U.S.C. s. 1415(i)(1)(B) requires that a decision of the Bureau of Special Education Appeals be final and subject to no further agency review. Accordingly, the Bureau cannot permit motions to reconsider or to re-open a Bureau decision once it is issued. Bureau decisions are final decisions subject only to judicial review.

Except as set forth below, the final decision of the Bureau must be implemented immediately. Pursuant to M.G.L. c. 30A, s. 14(3), appeal of the decision does not operate as a stay. Rather, a party seeking to stay the decision of the Bureau must obtain such stay from the court having jurisdiction over the party’s appeal.

Under the provisions of 20 U.S.C. s. 1415(j), “unless the State or local education agency and the parents otherwise agree, the child shall remain in the then-current educational placement,” during the pendency of any judicial appeal of the Bureau decision, unless the child is seeking initial admission to a public school, in which case “with the consent of the parents, the child shall be placed in the public school program.” Therefore, where the Bureau has ordered the public school to place the child in a new placement, and the parents or guardian agree with that order, the public school shall immediately implement the placement ordered by the Bureau. School Committee of Burlington v. Massachusetts Department of Education, 471 U.S. 359 (1985). Otherwise, a party seeking to change the child’s placement during the pendency of judicial proceedings must seek a preliminary injunction ordering such a change in placement from the court having jurisdiction over the appeal. Honig v. Doe, 484 U.S. 305 (1988); Doe v. Brookline, 722 F.2d 910 (1st Cir. 1983).

# Compliance

A party contending that a Bureau of Special Education Appeals decision is not being implemented may file a motion with the Bureau of Special Education Appeals contending that the decision is not being implemented and setting out the areas of non-compliance. The Hearing Officer may convene a hearing at which the scope of the inquiry shall be limited to the facts on the issue of compliance, facts of such nature as to excuse performance, and facts bearing on a remedy. Upon a finding of non-compliance, the Hearing Officer may fashion appropriate relief, including referral of the matter to the Legal Office of the Department of Elementary and Secondary Education or other office for appropriate enforcement action. 603 CMR 28.08(6)(b).

# Rights of Appeal

Any party aggrieved by a decision of the Bureau of Special Education Appeals may file a complaint in the state superior court of competent jurisdiction or in the District Court of the United States for Massachusetts, for review of the Bureau decision. 20 U.S.C. s. 1415(i)(2).

An appeal of a Bureau decision to state superior court or to federal district court must be filed within ninety (90) days from the date of the decision. 20 U.S.C. s. 1415(i)(2)(B).

# Confidentiality

In order to preserve the confidentiality of the student involved in these proceedings, when an appeal is taken to superior court or to federal district court, the parties are strongly urged to file the complaint without identifying the true name of the parents or the child, and to move that all exhibits, including the transcript of the hearing before the Bureau of Special Education Appeals, be impounded by the court. See Webster Grove School District v. Pulitzer Publishing

Company, 898 F.2d 1371 (8th. Cir. 1990). If the appealing party does not seek to impound the documents, the Bureau of Special Education Appeals, through the Attorney General's Office, may move to impound the documents.

Record of the Hearing

The Bureau of Special Education Appeals will provide an electronic verbatim record of the hearing to any party, free of charge, upon receipt of a written request. Pursuant to federal law, upon receipt of a written request from any party, the Bureau of Special Education Appeals will arrange for and provide a certified written transcription of the entire proceedings by a certified court reporter, free of charge.

1. In this Ruling, I will refer to Parents, or, if referring to Student’s father, then Parent. [↑](#footnote-ref-2)
2. The parties submitted some exhibits which were identical. Where the Parties’ respective exhibits overlap, I may refer to both or either. [↑](#footnote-ref-3)
3. The report noted that due to large discrepancy between indices on the WAIS-IV, the FSIQ was interpreted with caution. (P-72) [↑](#footnote-ref-4)
4. Initially, Student’s FSIQ was not provided in the report. At a later time, when Parent requested that it be added, the report was amended and provided to Parents. (Parent, Mahoney) [↑](#footnote-ref-5)
5. Information for this assessment was obtained through an interview with Student, observations in a functional employment setting, and administration of the Brigance Transition Skills Inventory, Career Interest Subtest. The Massachusetts Work-Based Learning Plan and The Employability Assessment were used to structure the observations. (S-5) [↑](#footnote-ref-6)
6. A DDS representative attended the Team meeting. (S-9) [↑](#footnote-ref-7)
7. In the meantime, pursuant to stay-put, Student continued to receive services as delineated in the previously accepted 2023-2024 IEP. (Mahoney, S-10) [↑](#footnote-ref-8)
8. The District indicated that if Parents chose to drive Student, they would be reimbursed for their mileage. (S-10) [↑](#footnote-ref-9)
9. Milestones’ safe space was approved by the Department of Elementary and Secondary Education (DESE). (Mahoney) [↑](#footnote-ref-10)
10. Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1400 (d)(1)(A). [↑](#footnote-ref-11)
11. See 20 USC §1401 (9), (26), (29); 603 CMR 28.05(4)(b); C.D. by and through M.D. v. Natick Public School District, 924 F.3d 621, 629 (1st Cir. 2019);Sebastian M. v. King Philip Reg'l Sch. Dist., 685 F.3d 84, 84 (1st Cir. 2012); *Lessard v. Wilton Lyndeborough Cooperative Sch. Dist.,* 518 F. 3d 18 (1st Cir. 2008); *C.G. ex rel. A.S. v. Five Town Comty. Sch. Dist.,* 513 F. 3d 279 (1st Cir. 2008); *In Re: Chicopee Public Schools,* BSEA #1307346 (Byrne, 2013). [↑](#footnote-ref-12)
12. Lessard v. Wilton Lyndeborough Coop. Sch. Dist., 518 F.3d 18, 29 (1st Cir. 2008). [↑](#footnote-ref-13)
13. *Endrew F. ex rel. Joseph F. v. Douglas Cnty. Sch. Dist. RE-1,* 580 U.S. 386, 402 (2017). [↑](#footnote-ref-14)
14. 34 CFR §300.324(a)(i-v); *Endrew F.,* 580 U.S. at 391 (“These procedures emphasize collaboration among parents and educators and require careful consideration of the child's individual circumstances”); *D.B. ex rel. Elizabeth B. v. Esposito*, 675 F.3d 26, 34 (1st Cir. 2012) (“An IEP must be ‘individually designed’ to suit a particular child”); *N. Reading Sch. Comm. v. Bureau of Special Educ. Appeals of Mass. Dep't of Educ.*, 480 F. Supp. 2d 479, 489 (D. Mass. 2007) (“The First Circuit has characterized the federal floor, which defines the minimum that must be offered to all handicapped children, as providing a meaningful, beneficial educational opportunity, and that court has stated that a handicapped child's educational program must be reasonably calculated to provide effective results and demonstrable improvement in the various educational and personal skills identified as special needs” (internal citations and quotations omitted)). [↑](#footnote-ref-15)
15. *Roland M. v. Concord Sch. Comm.*, 910 F.2d 983, 992 (1st Cir. 1990). [↑](#footnote-ref-16)
16. *Bd. of Educ. of the Hendrick Hudson Central Sch. Dist. v. Rowley*, 458 U.S. 176, 197, n.21 (1982) (“Whatever Congress meant by an “appropriate” education, it is clear that it did not mean a potential-maximizing education”); see *N. Reading Sch. Comm.*, 480 F. Supp. 2d at 488 (“The focus of inquiry under 20 U.S.C. § 1415(e)(i) must recognize the IDEA's modest goal of an appropriate, rather than an ideal, education”). [↑](#footnote-ref-17)
17. *Endrew F.*, 580 U.S. at 400-401; see also 603 CMR 28.02(17). [↑](#footnote-ref-18)
18. *Endrew F.,* 580 U.S. at 388 (“The nature of the IEP process, from the initial consultation through state administrative proceedings, ensures that parents and school representatives will fully air their respective opinions on the degree of progress a child's IEP should pursue”); see *K.E. ex rel. K.E. v. Indep. Sch. Dist. No. 15*, 647 F.3d 795, 809 (8th Cir. 2011) (explaining that the court would not compare the student to her nondisabled peers since the key question was whether the student made gains in her areas of need). [↑](#footnote-ref-19)
19. *G.D. Westmoreland Sch. Dist.*, 930 F.2d 942, 948-949 (1st Cir. 1991). [↑](#footnote-ref-20)
20. 20 U.S.C § 1412(a)(5)(A); 34 CFR 300.114(a)(2)(i); M.G.L. c. 71 B, §§ 2, 3; 603 CMR 28.06(2)(c). [↑](#footnote-ref-21)
21. 20 U.S.C. 1412(a)(5)(A); *C.D. v. Natick Pub. Sch. Dist.*, 924 F. 3d at 631 (internal citations omitted). [↑](#footnote-ref-22)
22. C.G., 513 F.3d at 285. [↑](#footnote-ref-23)
23. 20 U.S.C. § § 1401(29)(A). [↑](#footnote-ref-24)
24. 20 U.S.C. §1415(f)(3)(E)(ii); 34 CFR 300.513(a)(2); see *Roland M.*, 910 F.2d at 994. [↑](#footnote-ref-25)
25. See *Honig v. Doe*, 484 U.S. 305, 312 (1998) (“Congress repeatedly emphasized throughout the [IDEA] the importance and indeed the necessity of parental participation in both the development of the IEP and any subsequent assessments of its effectiveness); see *Bd. of Educ. v. Rowley*, 458 U.S. 176, 205-206 (1982) (“Congress placed every bit as much emphasis on compliance with procedures giving parents and guardians a large measure of participation in every stage of the administrative process . . . as it did upon the measurement of the resulting IEP against a substantive standard”); *Rowley*, 458 U.S. at 208(“Congress sought to protect individual children by providing for parental involvement … in the formulation of the child's individual educational program”).  [↑](#footnote-ref-26)
26. *In Re: Natick Public Schools*, BSEA # 113131 (Crane, 2011). [↑](#footnote-ref-27)
27. *Doe ex rel. Doe v. Hampden-Wilbraham Reg'l Sch. Dist.,* 715 F. Supp. 2d 185, 194–95 (D. Mass. 2010). [↑](#footnote-ref-28)
28. See Colón-Vazquez v. Dep't of Educ., 46 F. Supp. 3d 132, 144 (D. P.R. 2014). [↑](#footnote-ref-29)
29. See id. at 143-44. [↑](#footnote-ref-30)
30. Id. at 143. [↑](#footnote-ref-31)
31. Id. at 143-44 (citing and quoting Van Duyn v. Baker Sch. Dist., 502 F.3d 811, 822 (9th Cir. 2007) and Garmany v. District of Columbia, 935 F. Supp. 2d 177, 181 (D. D.C. 2013); see Van Duyn, 502 F.3d at 815 [↑](#footnote-ref-32)
32. See *Ross v. Framingham Sch. Comm*., 44 F. Supp. 2d 104, 119 (D. Mass. 1999), *aff'd*, 229 F.3d 1133 (1st Cir. 2000). [↑](#footnote-ref-33)
33. *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49, 62 (2008). [↑](#footnote-ref-34)
34. *Id*. (places the burden of proof in an administrative hearing on the party seeking relief). [↑](#footnote-ref-35)
35. See *C.M. v. Mount Vernon City Sch. Dist*., No. 18 CV 4409 (VB), 2020 WL 3833426, at \*21–22 (S.D.N.Y. July 8, 2020) (agreeing with the SRO that “there were ways, other than school outings, for the student to gain community experience, and that outings were not a necessary component of the student's daily program, and that, even still, such opportunities would be available to L.M. at RTES” and that a “’contrived setting’ would still allow RTES to work with L.M. on his annual goals” because “the SRO's decision is supported by the case law because the District has latitude to adopt programs to achieve L.M.’s goals” and “the district's inability to provide community outings was not such a material deviation from the student's IEP that it resulted in a denial of a FAPE”); *In re: Student with a Disability*, 1819-16, 121 LRP 2938 (SEA KY, 2020) (where Student’s “IEP never required that he receive all of his classes in a dual enrollment setting,” and it “was not even necessary to take dual-credit automotive classes to achieve the student's transition goal of preparing for auto mechanics,” the Hearing Officer found that “it [was] understandable that a family would want their child to participate in dual credit programs, but such programs are not always going to be required for an IEP to be deemed sufficient”). [↑](#footnote-ref-36)
36. See *Clear Creek Indep. Sch. Dist. v. J.K.,* 400 F. Supp. 2d 991, 996 (S.D. Tex. 2005) (“The variance in locations is a de minimis failure to implement the IEP, if it is even a failure at all”). [↑](#footnote-ref-37)
37. See *S.E. v. N.Y.C. Dep't of Educ. No. 14 Civ. 4163*, 2015 WL 4092386, at \*13 (S.D.N.Y. July 6, 2015) (finding “assigned placement in a self-contained classroom [did] not contravene the IEP” because IEP did not mandate interactions with typically developing peers). [↑](#footnote-ref-38)
38. *T.M. ex rel. A.M. v. Cornwall Cent. Sch. Dist.,* 752 F.3d 145, 162 (2d Cir. 2014) (internal citations and quotations omitted). [↑](#footnote-ref-39)
39. *del Rosario ex rel. Burke v. Nashoba Reg'l Sch. Dist.,* No. CV 19-40107-TSH, 2023 WL 2711074, at \*14 (D. Mass. Mar. 30, 2023), *appeal dismissed*, No. 23-1392, 2024 WL 4647887 (1st Cir. May 8, 2024). [↑](#footnote-ref-40)
40. See *id.* at \*15 (“the Court finds it of consequence that the IEPs put in place by Nashoba provided [the student] with the skills in ‘interpersonal relations,’ workplace behavior, self-regulation, and independences that would help her succeed in any employment situation”). [↑](#footnote-ref-41)
41. See *Nathan F. ex rel. Harry F. & Amy F. v. Parkland Sch. Dist.,* No. CIV.A. 03-4714, 2004 WL 906219, at \*6 (E.D. Pa. Apr. 27, 2004), *aff'd sub nom. Nathan F. v. Parkland Sch. Dist*., 136 F. App'x 511 (3d Cir. 2005) (finding that the “District could not accommodate the parents' request for dual enrollment without jeopardizing the district's legal obligation to offer FAPE”). [↑](#footnote-ref-42)
42. See *Roland M.*, 910 F.2d at 992 (“An IEP is a snapshot, not a retrospective. In striving for “appropriateness,” an IEP must take into account what was, and was not, objectively reasonable when the snapshot was taken, that is, at the time the IEP was promulgated”); see also Anchorage Sch. Dist. v. M.P., 689 F.3d 1047, 1058 (9th Cir. 2012) (“We are mindful that we must not critique an IEP with the benefit of hindsight-instead, we evaluate whether the goals and methods were reasonably calculated to ensure that the child would receive educational benefits at the time of implementation”); Carlisle Area Sch. v. Bess P. ex rel. Scott P., 62 F.3d 520, 530 (3d Cir.1995) (appropriateness under the IDEA is judged “prospectively so that any lack of progress under a particular IEP, assuming arguendo that there was no progress, does not render that IEP inappropriate”). [↑](#footnote-ref-43)
43. Nor do IDEA regulations require an IEP to include a specific, detailed schedule for a student. Cf. 20 U.S.C. § 1401(19) (the IEP must contain (A) a statement of the present levels of educational performance of such child, (B) a statement of annual goals, including short-term instructional objectives, (C) a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs, (D) the projected date for initiation and anticipated duration of such services, and (E) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved). [↑](#footnote-ref-44)
44. The IEP includes an accommodation requiring that Student’s daily schedule be reviewed with her regularly. [↑](#footnote-ref-45)
45. See *Sytsema ex rel. Sytsema v. Acad. Sch. Dist. No. 20*, 538 F.3d 1306, 1318–19 (10th Cir. 2008) (where parents alleged that the IEP “did not address the [] requirement that each education plan coordinate between a student's activities at school and home, and therefore denied Nicholas a FAPE,” the Court concluded that the IEP's lack of a specific reference to coordination plans did not limit the student “to a de minimis educational benefit” as the parents, in fact, “exhibited a great degree of knowledge and involvement with their son's education”).  [↑](#footnote-ref-46)
46. See *Endrew F.,* 580 U.S. at 402 (educational program must be appropriately ambitious in light of his circumstances) [↑](#footnote-ref-47)
47. Id. at 399. [↑](#footnote-ref-48)
48. See M.G.L. c. 71B, §2. The IDEA requirement in this regard is triggered at 16 years of age. See 34 CFR 300.320 (b). [↑](#footnote-ref-49)
49. 20 U.S.C. § 1414(d)(1)(A)(i)(VIII)(aa)-(bb); *see also* 34 C.F.R. § 300.320(b). [↑](#footnote-ref-50)
50. The new Massachusetts IEP form is available at <https://www.doe.mass.edu/sped/ImproveIEP/iep-form/> [↑](#footnote-ref-51)
51. See Rowley, 458 U.S. at 192 (IDEA aims to create opportunities for children with disabilities, not to guarantee a specific result) (citation omitted);  K.C. ex rel. Her Parents v. Nazareth Area Sch. Dist., 806 F. Supp. 2d 806, 822 (E.D. Pa. 2011) (“A district is not required to ensure a Student is successful in fulfilling all desired goals.”); *D.M. v. Watchung Hills Reg'l High Sch. Bd. of Educ.*, No. CV2207500GCRLS, 2024 WL 939693, at \*11 (D.N.J. Mar. 5, 2024) (“After measuring the proposed IEP against the IDEA's requirements, the Court finds that the IEP did not need to include such specific information as Plaintiffs submit — descriptions of the specific area of sports-related work that D.G.M. wished to study”). [↑](#footnote-ref-52)
52. See *Renee J. as Next Friend of C.J. v. Houston Indep. Sch. Dist.,* 913 F.3d 523, 533 (5th Cir. 2019) (“C.J.’s later transition plans attempted to engage his principal future employment interest while developing basic life skills necessary for post-secondary life “); *High v. Exeter Twp. Sch. Dist*., No. CIV.A.09-2202, 2010 WL 363832, at \*6 (E.D. Pa. Feb. 1, 2010) (“Therefore, while the District helped Stephanie realize she wanted to attend college, the District was not required to ensure she was successful in fulfilling this desire”); see also *Council Rock School District*, 15736-14-15-AS, 115 LRP 26443 (SEA PA, 2015) (goals addressing "soft" job skills, and preparation in the classroom for later generalization to the job setting were reasonably calculated to provide meaningful benefit). [↑](#footnote-ref-53)
53. *K.C.,* 806 F. Supp. 2d at 822. [↑](#footnote-ref-54)
54. *Endrew F.,* 580 U.S. at 398 (“…the IDEA cannot and does not promise any particular [educational] outcome. ). No law could do that—for any child” (internal quotation marks omitted)). [↑](#footnote-ref-55)
55. See *D.C. v. Mount Olive Twp. Bd. of Educ.,* No. CIV. 12-5592 KSH, 2014 WL 1293534, at \*34 (D.N.J. Mar. 31, 2014) (where plaintiffs argued that the inadequacy of the Township's transition planning was revealed through T.C.'s failure to actually meet any of his stated goals (i.e., to go to college, to work in computer animation, and to live independently), the court found that whether he “actually met the goals laid out for him [was] not dispositive, especially in light of the requirement that IEPs be judged prospectively and not retrospectively”); *Dudley v. Lower Merion Sch. Dist.,* No. 10–2749, 2011 WL 5942120, at \*5 (E.D.Pa. Nov.29, 2011) (citations omitted) (“[A] School District need not ensure that the student is successful in fulfilling transition goals”; rather, “transition services must provide some, or more than a de minimis, benefit”); *J.L. v. Mercer Island Sch. Dist.,* 592 F.3d 938, 951 (9th Cir. 2010) (“Congress did not indicate in its definition of ‘transition services,’ or elsewhere, that a disabled student could not receive a free appropriate public education absent the attainment of transition goals”); see also *Clear Creek Indep. Sch. Dist. v. J.K.,* 400 F. Supp. 2d 991, 997 (S.D. Tex. 2005) (“An IEP is not guaranteed to succeed, even if implemented fully, so the Court cannot rely on a child's failure to master a single specific task as a measure of the propriety of an IEP and its implementation”). [↑](#footnote-ref-56)
56. Parents argued that the scores were *per se* proof of regression. Student’s 2024 WAIS-IV scores indicate a slight decrease in most cognitive areas when compared to her 2021 results. Specifically, Verbal Comprehension, Perceptual Reasoning, and Working Memory showed small reductions in percentile ranks, but these scores remained within their respective ranges, with Verbal Comprehension and Working Memory staying in the Average range, and Perceptual Reasoning remaining in the Low range. While Processing Speed declined in percentile rank, it has shown substantial improvement in raw score, moving from the Extremely Low range in 2021 to the Low range in 2024. Student’s FSIQ decreased slightly from 80 (9th percentile) to 76 (5th percentile), but remained within the Borderline range, reflecting consistent overall cognitive functioning. Without expert testimony explaining the meaning of the changes in scores, I am unable to draw meaningful conclusions except to find that Student’s cognitive profile remained relatively stable, with some fluctuations. [↑](#footnote-ref-57)
57. 603 CMR 46.02. Time-out is distinguished from seclusion, which is prohibited by 603 CMR 46.03(1)(a). 603 CMR 46.02 defines seclusion as “the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include a time-out as defined in 603 CMR 46.02.” [↑](#footnote-ref-58)
58. See *M.M. v. Dist. 0001 Lancaster Cnty. Sch.,* 702 F.3d 479, 488–89 (8th Cir. 2012) (“While [Parents] wanted the District to stop using the calming room as urged by KKI, IDEA does not mandate that parental preferences guide educational decisions”); *N.F. v. Charino Reg'l Sch. Dist.,* No. CA 11-177-ML, 2012 WL 723124, at \*11 (D.R.I. Mar. 1, 2012) (where “the Parent did not agree with the methods used by RYSE staff, e.g. for time-outs, and produced her own modified behavior plan, which she wanted included in the 11/05/10 IEP,” the court agreed with the Hearing Officer that the “IDEA does not ensure that a FAPE will consist of the precise plan that the parent desires” (internal citations omitted)); *Mr. C v. Maine Sch. Admin. Dist. No. 6*, No. CIV. 06-198-P-H, 2007 WL 4206166, at \*25 (D. Me. Nov. 28, 2007), *report and recommendation adopted sub nom. Mr. C. v. Maine Sch. Admin. Dist. No. 6*, 538 F. Supp. 2d 298 (D. Me. 2008) (where “the Parents' quarrel [was] with the necessity and the wisdom of the approach taken by the [] behavioral plan,” the court found that “[i]t is precisely in regard to disagreements over such sensitive and difficult methodological matters that courts are directed to refrain from substituting their preferred approach and defer to the decisions of educators and specialized hearing officers”). [↑](#footnote-ref-59)
59. See, e.g., *Belchertown Public Schools*, BSEA # 2112052 (Putney-Yaceshyn, 2022) (“The only testimony that Student had not been making effective progress in Belchertown was Father's. And, while Parents indisputably know Student better than anyone else, their expertise is as Student's parents and not as educators. Father does not have an educational or clinical background”); *In Re: Sutton Public Schools and Neville*, BSEA # 07-7534 (On Remand to the BSEA) (Crane, 2012) (“There is no doubt that Mother has been dedicated to Student's well-being; she is a devoted parent who likely knows her son better than anyone else; and she has likely spent countless hours talking to Student's service providers for the purpose of arranging their services. Mother is more than capable of providing important and relevant information regarding what she has observed as a layperson. Yet, it is not disputed that neither by training nor experience is Mother an educational expert with respect to how her son's educational needs may be appropriately met or with respect to whether a particular service or program utilized by Parents was educationally appropriate for their son”); *In Re: Public School District and Carlia*, BSEA # 08-7930 (Crane, 2009) (“Although Parent's views are extremely important for purposes of IEP Team consideration and decision-making, Parent is not an expert and her views cannot substitute for an expert opinion”). [↑](#footnote-ref-60)
60. 34 CFR § 1401(34)(B). [↑](#footnote-ref-61)
61. See 34 CFR § 1414(d)(1)(A)(i)(VIII); M.G.L. ch. 71B, § 2; see also *C.D.,* 924 F.3d at 624 (under the IDEA and Massachusetts law, the individualized education programs (IEPs) of certain disabled students must also contain postsecondary transition goals and services based on age-appropriate assessments). [↑](#footnote-ref-62)
62. See *Holland v. Kenton Cnty. Pub. Sch.*, 88 F.4th 1183, 1189 (6th Cir. 2023) (“Jeremy must also show that the courses he took were necessary for a free appropriate public education (FAPE).  And the Hollands fail to do so” (internal citations omitted)). [↑](#footnote-ref-63)
63. See *Tammy S. v. Reedsburg Sch. Dist.,* 302 F. Supp. 2d 959, 976 (W.D. Wis. 2003) (agreeing with ALJ that the student’s transition needs could be met in places other than in the school district located in the student’s future community); see also *Letter to Spitzer-Resnick, Swedeen, and Pugh*, 112 LRP 32664 (OSEP 2012) (“Work placement can be an appropriate transition service, depending on the individual needs of a student, but is not a required component of all IEPs that address transition services”). [↑](#footnote-ref-64)
64. *Lessard v. Wilton Lyndeborough Coop. Sch. Dist.,* 518 F.3d 18 (1st Cir. 2008). [↑](#footnote-ref-65)
65. *Id.* at 29–30. [↑](#footnote-ref-66)
66. See *Quincy Public Schools,* BSEA # 1301349 (Berman, 2013) (where “Parents [were] dissatisfied with the amount and intensity of the computer instruction provided to the Student,” the Hearing Officer found that “Parents produced no evidence that the amount of computer training that Student had been receiving was inadequate, or led to a denial of FAPE. Appropriate transition services are a component of FAPE. As such, they should be evaluated in the aggregate and in light of the child's overall needs. The adequacy of the computer/graphic arts component of Student's transition services must be considered in the context of the broad array of services that he received, all of which were designed to support Student's transition to adult life, and the complexity of his needs, which required training, remediation, and accommodation in all domains. Viewed in this light, the transition services clearly were appropriate for the Student’). [↑](#footnote-ref-67)
67. SeeRowley, 458 U.S. at 199. [↑](#footnote-ref-68)
68. *K.C.,* 806 F. Supp. 2d at 825. [↑](#footnote-ref-69)
69. See *Quincy Public Schools,* BSEA # 1301349 (Berman, 2013); see also *Montebello Unified School District*, 2011061191, 111 LRP 74053 (SEA CA, 2011) (although parents believed that student was sufficiently talented to take advanced art classes that would offer more specialization and job training than the district's proposed program which included an opportunity to work on computer animation skills, the ALJ determined that the computer animation class could help student develop new skills in her area of interest that could further her employment prospects, and “[g]iven these factors, District's program offered to provide Student with educational benefit, and thus, did not deny Student a FAPE”); *District of Columbia Public Schools*, 2016-0023, 116 LRP 19505 (SEA DC, 2016) (acknowledging that “Mother [] sought, as all good parents do, to secure the best services for her child” but concluding that the “role of the [decision-maker] in IDEA appeals, [], is not to determine whether an educational agency offered the best services, but whether the services offered confer the child with a meaningful benefit,” and here the college courses sought by parent were “not required in this case to permit Student to receive educational benefit from his instruction”). [↑](#footnote-ref-70)
70. 20 U.S.C. § 1415(b)(1). [↑](#footnote-ref-71)
71. See *Doe ex rel. Doe v. Attleboro Pub. Sch.,* 960 F. Supp. 2d 286, 296 (D. Mass. 2013); *Deal v. Hamilton Cnty. Bd. of Educ.,* 392 F.3d 840, 858 (6th Cir. 2004). [↑](#footnote-ref-72)
72. *Deal,* 392 F.3d at 858 (“Where there was no way that anything the Deals said, or any data the Deals produced, could have changed the School System's determination of appropriate services, their participation was no more than after the fact involvement”). See 20 U.S.C. 1414(d)(1)(B), (d)(4) (designating the development of IEPs as a “team” process). [↑](#footnote-ref-73)
73. *Attleboro Pub. Sch.,* 960 F. Supp. 2d at 296–97 (“There is nothing to suggest that the IEP team did not consider [parents’] input, only that it ultimately disagreed with the Does' position given its own educational expertise and experience with their son and his performance in kindergarten. The team was only required to consider the parents' position, not to adopt it”); *Shaw v. District of Columbia,* 238 F.Supp.2d 127, 139 (D.D.C.2002) (stating that the IDEA does not provide for an “education ... designed according to the parent's desires”) (citing*Rowley,* 458 U.S. at 207). [↑](#footnote-ref-74)
74. *Colonial Sch. Dist. v. G.K. ex rel. A.K.,* 763 F. App'x 192, 199 (3d Cir. 2019) (“Parents’ dissatisfaction with the IEP was not a denial of meaningful participation under IDEA”). [↑](#footnote-ref-75)
75. See *Renee J*., 913 F.3d at 533 (where the district “attempted to collaborate with C.J.’s parents in preparing the transition plan,” there was no denial of a FAPE). [↑](#footnote-ref-76)
76. Mr. Kidder credibly testified that the options for Student were limited in light of her profile and location. [↑](#footnote-ref-77)
77. See *Colonial Sch. Dist.,* 2018 WL 2010915, at \*14 (where parents disagreed with the approach of the school in measuring progress, and even if “the method [parents] outlined for progress measurement was feasible, and even desirable…[parents] did not have a legal right to it, or to obtain any other specific method of measuring G.K.’s progress. This is not what FAPE requires”); see also *Oakland Unified School District*, 2012040848, 112 LRP 57713 (SEA CA, 2012) (where “Parent perceived TLC's lowered expectations for Student (that she was not able to attend a junior college dance class), indicated that Student needed a functional, non-academic program and services through her 22nd birthday,” the Hearing Officer found that “[w]hile the District was required to consider Parent's information and position, they were not required to adopt it. That the District disagreed with Parent does not mean they predetermined Student's graduation from high school. The evidence established that Parent meaningfully participated in the decision-making process”). [↑](#footnote-ref-78)