# VIRGINIA DEPARTMENT OF EDUCATION Division of Special Education

School Division	Name of Parents
Division Superintendent	Name of Child
Counsel representing LEA	None Representing Parents/Child
Name of Hearing Officer	Party Initiating Hearing

## POST HEARING REPORT AND DECISION

### BACKGROUND

The request for a due process hearing in this matter was initiated by
(School) dated and signed by on
behalf of their child, states therein that has a sensory integrated disorder which makes up foundation for learning and that needs
occupational therapy or OT three times a week for problems. The undersigned was
designated as hearing officer to conduct the proceeding by letter from the School dated
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is a grade student at
has been found to have a disability and is receiving special education. The Parents are not
represented by counsel and are appearing pro se.
A face to face prehearing conference was held in this matter on Friday,
at the facility in It was
determined at that time there is but a single issue in the proceeding and that is whether
should receive as part of schooling a technique which the Parents referred to
as sensory integration based occupational therapy. Subsequently, telephone conferences
were held on and and The principal point of contention at the conferences involved the requested testimony of The Parents
asked that be permitted to testify by telephone and the School objected. Briefs were
filed on the question and the hearing officer at the
request under the circumstances cited. It appears that
busy with practice to make a personal appearance and the Parents decided not to
The hearing officer in accord with the general rule as well as the statute
and regulations relating to special education held that the School has a right to confront
the witness and therefore denied the request.
\$40000 DESCRIPTION OF THE PROPERTY OF THE PROP

In special education matters in Viriginia and upon request, due process hearings are provided for in the "Regulations Governing Special Education Programs for Children with Disabilities in Virginia" (Virginia Regulations) effective March 27, 2002, 8VAC 20-80-76 as well as under the Individuals with Disabilities Education Act (IDEA) 20 U. S. C. Sec. 1400 et seq and the Federal Regulations, 34 CFR 300.507 et seq.

#### ISSUE

Whether is provided with an appropriate education and related services when denied sensory integration based occupational therapy or occupational therapy.

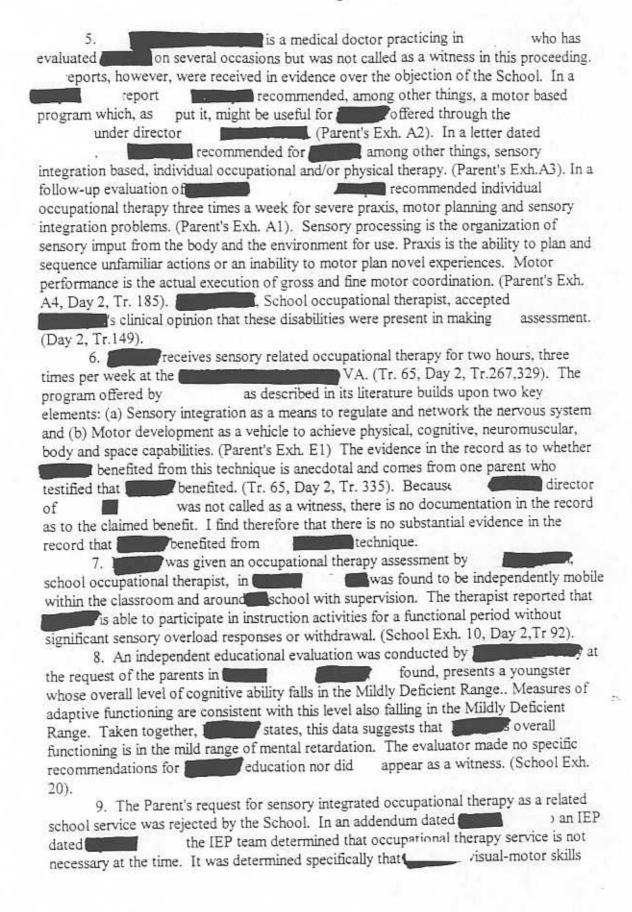
#### FINDINGS OF FACT

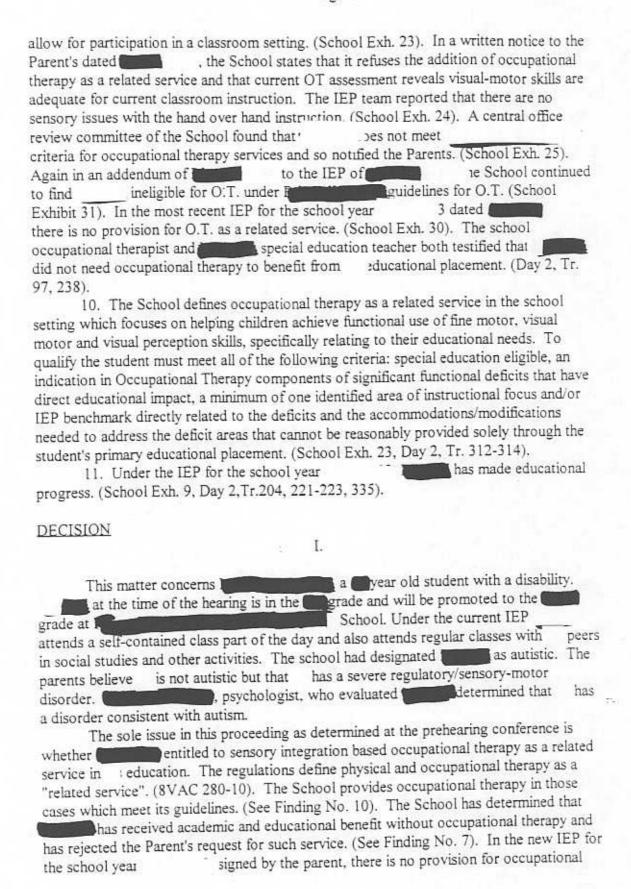
- School, is eligible for and currently receiving special education service in a self-contained classroom for students with autism. Under Individualized Education Program (IEP) for the school year dated senrolled in grade in special education and in general education for Social Studies. It also receives art, music, and physical education among other subjects. It also receives as a related service, speech and language therapy. (School Exh. 9).
- 2. It is most recent placement as set out in the individualized education program for the school year dated is autism self-contained.

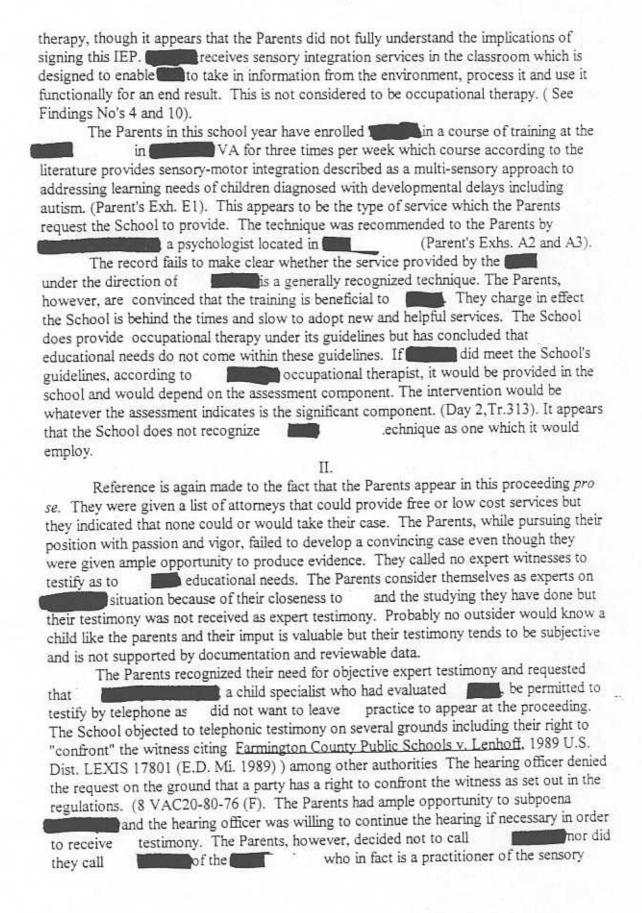
  will spend 55.3% of time in special setting, four periods, five times a week, 11% of time, special setting for three periods a week in speech and language or SLI and 2% of time in regular setting for two periods a month in adaptive physical education or APE..

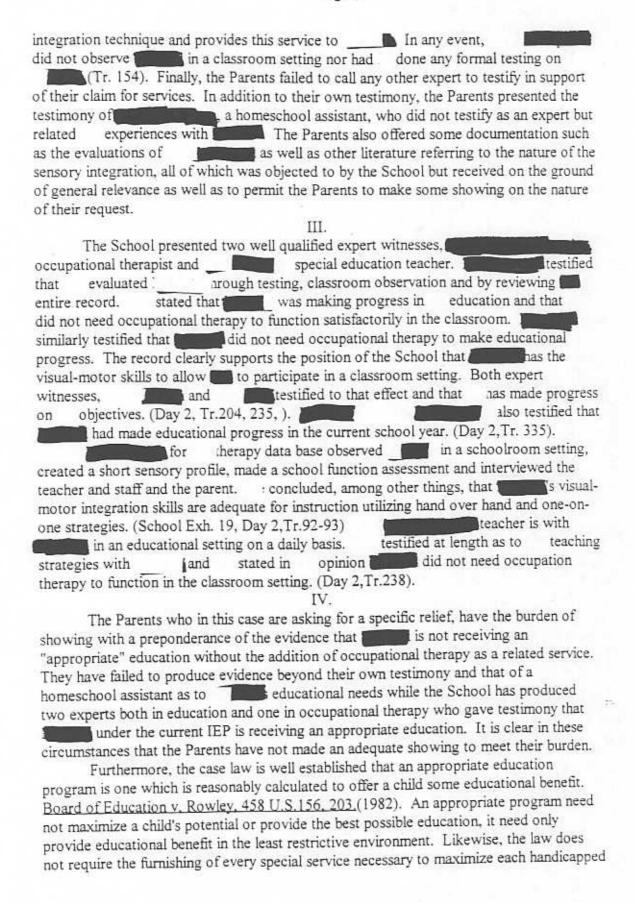
  will receive as related services speech and language therapy, APE and transportation.

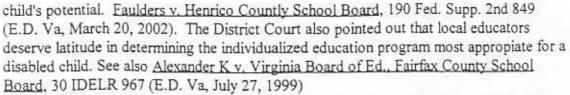
  (School Exh. 30). parent, signed this IEP on requires a structured environment, established routines and visual strategies. requires a small staff to student ratio to stay focused and on task. will participate in social studies and related arts with general education peers and a member of the special education team. (School Exh. 30).
- 2. While the Parents allege that is in need of sensory integration-based occupational therapy, the record contains no definition or description of such a therapy. There is no specific type of occupational therapy known as sensory integrated based occupational therapy. (Day 2, Tr. 291-292, 310, 286).
- 3. Occupational therapy is a health professional medically based technique providing treatment and intervention for independent functioning. (Day 2, Tr. 191). In the field of occupational therapy, the School offers intervention, modalities, strategies to improve and visual motor components. (Day 2, Tr. 132). In consultation with a occupational therapist, the teacher has worked with pon teaching to tie shoes. (Day 2, Tr. 246).
- 4. Sensory integration is a term used to define the brain's ability to take in information from the environment, process it and use it. (Day 2, Tr. 191). Some of the sensory integration techniques used in special education class include posting schedules, visual cues, music, quiet time and hand-over-hand and physical prompts to teach motor tasks. (Day 2, Tr. 231, 232). It is not necessary to be a licensed occupational therapist to provide sensory integration strategies. (Day 2, Tr. 268).











In this case, since the Parents did not produce an expert, there is no controversy among experts. The School produced as expert witnesses an occupational therapist as well as teacher. Both testified as to educational needs and they appeared to this hearing officer as professional and dedicated people devoted to the interests of the children in their care, including Consequently, I give substantial weight to their views that educational needs are being met and that does not need occupational therapy to function in the classroom.

V.

The Parent's apparent frustration with the actions of the School is noted. In further elaboration of their request for relief, they assert a failure of the schools to adopt new programs and techniques and claim that change can come only through the administrative law process. (Tr. 28-29). In closing statement accuses the School of not being flexible in meeting special needs children and argues that the only way to attain improvement is though the process of a due process hearing. (Day 2, Tr. 340-342). The hearing officer has a responsibility only to hear and decide on the issue or issues presented in the case. In this instance the single issue concerns a question of the use of occupational therapy or OT. The School in fact provides OT if certain guidelines are met and the record supports a finding that does not need or qualify for OT. If there are other problems with the School failing to consider new or different techniques, a charge not developed on this record, that is not an issue or a concern in this hearing.

However, it should be pointed out that has devoted substantial resources and effort toward providing with an appropriate education. small class of six students with a teacher and either two or three assistants and receives almost one on one attention, not only in special education class but in regular classes as well.(Day 2, Tr. 223). receives special education for four periods a day, five days a week, speech and language therapy for three periods a week, adaptive physical education or APE for two periods a month and transportation. (School Exhibit 30, Day 2, Tr. 228). The sensory integration services given to and the other students are set forth in Finding No. 4. A member of the special education team attends physical education class receives adaptive physical education with a teacher that with Twice a month under this program is making works only with (Day 2, Tr. 249). education and meeting goals. progress in

#### CONCLUSIONS

- has a disability and is entitled to an appropriate education and related services under IDEA.
- 2. Schools has provided with an appropriate education and with related services.