

Mayerson and Associates Analysis of SRO Decisions from Jan 2008 through Jun 2009

Decision #	Date	SRO Assigned	Won @ IHO	Won @ SRO	Connors	NYCDOE	Notes
08-001	3/10/2008	Paul Kelly	SD	Split	No	No	P appeal that pendency was appropriate sustained; SD x appeal to not dismiss case sustained; CSE ordered to reconvene
08-002	2/21/2008	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed that student cannot heat home lunches in school
08-003	4/18/2007	Paul Kelly	SD	SD	No	No	Partial Win at IHO, SRO dismissed P's claims
08-004	2/29/2007	Paul Kelly	DOE	DOE	No	Yes	P appealed decision re: transportation change
08-005	3/17/2008	Paul Kelly	Parents	SD	No	No	
08-006	3/6/2008	Paul Kelly	Parents	Parents	No	Yes	DOE appeals reimbursement case
08-007							Withdrawn
08-008	3/31/2008	Paul Kelly	SD	SD	No	No	IHO dismissed P's DPC
08-009	3/19/2008	Paul Kelly	Parents	Parents	No	Yes	DOE appealed from pendency order
08-010							Withdrawn
08-011							Withdrawn
08-012							Withdrawn
08-013	5/2/2008	Paul Kelly	DOE	DOE	No	Yes	P appeals; DOE cross appeals-SRO annulled Prong II of IHO Decision
08-014							Withdrawn
08-015	5/1/2008	Paul Kelly	SD	Partial Parents	No	No	P appeals; SRO sustains in part & annuls IHO decision
08-016	4/21/2008	Paul Kelly	Parents	SD	No	No	SD appeals; SRO sustains in part & annuls IHO Decision
08-017	4/18/2008	Paul Kelly	Parents	DOE	No	Yes	DOE appeals; SRO sustains in part
08-018	5/19/2008	Paul Kelly	Parents	DOE	No	Yes	DOE appeals; SRO sustains in part; dismisses P x-appeal
08-019	6/11/2008	Paul Kelly	Both	DOE	No	Yes	P appeals; SRO dismisses P and sustains DOE's x in part
08-020	5/2/2008	Paul Kelly	DOE	Parents	No	Yes	P appeals; SRO sustains in part (What did the parent win?)
08-021	4/25/2008	Paul Kelly	SD	SD	No	No	P appeals reimbursement case denied
08-022	4/23/2008	Paul Kelly	SD	SD	No	No	P appeals IHO decision finding for Prong I
08-023	6/4/2008	Paul Kelly	DOE	DOE	No	Yes	SRO dismissed appeal and x-appeal
08-024	6/4/2008	Paul Kelly	Parents	Parents	No	Yes	SRO sustains in part both appeal and x-appeal
08-025	5/2/2008	Paul Kelly	Parents	Split	No	Yes	DOE appeal sustained; P reimbursed for one school, but not the other.
08-026	5/12/2008	Paul Kelly	Parents	SD	No	No	SD appealed b/c motion to dismiss on res judicata was overruled
08-027							Withdrawn
08-028	5/29/2008	Paul Kelly	SD	SD	No	No	P appeals reimbursement case; SD x-appeal sustained in part and IHO decision was annulled
08-029	5/19/2008	Paul Kelly	Parents	SD	No	No	SD appeals reimbursement case
08-030	5/15/2008	Paul Kelly	DOE	DOE	No	Yes	P appeal decision denying request for crisis para and specific training in autism
08-031	6/10/2008	Paul Kelly	SD	SD	No	No	P appeal denied reimbursement for IEE
08-032							Withdrawn
08-033	6/15/2008	Paul Kelly	DOE	DOE	No	Yes	P appeal denied for reimbursement for private school
08-034	5/27/2008	Paul Kelly	Parents	DOE	No	Yes	DOE appeals reimbursement case (Aaron School)
08-035	6/20/2008	Paul Kelly	SD	Parents	No	No	P appeal sustained in part; SD ordered to provide services
08-036	6/30/2008	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed on reimbursement for add'l services and comp ed.
08-037	6/11/2008	Paul Kelly	Parents	DOE	No	Yes	DOE appealed sustained for tuition reimbursement (Aaron School)
08-038	7/3/2008	Paul Kelly	Parents	DOE	No	Yes	DOE appealed sustained for tuition reimbursement and add'l services
08-039	6/18/2008	Paul Kelly	SD	SD	No	No	P appeal denied for IEE reimbursement
08-040							Withdrawn
08-041	6/11/2008	Paul Kelly	Parents	DOE	No	Yes	DOE appeal sustained for tuition reimbursement
08-042	9/5/2008	Paul Kelly	DOE	DOE	No	Doe	DOE appeal sustained for tuition reimbursement

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08-043	7/15/2008	Paul Kelly	DOE	DOE	No	Yes	P appeal denied for tuition reimbursement and comp ed
08-044	7/15/2008	Paul Kelly	Parents	DOE	No	Yes	DOE appeal dismissed; P won reimbursement for services
08-045	7/8/2008	Paul Kelly	DOE	DOE	No	Yes	DOE appealed sustained for tuition reimbursement
08-046	8/8/2008	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed for reimbursement for IEE
08-047	8/8/2008	Paul Kelly	DOE	Parents	No	Yes	P appeal sustained; IHO Decision annulled; P allowed to resubmit DPC
08-048	8/8/2008	Paul Kelly	DOE	Parents	No	Yes	P appeal sustained; IHO Decision annulled; P allowed to resubmit DPC
08-049							Withdrawn
08-050	7/23/2008	Paul Kelly	DOE	Parents	Yes	Yes	P appeal sustained in part; DOE ordered to pay pro-rata tuition; Note: Parent not entitled to Connors "under the circumstances of this case" Note: Parent not entitled to Connors
08-051	8/1/2008	Paul Kelly	Parents	SD	No	No	SD appealed sustained in part--SD offered FAPE and need not reimburse P for tuition
08-052	7/16/2008	Paul Kelly	Parents	Parents	No	Yes	DOE appeal dismissed that IHO erred in awarding reimbursement
08-053	8/11/2008	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed for failure to comply with 8 NYCRR 279.8[b] (failure to reference the hearing record in the petition) and 279.4[a] (failure to clearly indicate reasons for challenging IHO decision)
08-054	7/23/2008	Paul Kelly	SD	SD	No	No	P appeal dismissed under Prong I
08-055	8/7/2008	Paul Kelly	Parents	SD	No	No	SD appeal sustained under Prong II
08-056	8/13/2008	Paul Kelly	Parents	DOE	No	Yes	DOE appeal sustained under Prong II
08-057							Withdrawn
08-058	7/30/2008	Paul Kelly	Parents	DOE	No	Yes	DOE appeal sustained under Prong II
08-059							Withdrawn
08-060	8/25/2008	Paul Kelly	Parents	Parents	No	No	SD appeal dismissed that IHO erred in finding SD did not offer FAPE
08-061	9/30/2008	Paul Kelly	DOE	DOE	No	Yes	DOE appeal dismissed as moot by virtue of pendency that IHO erred in awarding reimbursement for remainder of school year after finding DOE offered FAPE; P x-appeal dismissed that DOE did not offer FAPE
08-062	8/27/2008	Paul Kelly	Parents	Parents	No	Yes	DOE appeal dismissed that IHO erred in awarding tuition reimbursement
08-063	8/18/2008	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed - IHO properly dismissed due process complaint as insufficient
08-064	8/29/2008	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed - DOE offered FAPE
08-065	8/12/2008	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed due to untimeliness
08-066							Withdrawn
08-067	10/16/2008	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed under Prong III that IHO improperly denied reimbursement; DOE x-appeal sustained that IHO erred in finding DOE did not offer FAPE
08-068							Withdrawn
08-069	9/10/2008	Paul Kelly	SD	SD	No	No	P appeal dismissed due to mootness
08-070	10/2/2008	Paul Kelly	Parents	SD	No	No	SD appeal sustained under Prong I that IHO improperly awarded tuition reimbursement
08-071	9/11/2008	Paul Kelly	Parents	SD	No	No	SD appeal sustained that IHO improperly ordered an independent educational evaluation for adapted PE; P x-appeal dismissed re time limit to obtain an independent functional vocational assessment at district expense

Maverson and Associates Analysis of SRO Decisions from Jan 2008 through Jun 2009

Decision #	Date	SRO Assigned	Won @ IHO	Won @ SRO	Connors	NYCDOE	Notes
08-072	10/15/2008	Paul Kelly	DOE	split (DOE on tuition)	No	Yes	P appeal sustained that DOE denied student FAPE for 07-08 and P is entitled to compensatory services; P appeal for tuition reimbursement for 07-08 denied under Prong II; DOE appeal sustained re 1999 through 06-07 school years that IHO should have dismissed P's requested relief with prejudice;
08-073	9/10/2008	Paul Kelly	SD	SD	No	No	P appeal for tuition reimbursement dismissed under Prong II
08-074	9/5/2008	Paul Kelly	Parents	remand	No	No	SRO vacated IHO's finding that additional services were warranted due to lack of development in the record; remanded to develop a record and determine whether there was a deprivation of FAPE and if so what amt of additional services is appropriate to remedy the deprivation
08-075	9/25/2008	Paul Kelly	Parents	DOE	No	Yes	DOE appeal sustained under Prong I
08-076	9/4/2008	Paul Kelly	SD	SD	No	No	P appeal dismissed - P's due process complaint is barred by res judicata
08-077	9/8/2008	Paul Kelly	split	Parents	No	No	P appeal sustained that CSE reconvene to address the student's classification and assess student's need for assistive technology; SD x-appeal dismissed re IHO order that SD review prior evaluations of the student
08-078	9/12/2008	Paul Kelly	split (SD on tuition)	SD	No	No	P appeal dismissed under Prong I - IHO properly denied tuition reimbursement; SD appeal sustained that IHO improperly awarded ESY services
08-079							Withdrawn
08-080	9/29/2008	Paul Kelly	Parents	DOE	No	Yes	DOE appeal sustained under Prong I
08-081	9/19/2008	Paul Kelly	Parents	Parents	No	Yes	DOE appeal dismissed that IHO improperly awarded tuition reimbursement
08-082	10/30/2008	Paul Kelly	Parents	DOE	No	Yes	DOE appeal sustained under Prong I
08-083							Withdrawn
08-084	10/2/2008	Paul Kelly	Parents	SD	No	No	SD appeal sustained under Prong III
08-085	10/15/2008	Paul Kelly	Parents	Parents	No	No	SD appeal dismissed that IHO improperly awarded tuition reimbursement
08-086	10/29/2008	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed - IHO properly denied tuition reimbursement under Prong I
08-087	12/15/2008	Paul Kelly	SD	SD	No	No	P appeal dismissed - IHO properly denied tuition reimbursement under Prong I
08-088	10/29/2008	Paul Kelly	DOE	Parents	No	Yes	P appeal sustained - IHO improperly denied tuition reimbursement
08-089	10/22/2008	Paul Kelly	SD	split (SD on tuition)	No	No	P appeal sustained re reimbursement for student's athletic fees; P appeal re tuition reimbursement dismissed as moot (due to pendency agreement)
08-090	11/19/2008	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed - IHO properly dismissed P's due process complaint notice
08-091	11/13/2008	Paul Kelly	Parents	SD	No	No	SD appeal sustained under Prong I
08-092	10/17/2008	Paul Kelly	Parents	DOE	No	Yes	DOE appeal sustained under Prong II
08-093	10/23/2008	Paul Kelly	DOE	remand	No	Yes	P appeal sustained that IHO improperly dismissed their claim on grounds of res judicata
08-094	11/18/2008	Paul Kelly	DOE	remand	No	Yes	P appeal sustained that IHO improperly precluded the presentation of evidence at the hearing
08-095	10/17/2008	Paul Kelly	Parents	DOE	No	Yes	DOE appeal sustained under Prong I
08-096	10/16/2008	Paul Kelly	Parents	DOE	No	Yes	DOE appeal sustained under Prong I
08-097	12/17/2008	Paul Kelly	Parents	DOE	No	Yes	DOE appeal sustained under Prong III
08-098	10/23/2008	Paul Kelly	DOE	split	No	Yes	P appeal dismissed re denial of FAPE - P did not raise the issues in the due process complaint or at the impartial hearing; SRO directed CSE to conduct an assessment of the student's transportation needs
08-099	1/9/2009	Paul Kelly	Parents	DOE	No	Yes	DOE appeal sustained that IHO improperly awarded tuition reimbursement - IHO erred in finding that CSE failed to properly classify the student as disabled

Mayerson and Associates Analysis of SRO Decisions from Jan 2008 through Jun 2009

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08-100	11/24/2008	Paul Kelly	SD	SD	No	No	P appeal dismissed that IHO improperly denied tuition reimbursement - SRO found the student does not meet the criteria for classification as a student with a disability
08-101	11/7/2008	Paul Kelly	SD	SD	No	No	SRO upheld IHO decision that P is not entitled to reimbursement for student's independent educational evaluation - SD did not unreasonably delay in responding to P's IEE request
08-102	11/3/2008	Paul Kelly	split	split	No	Yes	P appeal sustained re psychiatric evaluation - SRO ordered a neuropsychological eval instead; P appeal dismissed re IHO's order that CSE consider placement in a 12:1+1 special class w/counseling services - SRO noted that a CSE is required to consider the continuum of services when developing an IEP
08-103	10/24/2008	Paul Kelly	DOE	Partial Parents	Yes	Yes	SRO ordered that DOE place student in a particular residential placement unless it provides the student w/a different residential placement in an LRE w/in 30 days. SRO directed relief in accordance with P's request that the DOE be ordered to provide a placement and noted it was "unnecessary to address P's alternative theory that she is entitled to" Connors relief. SRO also noted that he would not address the applicability of Connors to this case b/c P did not identify any authority w regard to whether the relief provided by the District Court in Connors may be provided by an administrative hearing officer
08-104	11/26/2008	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed as moot
08-105	11/14/2008	Paul Kelly	Parents	DOE	No	Yes	DOE appeal sustained - "parents did not meet their burden of proving that the district failed to offer the student a FAPE"
08-106	11/19/2008	Paul Kelly	DOE	DOE	No	Yes	SRO denied P leave to re-file due process complaint b/c P alleges a violation of FERPA, and P was advised of the procedure for filing a FERPA complaint
08-107	11/17/2008	Paul Kelly	DOE	DOE	No	Yes	SRO upheld IHO's pendency determination
08-108							Withdrawn
08-109	12/22/2008	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed that IHO erred in denying tuition reimbursement
08-110	11/3/2008	Paul Kelly	split (P's award	DOE	No	Yes	DOE appeal sustained under Prong III; P x-appeal for full tuition reimbursement dismissed under Prong III
08-111	12/7/2008	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed under Prong I
08-112	12/15/2008	Paul Kelly	Parents	Parents	No	Yes	DOE appeal dismissed - IHO properly awarded tuition reimbursement
08-113	12/5/2008	Paul Kelly	SD	SD	No	No	P appeal dismissed for failure to timely file appeal
08-114	12/1/2008	Paul Kelly	SD	SD	No	No	P appeal dismissed for failure to timely file appeal
08-115							Withdrawn
08-116	11/7/2008	Paul Kelly	SD	SD	No	No	P appeal dismissed for failure to timely file appeal
08-117	12/19/2008	Paul Kelly	DOE	DOE	No	Yes	SRO found that IHO properly dismissed P's due process complaint
08-118	12/18/2008	Paul Kelly	DOE	Parents	No	Yes	P's allowed to resubmit due process complaint for proper processing and assignment to an IHO
08-119	12/19/2008	Paul Kelly	DOE	DOE	No	Yes	SRO denied tuition reimbursement under Prong II
08-120							Withdrawn
08-121	11/19/2008	Paul Kelly	SD	SD	No	No	P appeal dismissed that IHO improperly ordered a psychological eval, an educational eval, a medical eval, a classroom observation, and a social history report of the student
08-122	12/10/2008	Paul Kelly	Parents	DOE	No	Yes	DOE appeal sustained under Prong I

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Decision #	Date	SRO Assigned	Won @ IHO	Won @ SRO	Connors	NYCDOE	Notes
08-123	12/22/2008	Paul Kelly	Parents	Parents	No	Yes	DOE appeal dismissed that IHO erred in awarding tuition reimbursement
08-124		Paul Kelly					Withdrawn
08-125	1/8/2009	Paul Kelly	DOE	DOE	No	Yes	SRO denied P leave to re-file due process complaint b/c IHO lacks jurisdiction to adjudicate a FERPA claim
08-126	12/31/2008	Paul Kelly	n/a	remand	No	No	SD appeal and P appeal re pendency placement - SRO remanded to IHO for pendency decision based on development of an adequate record
08-127		Paul Kelly					Withdrawn
08-128	2/5/2009	Paul Kelly	Parents	DOE	No	Yes	DOE appeal sustained that IHO improperly awarded tuition reimbursement - SRO found that student is not eligible to receive special education programs and services as a student with a disability under the IDEA
08-129	12/3/2008	Paul Kelly	split	split	No	No	P appeal sustained re transportation expenses for student's cheerleading program; P appeal dismissed re reimbursement for medical eval
08-130	12/8/2008	Paul Kelly	Parents	SD	No	No	SD appeal sustained under Prong II
08-131	12/10/2008	Paul Kelly	Parents	DOE	No	Yes	DOE appeal sustained under Prong I
08-132							Withdrawn
08-133	3/23/2009	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed under Prong I
08-134	1/16/2009	Paul Kelly	Parents	Parents	No	Yes	DOE appeal dismissed as moot - regardless of whether DOE did or did not offer the student a FAPE, it is not entitled to recoup payments made pursuant to pendency
08-135	2/2/2009	Paul Kelly	DOE	DOE	No	Yes	SRO upheld IHO's conclusion dismissing P's due process complaint for insufficiency
08-136							Withdrawn
08-137	1/14/2009	Paul Kelly	Parents	DOE	Yes - Lieberman	Yes	DOE appeal sustained under Prong II. Re Connors: P's requested prospective relief; district asserted that prospective funding is not available under the facts of the case; P's answered that they had standing to seek prospective funding b/c they were ultimately responsible for the costs of the student's program, even though they had not incurred any out-of-pocket expenses. SRO found that the parents are not entitled to "the requested funding" b/c the private program was not designed to meet the student's unique needs.
08-138	1/23/2009	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed under Prong I
08-139	1/28/2009	Paul Kelly	Parents	Parents	No	Yes	DOE appeal dismissed for failure to timely appeal
08-140	1/21/2009	Paul Kelly	Parents	DOE	Yes - Kealey	Yes	DOE appeal sustained under Prong I. No mention of prospective funding/Connors - the decision states that P's requested "funding" for their daughter's tuition and program.
08-141							Withdrawn
08-142	1/16/2009	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed for failure to timely serve petition for review
08-143	2/4/2009	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed for failure to timely serve petition for review
08-144	1/9/2009	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed under Prong I
08-145	3/4/2009	Paul Kelly	DOE	DOE	No	Yes	SRO upheld IHO decision denying P tuition reimbursement under Prong III
08-146	2/5/2009	Paul Kelly	DOE	DOE	No	Yes	SRO found that IHO properly dismissed P's due process complaint as legally insufficient
08-147							Withdrawn
08-148	12/23/2008	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed for failure to timely serve petition for review

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08-149							Withdrawn
08-150	2/6/2009	Paul Kelly	SD	Partial Parents	No	No	SRO ordered CSE to reconvene to review the student's placement
08-151	2/25/2009	Paul Kelly	DOE	DOE	No	Yes	P appeal dismissed under Prong II
08-152	1/26/2009	Paul Kelly	Parents	Parents	No	No	SD appeal dismissed - IHO properly awarded tuition reimbursement
08-153							Withdrawn
08-154	2/18/2009	Paul Kelly	split	DOE	No	Yes	SRO found that IHO properly remanded the matter to the CSE for review and consideration of the student's educational placement in the LRE
08-155	3/9/2009	Paul Kelly	SD	SD	No	No	P appeal dismissed under Prong I
08-156	1/15/2009	Paul Kelly	DOE	Parents	No	Yes	SRO found that the hearing office failed to process P's due process complaint notice and granted P's leave to resubmit
08-157	2/25/2009	Paul Kelly	SD	SD	No	No	P appeal dismissed under Prong I
08-158	2/19/2009	Paul Kelly	SD	SD	No	No	P appeal dismissed under Prong I
2009							
							P specifically limited the relief they sought to funding of the student's tuition for the 2007-2008 school year; they had only paid \$1,100 of the \$84,900 tuition and had entered into an installment plan for the balance but had not yet made further payments. SRO held: P is not entitled to funding b/c P was not requesting reimbursement for out-of-pocket costs or direct payment for compensatory education services.
09-001	3/2/2009	Paul Kelly	Parents	DOE	Yes	Yes	
09-002	1/30/2009	Paul Kelly	SD	SD	NO	NO	P appeal dismissed that district's program was appropriate parents were denied reimbursement
09-003	2/4/2009	Paul Kelly	SD	SD	No	No	P appeal dismissed that decision of IHO granting SD's motion to dismiss as moot the P due process complaint notice
09-004	3/18/2009	Paul Kelly	DOE	split	No	Yes	P appeal sustained in part; due process complaint is insufficient
09-005							withdrawn
09-006	3/23/2009	Paul Kelly	both	both	no	yes	matter remanded to CSE to develop an IEP
09-007	3/25/2009	Paul Kelly	DOE	DOE	no	yes	P appeal dismissed that IHO dismissed due process complaint notice
09-008	3/12/2009	Paul Kelly	both	split	no	yes	P appeal and DOE x-appeal both dismissed
09-009	3/13/2009	Paul Kelly	DOE	DOE	no	yes	P appeal dismissed that he be reimbursed for tuition at private school
09-010	3/12/2009	Paul Kelly	both	both	no	yes	P appeal dismissed that home-based ABA services were improperly denied; DOE x-appeal dismissed that parents should reimburse DOE for cost of home-based ABA services provided pursuant to pendency
09-011	4/2/2009	Paul Kelly	DOE	split	no	yes	P appeal sustained in part - district directed to include this case in its review of procedures re IHO decisions in due process proceedings; P denied leave to re-file due process complaint - due process complaint was legally insufficient
09-012	4/3/2009	Paul Kelly	DOE	split	no	yes	P appeal sustained in part - portion of IHO decision requiring P to submit a letter to CSE to re-open student's case is annulled; P requested IEP meeting denied - appropriate remedy already provided by remanding to CSE and directing CSE to reconvene

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Decision #	Date	SRO Assigned	Won @ IHO	Won @ SRO	Connors	NYCDOE	Notes
09-013	5/15/2009	Paul Kelly	DOE	DOE	Yes	yes	P appeal dismissed - IHO properly denied tuition funding on Prong III grounds; DOE x-appeal sustained in part that it offered the student a FAPE in the LRE. Decision states that P requested "funding" for son's tuition; district's answer asserted that "prospective funding is not an available remedy under the IDEA;" SRO denied relief to P on the grounds that the DOE offered FAPE, i.e. the SRO did not directly address the issue of prospective funding.
09-014	4/10/2009	Paul Kelly	DOE	DOE	no	yes	P appeal dismissed that IHO erred in finding that DOE met its Prong I burden; DOE x-appeal not addressed
09-015	3/19/2009	Paul Kelly	both	DOE	Yes	yes	P appeal dismissed under Prong II - IHO properly denied funding for 20 hours SEIT; DOE x-appeal sustained under Prong II - IHO improperly awarded reimbursement for 15 hours home-based ABA. P requested prospective funding for SEIT services at student's nursery school; SRO denied funding on the grounds that P did not establish that the services were appropriate for the student, i.e. the SRO did not directly address the issue of prospective funding.
09-016	3/10/2009	Paul Kelly	SD	Parents	no	no	P appeal sustained that IHO incorrectly determined that SD offered a FAPE to the student and incorrectly denied reimbursement for private reading services
09-017	3/12/2009	Paul Kelly	Parents	Parents	no	no	SD appeal dismissed that IHO improperly ordered reimbursement for student's tuition
09-018	4/8/2009	Paul Kelly	DOE	DOE	no	yes	P appeal dismissed under Prong II that IHO improperly denied tuition reimbursement
09-019	4/13/2009	Paul Kelly	Parents	split (DOE on tuition)	no	yes	DOE appeal sustained that IHO improperly concluded that the IEP did not offer student a FAPE; DOE request denied for reimbursement for maintaining student's pendency placement
09-020	4/7/2009	Paul Kelly	Parents	DOE	Yes	yes	DOE appeal sustained under Prong II that IHO improperly awarded tuition funding. IHO directed the DOE to remit pmt directly to student's school b/c the SY had already ended; DOE argued that even if P was entitled to tuition funding, it must be in the form of reimbursement as opposed to prospective funding; SRO denied relief on the grounds that P did not establish that the school was appropriate for the student, i.e. the SRO did not directly address the issue of prospective funding.
09-021							Withdrawn
09-022	3/27/2009	Paul Kelly	Parents	SD	no	no	SD appeal sustained that it was not programatically responsible for student's education while student was a patient in a psychiatric hospital
09-023	3/25/2009	Paul Kelly	Parents	Parents	no	no	SD appeal dismissed as premature
09-024	4/1/2009	Paul Kelly	Parents	DOE	no	yes	DOE appeal sustained that IHO incorrectly concluded that the DOE failed to offer the student a FAPE
09-025	4/20/2009	Paul Kelly	DOE	split	no	yes	P appeal dismissed in part - the issues were not raised in the original due process complaint; P appeal sustained in part - CSE directed to consider what additional compensatory services are appropriate to remedy the denial of FAPE
09-026							Withdrawn

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Decision #	Date	SRO Assigned	Won @ IHO	Won @ SRO	Connors	NYCDOE	Notes
09-027	5/1/2009	Paul Kelly	Parents	DOE	no	yes	DOE appeal sustained that parents should not have been awarded tuition reimbursement b/c their due process complaint did not request it, and they had already received most of their requested relief through pendency; CSE ordered to reconvene to devise an educational program which offers FAPE to the student for the remainder of the school year; DOE appeal sustained under Prong II that IHO improperly ordered SEIT services.
09-028	4/20/2009	Paul Kelly	n/a (per IHO d	Parents	no	no	P appeal sustained that IHO's interim pendency decision incorrectly identified student's pendency
09-029	5/26/2009	Paul Kelly	DOE	DOE	no	yes	P appeal dismissed that IHO improperly dismissed P's due process complaint due to P's failure to appear
09-030							withdrawn
09-031	5/18/2009	Paul Kelly	Parents	DOE	no	yes	DOE appeal sustained under Prong II that IHO improperly awarded any reimbursement for student's homebound instruction services
09-032	5/19/2009	Paul Kelly	DOE	DOE	no	yes	P appeal dismissed as moot that IHO's finding that DOE offered student a FAPE be set aside - DOE already paid for the services requested in the due process complaint under an unappealed pendency order, and student no longer receives those services. DOE x-appeal dismissed for reimbursement of the costs of maintainig student's pendency placement
09-033	5/7/2009	Paul Kelly	Parents	Parents	no	yes	DOE appeal dismissed that it offered FAPE and IHO improperly awarded reimbursement
09-034	5/1/2009	Paul Kelly	SD	SD	no	no	P appeal dismissed under Prong I
09-035	4/22/2009	Paul Kelly	SD	Parents	no	no	P appeal sustained under Prong I (for additional reading services)
09-036							Withdrawn
09-037	4/22/2009	Paul Kelly	SD	SD	no	no	P appeal dismissed under Prong I
09-038	5/21/2009	Paul Kelly	DOE	DOE	Yes	yes	P appeal dismissed under Prong I. Decision states that P requested reimbursement for student's tuition and program; DOE answer asserted that any award should be limited to "out of pocket expenses" and should not include any prospective payments; SRO denied relief on the grounds that the DOE offered FAPE.
09-039	6/19/2009	Paul Kelly	split (P's award	DOE	no	yes	P appeal dismissed under Prong I; DOE x-appeal sustained under Prong I
09-040	4/27/2009	Paul Kelly	Parents	Parents	no	no	SD appeal dismissed that IHO erred in awarding tuition reimbursement
09-041							Withdrawn
09-042	6/10/2009	Paul Kelly	n/a	Parents	no	yes	SRO granted P leave to resubmit due process complaint that was never processed by DOE
09-043							Withdrawn
09-044	6/25/2009	Paul Kelly	split	split	no	yes	P appeal re denial of request for independent evaluations denied; P appeal re request for Nickerson letter sustained; P appeal re additional compensatory education services denied; P appeal re compensatory counseling services sustained in part;
09-045	5/8/2009	Paul Kelly	Parents	DOE	no	yes	DOE appeal sustained under Prong II that IHO improperly awarded tuition reimbursement
09-046	6/9/2009	Paul Kelly	Parents	DOE	no	yes	DOE appeal sustained under Prongs II and III that IHO improperly awarded tuition reimbursement
09-047	5/13/2009	Paul Kelly	split (parents a	Parents	no	no	DOE appeal dismissed; P x-appeal for travel expenses sustained

Mayerson and Associates Analysis of SRO Decisions from Jan 2008 through Jun 2009

Decision #	Date	SRO Assigned	Won @ IHO	Won @ SRO	Connors	NYCDOE	Notes
09-048	5/12/2009	Paul Kelly	DOE	DOE	no	yes	P appeal dismissed under Prong II; DOE x-appeal sustained under Prong II
09-049	5/15/2009	Paul Kelly	SD	SD	no	no	P appeal dismissed under Prong I
09-050	6/11/2009	Paul Kelly	SD	SD	no	no	P appeal dismissed under Prong I
09-051	6/19/2009	Paul Kelly	Parents	Parents	no	yes	DOE appeal dismissed that it offered student a FAPE
09-052	6/18/2009	Paul Kelly	split	split	no	yes	P appeal sustained re denial of ESY services and testing accommodations; P appeal dismissed re misc requests (input re the hiring of student's paraprofessional, additional set of textbooks for student to keep at home, transportation for P to accompany student to RSA sessions, etc.)
09-053	6/26/2009	Paul Kelly	Parents	DOE	no	yes	DOE appeal sustained under Prong I that IHO erred in finding that the DOE failed to offer FAPE
09-054	6/4/2009	Paul Kelly	Parents	split	no	no	SD appeal sustained that the IEP offered student FAPE; but SRO found that IEP was not properly implemented, resulting in denial of FAPE - ordered CSE to convene to determine appropriate level of services to be provided as additional services for the deprivation of instruction
09-055	7/1/2009	Paul Kelly	Parents	DOE	no	yes	DOE appeal sustained under Prong II that IHO improperly awarded tuition reimbursement for 05-06; DOE appeal sustained that IHO improperly awarded tuition reimbursement for 07-08 because the parties reached a negotiated settlement for those claims
09-056							Unavailable
09-057							Unavailable
09-058	6/22/2009	Paul Kelly	SD	SD	no	no	P appeal dismissed under Prong I that IHO erred in denying tuition reimbursement
09-059							Unavailable
09-060	7/1/2009	Paul Kelly	split	split	no	no	SRO found that IHO erred in not directing placement at a private school for 08-09 but erred by prematurely awarding such placement for 09-10 b/c that school year was not yet in dispute
09-061	6/29/2009	Paul Kelly	split	SD	no	no	SD appeal sustained that SD's time to find an alternative residential placement for student be extended through Aug. 31 - P did not file an answer and stated agreement with the appeal
Total Cases Heard by SRO:					187		
Approx. Total Tuition Reimbursement Cases:					102		