

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,  
v.

SACRAMENTO CITY UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2017010034

DECISION

Parent on behalf of Student filed a request for due process hearing on December 29, 2016, naming the Sacramento City Unified School District. Administrative Law Judge Rita Defilippis heard the matter in Sacramento, California, on April 11, 2017.

Perry Leonard, Attorney at Law, represented Student throughout the hearing. Student's Mother attended the hearing. Student was not present.

Sarah Garcia, Attorney at Law, represented Sacramento throughout the hearing. Rebecca Bryant, Sacramento's Director of Special Education and Special Education Local Plan Area, attended the hearing on Sacramento's behalf.

At the parties request on April 11, 2017, the matter was continued to April 24, 2017, for the filing of written closing arguments. On that day the parties filed closing arguments, the record was closed, and the matter was submitted for decision.

ISSUES

Issue 1: During the 2015-2016 school year, did Sacramento fail to implement Student's individualized education program of November 4, 2015, by failing to provide

the promised amount of assistive technology services, thereby denying Student a free and appropriate public education?

Issue 2: During the 2016-2017 school year, did Sacramento fail to assess Student in the area of speech and language?<sup>1</sup>

## SUMMARY OF DECISION

Student did not prove by a preponderance of the evidence that Sacramento failed to implement Student's 2015-2016 IEP assistive technology device services. The evidence upon which the claim relied was not proved accurate or reliable.

Student did not prove by a preponderance of the evidence that Sacramento failed to assess Student in the area of speech and language. Sacramento did conduct a speech and language assessment and Student did not prove it was inadequate because it did not discuss stuttering.

## FACTUAL FINDINGS

### JURISDICTION

1. Student is a 9-year-old male who resides with his parents within Sacramento's boundaries and has been receiving special education and related services in the categories of autism as his primary disability, and speech and language impairment as his secondary disability. Student currently receives specialized academic instruction, speech and language, occupational therapy, behavior intervention, and assistive technology services.

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<sup>1</sup> Student's original request for due process included four issues. Student withdrew two of the issues at the outset of hearing.

## 2015-2016 ASSISTIVE TECHNOLOGY SERVICES

2. Parent and Grandmother were the only witnesses at hearing. Sacramento did not call any witnesses and did not introduce any documentary evidence other than that contained in Student's exhibits admitted at hearing.

3. Pursuant to Student's November 4, 2015 IEP, Student was to receive five sessions of 60 minutes each of assistive technology services, for a total of 300 minutes, between October 30, 2015, and October 28, 2016.

4. Only the assistive technology services for the 2015-2016 school year were at issue in this case. Although Grandmother testified that Student should have received a total of five hours of assistive technology services; she testified while she referenced Student's October 26, 2016, IEP service page, which reflected four, 60 minute sessions, for a total of 240 minutes, of assistive technology services per year. Her testimony was specifically tied to the 2016 IEP, not the 2015 IEP for the year at issue. Even with Grandmother's failure to reference the correct IEP, the evidence established that from October 20, 2015, through the end of the 2015-2016 school year, Student was entitled to five 60 minutes sessions of assistive technology services.

5. Next Student introduced a document entitled Assistive Technology Evaluation Report, dated October 26, 2016. This report was written by and provided to Grandmother at Student's October 26, 2016 IEP meeting by Bernadette Nakamura, Assistive Technology Specialist. Grandmother referred to that report and testified that Sacramento failed to implement some of the assistive technology services during the 2016-2017 school year. This testimony was directed to the wrong school year and therefore was not relevant to any issues in Student's case.

6. Student then introduced a document entitled Assistive Technology Service Log. The Log documented two and one-half hours of various assistive technology services that were provided to Student between August 16, 2015, and October 24, 2016.

Grandmother testified that the log reflects that only one and one-half hours of the required assistive technology services were provided during the effective dates of the November 4, 2015 IEP and that Student was therefore owed three and one-half additional hours of assistive technology services.

7. There was no evidence that the Assistive Technology Service Log, which Student introduced during Grandmother's testimony, was authoritative or reliably documented all of Student's delivered assistive technology services. Student did not call the witnesses who would have such information. Ted Wattenberg was listed as Specialist on the log and his name was printed at the bottom of the page and dated October 25, 2016. However, there was no evidence as to who provided the assistive technology services or who documented the services that were in the log. Mr. Wattenberg was not called as a witness at hearing to authenticate the document.

8. Grandmother also testified regarding the October 26, 2016 Assistive Technology Evaluation Report that Student introduced and which was admitted into evidence. Grandmother testified on cross examination, while referring to the report, that the report reflects that Student was provided five sessions of assistive technology services during the 2015-2016 school year.<sup>2</sup>

9. Grandmother testified that because the Assistive Technology Service Log reflected less than five hours of services, Student was therefore owed assistive

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<sup>2</sup> It is unclear whether the five sessions mentioned in the report referred to the assistive technology services provided in the entire 2015-2016 school year or the assistive technology services set forth in the November 4, 2015 IEP and provided after that date.

technology services. However, the Assistive Technology Evaluation Report stated that Student received five sessions of assistive technology services during the school year. These two documents were the only evidence presented at hearing regarding Student's assistive technology services for the 2015-2016 school year. Student presented no evidence to resolve the contradiction between these two documents in a way that established by a preponderance of the evidence that one should be preferred over the other or that Student did not receive his 2015-2016 assistive technology services. Grandmother testified that she had no knowledge of, nor did she request information about the logging procedures at any time, including when the assistive technology evaluation and the service log were presented at the IEP meeting. Student did not call any assistive technology providers to testify as to the provision of assistive technology services during the 2015-2016 year or how those services were documented. The evidence presented by Student at hearing was therefore insufficient to establish that Sacramento failed to implement Student's assistive technology services for the 2015-2016 school year.

#### SPEECH AND LANGUAGE ASSESSMENT

10. On October 13 and October 21, 2016, speech and language pathologist Kylinn Merriman administered a speech and language assessment to Student. Ms. Merriman has also been Student's speech and language therapist. She summarized her assessment findings in a report dated October 25, 2016.<sup>3</sup> The purpose of the assessment was to measure Student's current speech and language skills and to determine his eligibility for speech and language services. Student's speech and sound production, as

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<sup>3</sup> Student's exhibit #8, Language and Speech Evaluation Report, was incomplete as it appears to be missing text between pages 1 and 2.

well as his language comprehension and expression, were evaluated. Ms. Merriman administered the Goldman Fristoe Test of Articulation-2 to evaluate Student's articulation skill level, and the Clinical Evaluation of Language Fundamentals-5 to assess his receptive and expressive language and language memory. She found that Student's speech is significantly delayed. Student's conversational speech had many errors and was impacted by his lack of proper volume. Student has average skills in receptive language and language content, but significant delays in expressive language and language memory. Ms. Merriman concluded that Student may benefit from continued speech therapy to address speech production and sentence formation skills.

11. Ms. Merriman presented her report at the October 26, 2016 IEP meeting. The IEP team reviewed Student's goals from the prior year and found Student met both of his articulation speech and language goals. The team developed new speech and language goals for articulation and expressive language and they were approved by Parent. The October 26, 2016 IEP speech services were individual and group speech therapy for 30 minutes, 50 times a year for a total of 1500 minutes for the 2016-2017 school year.

#### CONCERNS REGARDING STUDENT'S STUTTERING

12. There is no mention of any stuttering by Student in the November 4, 2015 and the October 26, 2016 IEPs or Ms. Merriman's Language and Speech Evaluation Report. However, both Parents have a history of stuttering. Mother observed Student to stutter for the first time in August, 2016. Both Mother and Grandmother asked Student's aide whether he was stuttering at school. Mother testified that Student's aide confirmed, near the beginning of the school year, that Student stutters at school. Mother also testified that some of the information about the aide's knowledge of Student's stuttering was communicated to her by Grandmother. The aide was not called as a

witness and therefore it is impossible to know how frequent or serious the stuttering was or whether it had any effect on Student's education.

13. Parent never discussed her concerns about Student's stuttering with any other staff member at the school, other than Student's aide, until she sent an email to Ms. Merriman, on January 23, 2017. Parent had heard from Grandmother that Ms. Merriman intended to try some interventions to address Student's stuttering.

14. Ms. Merriman was not called as a witness to testify at hearing. The evidence presented by Parent's testimony and the email correspondence between Parent and the speech therapist was not clear as to what services Student was already getting and what services he was going to start receiving, if any, as a direct result of new information that Student was stuttering. The only evidence presented by Student about stuttering was the email between Parent and the speech therapist. There was no evidence presented that Student would have needed any specific assessment in order for the speech therapist to address any stuttering which may have been present.

15. On January 23, 2017, Ms. Merriman replied to Parent,

"I'm so sorry that I did not realize that [Student's] difficulty with speech fluency was a new difficulty. ...Because it was not addressed on his IEP before and he has had it since I started seeing him at the beginning of the school year, I thought that it was a part of a different kind of motor planning difficulty for speech and didn't think of him as a stutterer."

The speech therapist then described Student's participation in her fluency group on Fridays. Lastly, Ms. Merriman stated that she hoped to start Student in the 6th grade "Focus on Fluency" group, which was focusing on fluency and stuttering. This email, although stated in a somewhat confusing way, indicated that the speech therapist was

aware of Student's manner of speaking and considered it a fluency issue and not a stuttering issue.

16. Parent believed that the speech therapist's reply email on January 23, 2017, was an apology that the speech therapist had missed student's stuttering problem. Parent believed that this email reply was an admission that the speech therapist had knowledge of Student's stuttering condition since the beginning of the school year. Parent therefore believed that the speech therapist should have assessed Student for a stuttering speech condition in October, as part of her assessment. Student did not establish these facts by a preponderance of the evidence.

17. On February 3, 2017, Parent asked Ms. Merriman by email if she had a chance to start the interventions described in her January 23, 2017 email. The speech therapist replied that she had started Student in the 6th grade group the prior week, but Student did not seem interested in that group and actually seemed to be a little upset after it. She returned Student to the 5th grade group and reported in the email that the activities helped Student to slow his rate of speech. The speech therapist informed Parent that Student is "scheduled for twice a week."

18. Parent believed that the February 3, 2017 email reply of the speech therapist, which informed her that Student was scheduled for two sessions a week, indicated an increase of Student's services from one session a week to two sessions a week. Parent believed that the speech therapist offered the additional services to address the missed stuttering condition. Parent testified that the added session each week indicated that Student should receive compensatory services, retroactive to the beginning of the school year, if an independent speech and language evaluation is ordered as a remedy and finds Student has a stuttering condition which can be remediated by speech therapy.



19. Student did not present any expert testimony regarding what stuttering is, whether there is an assessment to determine a stuttering condition, whether Student needed additional speech services to address stuttering, whether stuttering is different from a fluency condition which results from poor motor planning skills, or what the speech therapist should have done once she received Parent's information that Student began stuttering in August, 2016.

20. Throughout hearing, the terms "fluency" and "stuttering" were used interchangeably. No expert was presented to define either of these terms. Student had been receiving speech services most of his life for fluency speech problems. Parent agreed that Student's speech services have been meeting his fluency needs. Student's November 4, 2015 IEP included articulation goals to assist Student to speak in a way that can be understood and to use strategies such as speaking at a slower rate, repeating or re-wording phrases, and by working on specific sounds he has difficulty pronouncing. Student met these IEP goals. Student's October 26, 2016 IEP includes goals to assist him to articulate sounds and improve the quality of his speaking voice. Parent consented to the implementation of these goals.

## LEGAL CONCLUSIONS

### INTRODUCTION: LEGAL FRAMEWORK UNDER THE IDEA.<sup>4</sup>

1. This hearing was held under the IDEA, its regulations, and California statutes and regulations intended to implement it. (20 U.S.C. § 1400 et seq.; 34 C.F.R. § 300.1(2006); Ed. Code, § 56000, et seq.; Cal. Code. Regs., tit. 5, § 3000, et seq.) The main purposes of the IDEA are: (1) to ensure that all children with disabilities have available to them a FAPE that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living; (2) to ensure that the rights of children with disabilities and their parents are protected; and (3) to assist States, localities, educational service agencies, and Federal agencies in providing for the education of all children with disabilities. (20 U.S.C. § 1400(d)(1)(A)-(C); 34 C.F.R. 300.1; Ed. Code, § 56000, subd. (a).)

2. A FAPE means special education and related services that are available to an eligible child at no charge to a parent or guardian, meet state educational standards, and conform to the child's IEP. (20 U.S.C. § 1401(9)(A-D); 34 C.F.R. § 300.17.) "Special education" is instruction specially designed to meet the unique needs of a child with a disability. (20 U.S.C. § 1401(29); 34 C.F.R. § 300.39; Ed. Code, § 56031, subd. (a).) "Related services" are transportation and other developmental, corrective and supportive services that are required to assist the child to benefit from special education. (20 U.S.C. § 1401(26); 34 C.F.R. § 300.34; Ed. Code, § 56363, subd. (a) [In California, related services

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<sup>4</sup> Unless otherwise indicated, the legal citations in this Introduction are incorporated by reference into the analysis of each issue decided below.

are also called designated instruction and services].) In general, an IEP is a written statement for each child with a disability that is developed under the IDEA's procedures with the participation of parents and school personnel that describes the child's needs, academic and functional goals related to those needs, and a statement of the special education, related services, and program modifications and accommodations that will be provided for the child to advance in attaining the goals, make progress in the general education curriculum, and participate in education with disabled and non-disabled peers. (20 U.S.C. §§ 1401(14), 1414(d)(1)(A); Ed. Code, §§ 56032, 56345, subd. (a).)

3. In *Board of Education of the Hendrick Hudson Central School District v. Rowley* (1982) 458 U.S. 176, 201 [102 S.Ct. 3034, 73 L.Ed.2d 690] (*Rowley*), the Supreme Court held that "the 'basic floor of opportunity' provided by the [IDEA] consists of access to specialized instruction and related services which are individually designed to provide educational benefit to" a child with special needs. *Rowley* expressly rejected an interpretation of the IDEA that would require a school district to "maximize the potential" of each special needs child "commensurate with the opportunity provided" to typically developing peers. (*Id.* at p. 200.) Instead, *Rowley* interpreted the FAPE requirement of the IDEA as being met when a child receives access to an education that is reasonably calculated to "confer some educational benefit" upon the child. (*Id.* at pp. 200, 203-204.)

4. In *Endrew F. ex rel., Joseph F. v. Douglas County School Dist.* (2017) \_\_ U.S. \_\_ [137 S.Ct. 988, 996], the Supreme Court clarified that "for children receiving instruction in the regular classroom, [the IDEA's guarantee of a substantively adequate program of education to all eligible children] would generally require an IEP 'reasonably calculated to enable the child to achieve passing marks and advance from grade to grade.'" Put another way, "[f]or a child fully integrated in the regular classroom, an IEP typically should, as *Rowley* put it, be 'reasonably calculated to enable the child to

achieve passing marks and advance from grade to grade.” (*Id.* at 999 (citing *Rowley, supra*, 458 U.S. at pp. 203-04).) The Court went on to say that the *Rowley* opinion did not “need to provide concrete guidance with respect to a child who is not fully integrated in the regular classroom and not able to achieve on grade level.” (*Id.* at 1000.) For a case in which the Student cannot be reasonably expected to “progress[] smoothly through the regular curriculum,” the child’s educational program must be “appropriately ambitious in light of [the child’s] circumstances . . . .” (*Ibid.*) The IDEA requires “an educational program reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” (*Id.* at 1001.) Importantly, “[t]he adequacy of a given IEP turns on the unique circumstances of the child for whom it was created.” (*Ibid.*)

5. The IDEA affords parents and local educational agencies the procedural protection of an impartial due process hearing with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a FAPE to the child. (20 U.S.C. § 1415(b)(6) & (f); 34 C.F.R. 300.511; Ed. Code, §§ 56501, 56505; Cal. Code Regs., tit. 5, § 3082.) The party requesting the hearing is limited to the issues alleged in the complaint, unless the other party consents. (20 U.S.C. § 1415(f)(3)(B); Ed. Code, § 56502, subd. (i).) As the petitioning party, Student has the burden of proof by a preponderance of the evidence on all issues in this case. (*Schaffer v. Weast* (2005) 546 U.S. 49, 56-62 [126 S.Ct. 528, 163 L.Ed.2d 387

ISSUE 1: DURING THE 2015-2016 SCHOOL YEAR, DID SACRAMENTO FAIL TO IMPLEMENT THE IEP BY FAILING TO PROVIDE THE PROMISED AMOUNT OF ASSISTIVE TECHNOLOGY DEVICE SERVICES, THEREBY DENYING STUDENT A FREE AND APPROPRIATE PUBLIC EDUCATION?

#### Substantive Requirement of Compliance with IEP Provisions

6. The IDEA's definition of a "free appropriate public education" includes "special education and related services that ... are provided in conformity with the individualized education program required under section 1414(d) of this title." (20 U.S.C. § 1401(8).)

7. A district commits a substantive violation of the IDEA when it departs from a provision of an agreed-upon IEP, except when the deviation can be characterized as only a minor variation from the IEP. In *Van Duyn v. Baker School Dist.* 5J (9th Cir. 2007) 502 F.3d 811, 826, the Ninth Circuit held that failure to deliver related services promised in an IEP is a denial of FAPE when "there is more than a minor discrepancy between the services provided to a disabled child and those required by the child's IEP."

#### Implementation of Student's 2015-2016 IEP Assistive Technology Services

8. Student's IEP, dated November 4, 2015, provided for five sessions of 60 minutes each of assistive technology services, for a total of 300 minutes of assistive technology services for the year. Although Parent sought to enforce this IEP in this hearing, Student presented no evidence that this IEP was signed and consented to by Parent. The Assistive Technology Evaluation Report documents that Student was provided five sessions of assistive technology services during the year. The Assistive Technology Service Log documents two and one-half hours of assistive technology services that were provided between August 16, 2015, and October 24, 2016. Both documents were presented at the October 26, 2016 IEP meeting. There was no reliable evidence to resolve the inconsistency between the documents. There was also no

reliable evidence presented as to whether the five sessions of services that were provided according to the report were provided during the effective dates of the November 14, 2015 IEP or were provided during the 2015-2016 school year, including the part of the year before the effective date of the November 4, 2015 IEP.

9. Student, without either testimony from the assistive technology provider or providers or about the logging procedures used to fill out the assistive technology service log, bases his claim for relief on the unproved assumption that the service log reflects all assistive technology services provided. Therefore Student did not establish by the preponderance of the evidence that all of Student's assistive technology services were documented in the service log or that Sacramento did not provide Student's assistive technology services in the 2015-2016 school year.

10. Student failed to establish by the preponderance of the evidence that Sacramento did not implement Student's assistive technology IEP services during the 2015-2016 school year, and therefore the question as to whether a failure to implement the assistive technology services denied Student a FAPE is not reached.

## ISSUE 2: DURING THE 2016-2017 SCHOOL YEAR, DID SACRAMENTO FAIL TO ASSESS STUDENT IN THE AREA OF SPEECH AND LANGUAGE?

11. Parent contends that the speech therapist's response to her email on January 23, 2017, and description of additional services following the email, is evidence that speech therapist Merriman knew that Student was stuttering from the start of the school year; and should have specifically tested for stuttering as part of her October, 2016 speech assessment. Student asserts that the additional services described by the speech therapist after the email essentially amount to a concession that the services were required from the beginning of the year, and support an award of compensatory services back to the beginning of September, before the speech assessment.

### Substantive Requirement to Assess in All Areas of Suspected Disability

12. In California, a district assessing a student's eligibility for special education must use tests and other tools tailored to assess "specific areas of educational need" and must ensure that a child is assessed "in all areas related to" a suspected disability, such as health and development, vision, hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. (Ed. Code § 56320, subd. (c), (f).) Federal law also requires that the child "is assessed in all areas of suspected disability." (20 U.S.C. § 1414(b)(3)(B).) Like the California statute, the federal statute requires assessment in all areas of educational need related to a suspected disability, such as, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. (34 C.F.R. § 300.304(c)(4).)

### October 25, 2016 Language and Speech Evaluation

13. Student failed to sustain his burden of proof on Issue Two, that Sacramento failed to assess Student in the area of speech and language. The Language and Speech Evaluation, dated October 25, 2016, assessed Student's suspected speech disabilities known at the time of the assessment which, according to the November 4, 2015 IEP, included expressive language and articulation. The assessment used standardized test instruments appropriate to assess the areas of concern. As a result of the assessment, Student continued to qualify for speech and language services, goals were developed to address his assessed areas of difficulty, and Parent consented to the implementation of the goals. No speech and language expert testified at hearing as to what exactly, if anything, the speech therapist failed to assess, or that the assessment Ms. Merriman did conduct was not appropriately designed to discover and propose

therapies for stuttering. Sacramento, therefore complied with the substantive legal requirements to assess Student in all areas of suspected speech and language disability.

14. Student provided no credible evidence that the speech therapist had any knowledge that Student's stuttering was a recent occurrence until communicated to her at some unknown time, by Student's grandmother. Even if the speech therapist had learned that Student had begun to stutter just before the school year started, there was no evidence introduced at hearing regarding what such information would indicate or what assessment, if any, would be appropriate. Nor was there any evidence of the frequency or seriousness of the stuttering at school, or whether it had any effect on Student's education. Lastly, there was no evidence presented at hearing regarding whether Student's stuttering was a new condition and not just another manifestation of Student's already identified fluency condition for which Parent agreed, and Student's speech progress suggested, that Sacramento was sufficiently providing services to address.

15. Parent's arguments that the speech therapist should have known of, and assessed for, stuttering earlier in the school year and provided additional services to treat it, are not persuasive in light of her testimony that she did not discuss her concerns with the speech therapist at the beginning of the year; she did not discuss her concerns at the IEP meeting when the speech therapist was available and presented her evaluation and goals; and she did not request an independent educational speech assessment nor voice any disagreement with the speech and language evaluation. There was too little evidence to conclude that Student's aide should have mentioned any potential stuttering problem to the speech therapist. The evidence instead establishes that the speech therapist assessed Student's receptive and expressive language and articulation using standardized measures; she developed IEP goals to assist Student to articulate and to improve his conversational speech; and she responded immediately



with additional services to specifically target stuttering, as soon as Parent expressed concern.

16. Parent asserts that the speech therapist's email replies in January and February 2017, indicating that she was providing additional stuttering related services and twice a week speech sessions, demonstrate that the services that the district was providing previously were inadequate. This assertion is without merit. Student failed to provide any evidence that the IEP team members or speech therapist had any knowledge that Student had a new speech condition when he started school at the beginning of the year, at the time of the Language and Speech Evaluation, or the October 26, 2016 IEP meeting. Even assuming that such information was known, Student also failed to provide any expert testimony that such information would indicate the need for additional or different speech and language assessment or services. The description of possible stuttering-related services in the January 23, 2017 email demonstrates that the speech therapist appropriately responded to Parent's information by specifically addressing the possibility of stuttering. Contrary to Student's assertion, it did not indicate that these services were added to Student's IEP.<sup>5</sup> Nor did the addition of these services amount to a concession that failure to provide them earlier denied Student a FAPE. As stated in *Schaffer v. Weast* (4th Cir. 2009) 554 F.3d 470, 477: "[I]f

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<sup>5</sup> Student failed to prove that Student's minutes of speech and language services had increased. But if in fact there was an increase in services, an addendum IEP with parent consent to the additional services would have been required to alter the IEP obligation. (See *M.C. v. Antelope Valley Union High School District* (9th Cir. 2017) 852 F.3d 840, 848 (where the IEP required 240 minutes of services by a teacher of the visually impaired (TVI) and the district actually provided 300 minutes of TVI services and did not document the actual services in an IEP).)

services added to a later IEP were always used to cast doubt on an earlier one, school districts would develop a strong disincentive against updating their IEPs based on new information. This scenario is the exact opposite of what Congress intended when it provided for regular review and revision of IEPs, ... and it would do little to help the interest of disabled children."

17. Student did not meet his burden of proof to establish by a preponderance of the evidence that Sacramento failed to assess Student in the area of Speech and Language. Therefore the issue as to whether Sacramento's failure to assess Student in the area of speech and language denied him a FAPE is not reached.

## REMEDIES

1. All of Student's requests for relief are denied.

## PREVAILING PARTY

Pursuant to California Education Code section 56507, subdivision (d), the hearing decision must indicate the extent to which each party has prevailed on each issue heard and decided. Sacramento prevailed on all issues.

## RIGHT TO APPEAL

This Decision is the final administrative determination and is binding on all parties. (Ed. Code, § 56505, subd. (h).) Any party has the right to appeal this Decision to a court of competent jurisdiction within 90 days of receiving it. (Ed. Code, § 56505, subd. (k).)

DATED: May 15, 2017

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/s/

RITA DEFILIPPIS

Administrative Law Judge

Office of Administrative Hearings