

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

PARENT ON BEHALF OF STUDENT,

v.

CHOWCHILLA ELEMENTARY SCHOOL DISTRICT.

CASE NO. 2026030859

DECISION

JUNE 12, 2026

On March 13, 2026, the Office of Administrative Hearings, called OAH, received a due process hearing request from Student, naming Chowchilla Elementary School District. Administrative Law Judge Linda Dowd heard this matter by videoconference on April 28, 29, and 30, 2026.

Parent represented Student and attended all hearing days on Student's behalf. Father attended the hearing intermittently as his schedule permitted. Alefia Mithaiwala represented Chowchilla Elementary School District. Patricia Sandoval, Chowchilla's Director of Special Education, attended all hearing days on Chowchilla's behalf.

At the parties' request, OAH continued the matter to May 18, 2026, for written closing briefs. The record was closed, and the matter was submitted on May 18, 2026.

ISSUES

1. Did Chowchilla fail in its child find obligations by not timely assessing Student for special education and finding him eligible under the special education category of attention deficit hyperactivity disorder and emotional disability?
2. Did Chowchilla deny Student a free appropriate public education, called FAPE, in the 2024-2025 school year by not timely and appropriately evaluating in behavior and emotional needs?
3. Did Chowchilla deny Student a FAPE during the 2024-2025 school year by failing to offer:
 - a. behavior services,
 - b. academic services,
 - c. counseling, and
 - d. social-emotional services?

JURISDICTION

This hearing was held under the Individuals with Disabilities Education Act, referred to as the IDEA, its regulations, and California statutes and regulations.

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(20 U.S.C. § 1400 et. seq.; 34 C.F.R. § 300.1 (2006) et seq.; Ed. Code, § 56000 et seq.; Cal. Code Regs., tit. 5, § 3000 et seq.) The main purposes of the IDEA are to ensure:

- 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, and
- the rights of children with disabilities and their parents are protected. (20 U.S.C. § 1400(d)(1); see Ed. Code, § 56000, subd. (a).)

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, assessment, 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, 56502, and 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, and has the burden of proof by a preponderance of the evidence. (20 U.S.C. § 1415(f)(3)(B); Ed. Code, § 56502, subd. (i); *Schaffer v. Weast* (2005) 546 U.S. 49, 57-58, 62 [126 S.Ct. 528, 163 L.Ed.2d 387]; and see 20 U.S.C. § 1415(i)(2)(C)(iii).) Student requested the hearing and therefore had the burden of proving the issues. The factual statements in this Decision constitute the written findings of fact required by the IDEA and state law. (20 U.S.C. § 1415(h)(4); Ed. Code, § 56505, subd. (e)(5).)

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Student was seven years old and in first grade at the time of hearing. Student resided within Chowchilla's geographic boundaries at all relevant times. Student was not yet eligible for special education services during the 2024-2025 school year. Chowchilla found Student eligible for special education under the category of other health impairment for his attention deficit hyperactivity disorder in August 2025.

ISSUE 1: DID CHOWCHILLA FAIL IN ITS CHILD FIND OBLIGATIONS BY NOT TIMELY ASSESSING STUDENT FOR SPECIAL EDUCATION AND FINDING HIM ELIGIBLE UNDER THE SPECIAL EDUCATION CATEGORY OF ATTENTION DEFICIT HYPERACTIVITY DISORDER AND EMOTIONAL DISABILITY?

ISSUE 2: DID CHOWCHILLA DENY STUDENT A FAPE IN THE 2024-2025 SCHOOL YEAR BY NOT TIMELY AND APPROPRIATELY EVALUATING IN BEHAVIOR AND EMOTIONAL NEEDS?

In Issue 1, Student contends Chowchilla knew Student had significant behavior concerns and should have started the assessment process for special education by March 4, 2025. Student contends his academic abilities did not disqualify him from special education services. Student further contends his subsequent disenrollment and homeschooling did not relieve Chowchilla of its child find duty.

In Issue 1, Chowchilla contends it fulfilled its child find obligations by sending Parents an assessment plan on April 30, 2025. Chowchilla contends prior to March 2025 it reasonably believed Student's aggressive behavior was a result of environmental factors and a lack of access to a formal classroom environment. Chowchilla further

contends when Student disenrolled in March 2025 it thought Student became the responsibility of a different local educational agency. Finally, Chowchilla contends it comprehensively assessed Student and appropriately found him eligible for special education once Parent signed the assessment plan.

In Issue 2, Student contends Chowchilla failed to comply with the required timelines for assessment. Student also contends the assessment process was legally inadequate because Chowchilla did not keep accurate records about Student's behavior and removals from class.

In Issue 2, Chowchilla contends it timely and appropriately assessed Student once it received Parent's consent to the assessment plan.

Issues 1 and 2 are intertwined and allege substantially similar IDEA violations. Therefore, they are analyzed together.

CHILD FIND

The IDEA places an affirmative, ongoing duty on the state and school districts to identify, locate, and assess all children with disabilities who need special education and related services. (20 U.S.C. § 1412(a)(3); 34 C.F.R. § 300.111(a); Ed. Code, § 56301, subd. (a).) This duty is commonly referred to as "child find." The purpose of the child find evaluation is to provide access to special education. (*Fitzgerald v. Camdenton R-III School Dist.* (8th Cir. 2006) 439 F.3d 773, 776.)

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A school district's duty to assess a student's eligibility for special education is triggered by any request for special education or assessment from the student's parent. (Cal. Code Regs., tit. 5, § 3021(a).) Additionally, a school district still has a child find duty even if the parent has not requested special education testing or services. (*Reid v. Dist. of Columbia* (D.C.Cir. 2005) 401 F.3d 516, 518.)

A district's duty to assess a child for a possible disability is broader than its duty to provide special education, and more easily triggered. A school district's child find obligation toward a specific child is triggered when there is reason to suspect the child may have a disability and may need special education and related services. (Ed. Code, § 56301, subd. (a).) The Education Code describes such a child as "an individual with exceptional needs." (Ed. Code, § 56026.) The obligation to assess for possible exceptional needs applies even if the child is advancing from grade to grade. (Ed. Code, § 56301, subd (b)(1).)

A disability becomes "suspected," and therefore must be assessed by a school district, when the district has notice that the child has displayed symptoms of that disability. (*Timothy O. v. Paso Robles Unified School Dist.* (9th Cir. 2016) 822 F.3d 1105, 1119-20, cert. denied, 137 S. Ct. 1578 (2017) (*Timothy O.*)). A district may be put on notice through concerns expressed by parents about a child's symptoms, opinions expressed by informed professionals, or by other less formal indicators, such as the child's behavior. (*Id.* at pp. 1119-1121 [citing *Pasatiempo v. Aizawa* (9th Cir. 1996) 103 F.3d 796, and *N.B. v. Hellgate Elementary School Dist.* (9th Cir. 2008) 541 F.3d 1202].)

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In deciding whether there is reason to suspect that a student has exceptional needs, a school district's appropriate inquiry is whether the student should be referred for an assessment, not whether the student actually qualifies for special education services. (*Dept. of Education, State of Hawaii v. Cari Rae S.* (D.Hawaii 2001) 158 F.Supp. 2d 1190, 1195.) School districts cannot rely on informal observations, or the subjective opinion of a staff member, to circumvent the district's responsibility to use the thorough and reliable procedures specified in the IDEA to assess a child in all areas of suspected disability. (*Timothy O., supra*, 822 F.3d at p. 1119.) Thus, the suspicion that a student might have an impairment affecting the student's educational performance is enough to trigger a need for assessment. (See, e.g., *Park v. Anaheim Union High School Dist.*, et al. (9th Cir. 2006) 464 F.3d 1025, 1032.)

The actions of a school district with respect to whether it had knowledge of, or reason to suspect, a disability, must be evaluated in light of information that the district knew, or had reason to know, at the relevant time. It is not based upon hindsight. (See *Adams v. State of Oregon* (9th Cir. 1999) 195 F.3d 1141, 1149 (citing *Fuhrmann v. East Hanover Bd. of Educ.* (3rd Cir. 1993) 993 F.2d 1031, 1041).)

Once a child is identified as potentially needing special education services, the district must conduct an initial evaluation to determine whether the child is eligible for special education. (34 C.F.R § 300.301; Ed. Code, § 56302.1.) No action may be taken to place a student with exceptional needs in a special education program without first conducting an assessment of the student's educational needs. (20 U.S.C. § 1414(a)(1)(A); Ed. Code, § 56320.)

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An initial evaluation cannot be limited in scope but must assess a child's needs in all areas of suspected disability, to determine whether the child has a disability and gather the relevant functional, developmental, and academic information about the child necessary to develop an appropriate educational program. (20 U.S.C. § 1414(b)(3)(B); Ed. Code, §56320, subd. (f); *Timothy O.*, *supra*, 822 F.3d at pp. 1111 and 1119.)

A district receiving a referral for an assessment of a child has 15 days to provide the parent a written proposed assessment plan and explanation of the IDEA's procedural safeguards, including:

- information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing;
- the timelines for completing each process;
- whether the process is optional;
- and the type of representative who may be invited to participate.

(Ed. Code, § 56321, subd. (a).) The proposed assessment plan must

- be in language easily understood by the general public,
- be in the native language of the parent,
- explain the types of assessments to be conducted, and
- state that no individualized education program, referred to as an IEP, will result from the assessment without the consent of the parent. (Ed. Code, § 56321, subd. (b).)

The district must make reasonable efforts to obtain informed consent from the parent before conducting an initial assessment. (20 U.S.C. § 1414(a)(1)(D)(i); Ed. Code, § 56321, subd. (c)(1); 34 C.F.R. § 300.300(d)(5).)

If the parent does not provide consent for an initial assessment, or the parent fails to respond to a request to provide the consent, the district may, but is not required to, pursue the initial assessment. (20 U.S.C. § 1414(a)(1)(D)(ii); Ed. Code, § 56321, subd. (c)(2).) The district does not violate its child find obligations if it declines to pursue the initial assessment without the parent's consent. (20 U.S.C. § 1414(a)(1)(D)(iii); Ed. Code, § 56321, subd. (c)(3).)

CHOWCHILLA FAILED IN ITS CHILD FIND DUTIES BY NOT TIMELY SENDING PARENTS A SPECIAL EDUCATION ASSESSMENT PLAN

Student began kindergarten in Chowchilla for the 2024-2025 school year. Chowchilla did not have any previous school records for Student and believed kindergarten was his first school experience. Parent alluded to Student having previously been in a public school setting but did not provide any evidence of where he may have attended or if it was a preschool setting or kindergarten.

Shae Hall was Student's kindergarten teacher for the 2024-2025 school year. Hall had 13 years of experience teaching kindergarten and first grade. Hall answered questions clearly and remembered specific details about Student's academic abilities and behavior. Hall's testimony was persuasive and given significant weight.

Student was academically advanced, especially in reading and math. Student loved shapes and hands on toys. Student was very creative, made crafts, and enjoyed gems and stones. By the end of the first trimester, on November 8, 2024, Student was approaching or meeting standards in all academic areas. Approaching standards was marked as a two, meeting standards was marked as a three, and consistently meeting standards was a four. By the end of the second trimester, on February 28, 2025, Student received a four, consistently meeting standards, for all foundational skills except naming long vowel sounds, and he received a three, meeting standards, in that category. Student was meeting or approaching standards for reading and writing. Student consistently met standards for listening and speaking, and was consistently meeting or meeting all standards for math. Consistently meeting standards was the highest or most advanced score Hall could assign in any category, and it was rare Hall had students consistently meeting standards by the end of the second trimester. As a result, Hall did not have any concerns about Student's academic abilities.

However, Hall was concerned about Student's behavior. Student started having behavior problems on the playground early in the school year. Student's behavior on the playground started as mostly roughhousing and tackling other students. Hall described Student's behavior in the classroom during the first trimester as typical of kindergarten students who did not have much formal classroom experience. Hall was able to manage Student's behavior in the classroom by redirecting or reteaching appropriate behavior. Hall worked on connecting with Student and building a relationship to gain trust. Hall had a calm corner Student could access for a break and also offered Student a break outside for five or 10 minutes.

Student usually needed a break every day during the first trimester. Student had 10 documented behavior incidents during the first trimester, mostly for pushing, shoving, or hitting. Student received a one, or needs considerable support, for all social development categories on his first trimester report card except in two areas, listens and pays attention and does his best work, where he received approaching standards marks. Needs considerable support was the lowest mark Hall could assign.

By the second trimester, starting on November 12, 2024, Student's aggressive playground behavior started spilling into the classroom. Hall was unable to effectively manage Student's aggressive behavior with the same tools that worked during the first trimester. During Student's parent teacher conference in November 2024, Hall referred Student to counseling for his behavior. Parents agreed to counseling and signed the permission form around January 2025. During the second trimester, Student had 14 documented behavior incidents, still mostly pushing, shoving, or hitting, but also some defiance and attempting to cause or causing an injury. Some days there were multiple incidents, and twice Student was suspended.

On January 17, 2025, Student received a one-day suspension for punching another student in the stomach and stepping on his back. On February 28, 2025, Student was suspended for a day and a half for throwing furniture and hitting a teacher with a jump rope. At the end of the second trimester Student still needed considerable support for all social development categories on his report card except for the area of listens and pays attention. Hall explained at hearing that Student's behavior had regressed but there was not a way to notate that on the report card because Student already received the lowest marks possible during the first trimester.

Michelle Worrell was Student's interim principal during most of the second trimester. Worrell was Chowchilla's assistant superintendent of educational services. Worrell had a bachelor's degree in education, a master's degree in reading, and 25 years of experience as a teacher, reading intervention specialist, and administrator. Around mid to late February 2025, Worrell noticed an increase in Student's aggressive behavior and that the behavior strategies that previously worked for Student were no longer working. Worrell testified she heard from other teachers that Student's bad days coincided with domestic violence in the home. However, the only statement Student ever made to Worrell was after one behavior incident when Student told Worrell he had a "bad day" at home. Student did not define "bad day," nor did he give Worrell any additional information. At hearing, Parent adamantly denied any domestic violence in the home. Chowchilla's contention that Student's aggressive behavior was a result of witnessing domestic violence in the home, and not a suspected disability, was based on uncorroborated testimony, therefore, unpersuasive and not given any weight.

The third trimester began on March 3, 2025. By the beginning of the third trimester, Hall expected that most kindergarten students' behavior would be improved as students learned what was expected in a school environment. However, Student's aggressive behavior had not improved and got more serious. Hall did not consider a referral for special education for Student, however, thought a student study team meeting was the appropriate next step. On March 4, 2025, Chowchilla held a student study team meeting to discuss Student's aggressive behavior. Leading up to the meeting Chowchilla took behavior data to get a baseline for behavior goals. The week prior to the student study meeting Student averaged four behavior incidents per day. The student study team discussed Student's aggressive behavior, developed behavior

supports for the classroom, and drafted a behavior goal. The student study team did not discuss a referral for special education or refer Student for a special education assessment.

At the March 4, 2025, student study team meeting, Parent requested an accommodation plan, called a 504 Plan, developed pursuant to Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794; 34 C.F.R. § 104.1 et. seq. (2000).) Parent requested a 504 Plan because she was concerned about Student's aggressive behavior and thought Student needed a 504 Plan before he was eligible for special education services. Parent also thought it was faster to get a 504 Plan than it was to get special education services for Student. The student study team did not discuss with Parent the differences between a 504 Plan and a special education assessment.

The Rehabilitation Act of 1973 is a federal anti-discrimination law and is different than the IDEA. Among other things, it protects the rights of children with disabilities in public schools by requiring districts to provide accommodations, and in some cases program modifications and services, to children who have physical or mental impairments that substantially limit learning. Claims regarding defects in developing or implementing a 504 Plan are not within OAH's special education jurisdiction, which is limited to due process claims arising under the IDEA. (*Wyner v. Manhattan Beach Unified School Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

During the third trimester, beginning on March 3, 2025, through March 20, 2025, Student had nine behavior incidents and was suspended twice. On March 5, 2025, Chowchilla called Parents to pick Student up shortly after he arrived because he was throwing objects, trying to break things, and attempting to bite other students. On

March 7, 2025, Student had a serious behavior incident at lunch and hit a support person. Student was suspended for two days for the incident. On March 10, 2025, Parent sent Chowchilla a follow-up email reiterating Parent's request for a 504 Plan for Student. On March 18, 2025, Student had another serious behavior incident where he chased students and hit, kicked, bit, and punched several students. Student received a one-day suspension for the incident.

Patricia Sandoval was Chowchilla's Director of Special Education and also its 504 Plan coordinator. Sandoval did not attend the student study team meeting but received the referral for a 504 Plan. Sandoval reviewed the student study team notes and Student's behavior and academic records. On March 20, 2025, Sandoval determined that an assessment for special education would be more appropriate than a 504 Plan and proposed a special education assessment to Father. Father informed Sandoval he was unsure and needed to speak with Parent about a special education assessment.

Also on March 20, 2025, the Madera County Department of Social Services was called to assist Student at school. Parents were preoccupied with social services' involvement and did not respond to Sandoval's inquiry about a special education assessment. Instead, Parents withdrew Student from Chowchilla on or around March 20, 2025, to homeschool him.

Parent created a homeschool program for Student and completed a private school affidavit with the California Department of Education. The private school affidavit listed the school name as Chow School of the Arts. The private school affidavit listed the school address as Parent's address, the school contact information was Parent's

information, and the total enrollment was one kindergarten student. Parent emailed the private school affidavit to Chowchilla on March 26, 2025. Parent wanted to convey that although Parent was homeschooling Student, he was still a Student of the Chowchilla Elementary School District. Parent's email stated that Parent believed everything for Student to attend homeschool was complete. Parent did not mention any other school district or local educational agency that the homeschool program was affiliated with.

On April 30, 2025, Sandoval emailed Parents with a special education assessment plan for Student. Chowchilla proposed to assess Student in

- academic achievement,
- health,
- intellectual development,
- motor development,
- social-emotional behavior, and
- adaptive behavior.

Parent signed the assessment plan on May 5, 2025.

Sandoval testified she delayed in sending Parents the assessment plan because she was confused about Student's private school affidavit. At hearing, Sandoval explained she initially thought Student was attending school in a different local educational agency and no longer Chowchilla's responsibility. Neither Parent's email to Chowchilla nor the private school affidavit mentioned a different local educational agency.

Sandoval's confusion and assumption was not reasonable given her experience as the director of special education. Sandoval had

- a master's degree in school psychology,
- a bachelor's degree in liberal studies,
- a school psychologist pupil personnel services credential,
- an education specialist instruction credential, and
- a multiple subject teaching credential.

Sandoval had seven years of teaching experience and had been the director of special education for Chowchilla for eight years. A reasonable person with Sandoval's education, training, and background in special education would have concluded that a parent homeschooling a student who still lived within Chowchilla's boundaries did not alleviate Chowchilla of its child find duty.

Chowchilla was on notice that Student required a special education assessment due to his aggressive behaviors as early as March 4, 2025. Student's aggressive behaviors escalated in severity and frequency as the 2024-2025 school year progressed. Chowchilla was aware of this severity when it first suspended Student on January 17, 2025. By the March 4, 2025 student study team meeting, Student's aggressive behaviors indicated he may have a disability and may need special education and related services. While it was reasonable to give Student some time to adjust to kindergarten, the increase in aggressive behavior incidents during the second trimester, coupled with Parent's concerns about Student's aggressive behaviors interfering with his education, put Chowchilla on notice of a suspected disability requiring a special education assessment. Additionally, when Sandoval reviewed Student's records in conjunction

with Parent's 504 Plan request, Sandoval determined a special education assessment was appropriate and proposed one to Father. However, Chowchilla did not send Parents an assessment plan until April 30, 2025, over a month after Sandoval proposed a special education assessment.

Chowchilla should have sent Parents an assessment plan by March 19, 2025, at the latest, or within 15 days of the March 4, 2025, student study team meeting when Chowchilla was aware of the extent Student's aggressive behaviors interfered with his education. Waiting for a response from Parents after Sandoval's March 20, 2025 conversation with Father did not alleviate Chowchilla of its child find duty to Student. Chowchilla had an ongoing child find obligation to Student because he remained a resident of the district and was not attending school in a different local educational agency. (20 U.S.C. § 1412(a)(3); 34 C.F.R. § 300.111(a); Ed. Code, § 56301, subd. (a).)

Student proved Chowchilla failed in its child find duties by not sending Parents an assessment plan until April 30, 2025.

ASSESSMENT TIMELINESS

A FAPE means special education and related services that are available to an eligible child that meets state educational standards at no charge to the parent or guardian. (20 U.S.C. § 1401(9); 34 C.F.R. § 300.17.) Parents and school personnel develop an IEP for an eligible student based upon state law and the IDEA. (20 U.S.C. §§ 1401(14), 1414(d)(1); and see Ed. Code, §§ 56031, 56032, 56341, 56345, subd. (a), and 56363, subd. (a); 34 C.F.R. §§ 300.320, 300.321, and 300.501.)

School districts must complete special education assessments and hold an IEP team meeting to discuss the results of the assessment within 60 days of the date the school district receives the signed assessment plan unless the parent agrees in writing to an extension. (20 U.S.C. § 1414(a)(1)(c); 34 C.F.R. § 300.301(c)(1)(i), (ii); Ed. Code, §§ 56043, subds. (c) & (f)(1); 56321.1, subd. (a), and 56344, subd. (a).) This timeline does not include the days between the student's regular school sessions, terms, or days of school vacation in excess of five school days. (Ed. Code, § 56043, subd. (f)(1).)

A violation of the child find procedural obligation may result in a denial of a FAPE only if the child was eligible for special education at the time of the violation. Said another way, a district's procedural violation cannot "qualify an otherwise ineligible student for IDEA relief" and constitutes harmless error if a student is substantively ineligible for IDEA relief. (*R.B. v. Napa Valley Unified School Dist.* (9th Cir. 2007) 496 F.3d 932, 942; *Burnett v. San Mateo Foster City School Dist.* (9th Cir. 2018) 739 Fed.App'x 870, 872; see *D.G. v. Flour Bluff Independent School Dist.* (5th Cir. 2012) 481 Fed.Appx. 887, 893, 2012 WL 1992302 [nonpub. opn.] ["IDEA does not penalize school districts for not timely evaluating students who do not need special education."].)

This is because while an eligible student is entitled to both the procedural and substantive protections of the IDEA, not every procedural violation is sufficient to support a finding that a student was denied a FAPE. (*Amanda J. v. Clark County School Dist.* (9th Cir. 2001) 267 F.3d 877, 892.) A procedural violation results in a denial of a FAPE only if the violation impeded the child's right to a FAPE, significantly impeded the parent's opportunity to participate in the decisionmaking process, or caused a deprivation of educational benefits. (20 U.S.C. § 1415(f)(3)(E)(ii); 34 C.F.R. § 300.513(a);

Ed. Code, § 56505, subd. (f)(2); *W.G., et al. v. Board of Trustees of Target Range School Dist., etc.* (9th Cir. 1992) 960 F.2d 1479, 1484, *superseded in part by statute on other grounds*

[“... procedural inadequacies that result in the loss of educational opportunity, [citation], or seriously infringe the parents’ opportunity to participate in the IEP formulation process, [citations], clearly result in the denial of a FAPE. A procedural violation “will be ‘actionable’ only ‘if [it] affected the student’s substantive rights.’” (*Leggett v. Dist. of Columbia* (D.C. Cir. 2015) 793 F.3d 59, 67, quoting *Lesesne ex rel. B.F. v. Dist. of Columbia* (D.C. Cir. 2006) 447 F.3d 828, 832, 834.)

CHOWCHILLA’S FAILURE TO TIMELY SEND PARENTS AN ASSESSMENT PLAN RESULTED IN A FAPE DENIAL

In August 2025, Chowchilla recommended special education eligibility for Student under the category of other health impairment for symptoms related to attention deficit hyperactivity disorder. As will be discussed, Chowchilla would have found Student eligible in May 2025, after being put on notice he needed a special education assessment if it had not failed in its child find duties. May 27, 2025, is when Student’s IDEA protections began.

Chowchilla sent Parents an assessment plan on April 30, 2025, which Parent consented to on May 5, 2025. Chowchilla timely completed the multidisciplinary psychoeducational assessment and report and emailed Parents a copy of the report over the summer, on August 18, 2025. Chowchilla did not hold an IEP team meeting to discuss the

multidisciplinary psychoeducational report because Student enrolled in California Virtual Academy on August 14, 2025, however, Chowchilla sent California Virtual Academy a copy of the multidisciplinary psychoeducational report. California Virtual Academy was its own local educational agency and not affiliated with Chowchilla.

As determined in Issue 1, Chowchilla violated its child find obligations and should have sent Parents an assessment plan by March 19, 2025. Had Chowchilla sent Parents an assessment plan on March 19, 2025, and Parent consented to it the same day, Chowchilla would have needed to complete the assessment and hold an IEP team meeting by May 27, 2025. May 27, 2025, was 60 days from March 19, 2025, not including Chowchilla's spring break from April 13, 2025, through April 21, 2025. The last day of school for the 2024-2025 school year was June 5, 2025.

Chowchilla's failure to timely send Parents an assessment plan was a procedural violation of the IDEA. However, not every procedural violation amounts to a FAPE denial. A procedural violation amounts to a FAPE denial if it impeded Student's right to a FAPE, significantly impeded Parent's opportunity to participate in the decisionmaking process, or caused a deprivation of educational benefits.

Had Chowchilla timely sent an assessment plan, that Parent immediately consented to, Chowchilla would have held an IEP team meeting by May 27, 2025, eight days before the end of the 2024-2025 school year and found him eligible for special education services. Chowchilla ultimately did find Student eligible for special education services when it completed the assessment on August 18, 2025, and would have found him eligible three months earlier had it timely sent Parents an assessment plan. Student

was not enrolled in a Chowchilla school at the end of the 2024-2025 school year, he was homeschooled. However, Chowchilla was still obligated to hold an IEP team meeting, develop an IEP, and offer Student a FAPE.

Chowchilla's failure to hold an initial IEP team meeting in the final days of the 2024-2025 school year significantly impeded Parent's opportunity to participate in the decisionmaking process. At hearing, Parent contended Parent removed Student from Chowchilla to homeschool him because Chowchilla was not providing any behavior services. This testimony was inconsistent with Parent's actions of disenrolling Student immediately after Chowchilla involved Madera County Department of Social Services and not responding to Sandoval's initial request to assess Student for special education.

However, regardless of the reason Parent disenrolled Student, Student was still entitled to a FAPE offer that Parent could consider and decide if Parent wanted to reenroll Student. Because Chowchilla failed to hold an initial IEP team meeting within 60 days of when it should have offered an assessment plan, Student was left without a FAPE offer for the remainder of the 2024-2025 school year and the 2025-2026 school year.

Consequently, Student proved Chowchilla's delay in assessing Student denied him a FAPE from May 27, 2025, through the end of the 2024-2025 school year.

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ELIGIBILITY

Student did not prove Chowchilla failed to find him eligible under the category of attention deficit hyperactivity disorder or emotional disability. Attention deficit hyperactivity disorder is not a formal eligibility category under the IDEA, but instead is incorporated under the other health impairment category. Based on the evidence, Chowchilla properly recommended eligibility under other health impairment for Student's aggressive behavior, inattention, and attention deficit hyperactivity disorder like characteristics.

Student did not present any evidence or testimony at hearing regarding why Student should have been found eligible for special education under the category of emotional disability. Similarly, Student did not address eligibility under emotional disability in his complaint or closing brief.

School psychologist Kirenjot Grewal conducted the assessment in conjunction with special education teacher Jessica Olmstead and school nurse Karen Ramirez. Grewal assessed Student for eligibility looking at intellectual disability, other health impairment, specific learning disability, and emotional disability. Grewal determined Student met eligibility for other health impairment due to his diagnosis of attention deficit hyperactive disorder and his impulsive and hyperactive behaviors in the academic setting. Grewal persuasively opined Student did not meet eligibility for any other category as she was the only witness with expertise in special education evaluations who testified at hearing.

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Consequently, Student did not prove Chowchilla improperly failed to find him eligible under the category of attention deficit hyperactivity disorder or emotional disability.

CHOWCHILLA APPROPRIATELY EVALUATED IN BEHAVIOR AND EMOTIONAL NEEDS

Student argued that an evaluation cannot be considered comprehensive where the underlying data necessary to assess the student's needs is incomplete, inconsistent, or missing.

An assessment must be sufficiently comprehensive to identify all the student's special education and related services needs, whether commonly linked to the disability category in which the child is classified. (34 C.F.R. § 300.304(c)(6) (2006).) School districts must conduct a full and individual evaluation before the initial provision of special education and related services. (34 C.F.R. § 300.301(a) (2007). In performing an assessment, a school district must review existing assessment data, including information provided by the parents and observations by teachers and service providers. (20 U.S.C. § 1414(c)(1)(A); 34 C.F.R., § 300.305 (2007); Ed. Code, § 56381, subd. (b)(1). It must perform assessments that are necessary to obtain such information concerning the student. (20 U.S.C. § 1414(c)(2); Ed. Code, § 56381, subd. (c).)

In conducting an assessment, a school district must follow statutory guidelines. It must select and administer assessment materials that are in the student's native language and that are free of racial, cultural, and sexual discrimination. (20 U.S.C. § 1414(b)(3)(A)(i);

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Ed. Code, § 56320, subd. (a).) The assessment materials must be valid and reliable for the purposes for which the assessments are used. (20 U.S.C. § 1414(b)(3)(A)(iii); Ed. Code, § 56320, subd. (b)(2).) Trained, knowledgeable, and competent district personnel must administer the assessments. (20 U.S.C. § 1414(b)(3)(A)(iv); Ed. Code, §§ 56320, subd. (b)(3), 56322.) The assessments must be sufficiently comprehensive and tailored to evaluate specific areas of educational need. (20 U.S.C. § 1414(b)(3)(C); Ed. Code, § 56320, subd. (c).) California law refers to evaluations as assessments and the terms assessment and evaluation will be used in this Decision interchangeably. (Ed. Code, § 56302.5)

A district cannot use a single measure or evaluation as the sole criteria for determining whether the pupil is a child with a disability. (Ed. Code, § 56320, subd. (e); see also 20 U.S.C. § 1414(b)(2)(B); 34 C.F.R. § 300.304(b)(2) (2006).) An assessment must use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors, and administered in accordance with any instructions provided by the producer of such assessments. (20 U.S.C. §§ 1414(a)(2), (b) & (c); Ed. Code, §§ 56320, 56381, subd. (e).)

Students must be assessed in all areas related to a suspected disability. (20 U.S.C. § 1414(b)(3)(B); Ed. Code, § 56320, subd. (f).) Psychological assessments must be conducted by a credentialed school psychologist. (Ed. Code, § 56324, subd. (a). The determination of what tests are required is made based on information known at the time. (See *Vasheresse v. Laguna Salada Union Sch. Dist.* (N.D. Cal. 2001) 211 F.Supp.2d 1150, 1157-1158.)

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The personnel who assess the student must prepare a written report that must include the following:

- whether the student may need special education and related services;
- the basis for making that determination;
- the relevant behavior noted during the observation of the student in an appropriate setting; the relationship of that behavior to the student's academic and social functioning;
- the educationally relevant health, development, and medical findings, if any; and
- a determination of the effects of environmental, cultural, or economic disadvantage if appropriate. (Ed. Code, § 56327.)

During the hearing, Parent pointed out that the student study team meeting notes list Student averaged four episodes of physical aggression per day. Chowchilla did not provide Parent any specific documentation about the average of four incidents a day. However, Hall explained at hearing that the four incidents per day was based on behavior data gathered the week leading up to the student study team meeting, it was not based on Student's behavior throughout the school year.

Chowchilla documented all 10 behavior incidents during the first trimester and all 14 behavior incidents during the second trimester, and nine incidents during the third trimester. Grewal listed all 33 behavior incidents in the multidisciplinary psychoeducational

report. The 33 incidents were the same as the discipline report Chowchilla gave Parent. The description of each incident lists a narrative of the incident as well as the number and type of violations on any day Student had a documented behavior incident.

Grewal conducted the behavior and social-emotional portions of Student's initial multidisciplinary psychoeducational report. Grewal reviewed Student's records, including discipline and attendance history. Grewal interviewed Student, Parent, and Hall. Grewal assessed Student using

- the Vineland Adaptive Behavior Scales – Third Edition,
- the Behavior Assessment System for Children – Third Edition,
- the Emotional Disturbance Decision Tree, and
- the Conners Rating Scale – Fourth Edition.

Grewal analyzed the data for eligibility under the disability categories of other health impairment and emotional disability and ultimately found Student eligible for special education under the category of other health impairment because of his attention deficit hyperactivity disorder and his impulsive and hyperactive behaviors in the academic setting.

Student did not point to any part of the initial multidisciplinary psychoeducational report that was inaccurate, incomplete, or inconsistent. Student did not ask Grewal any questions during the hearing about the multidisciplinary psychoeducational report or offer any evidence that contradicted the findings in the assessment or report.

Student failed to prove Chowchilla denied him a FAPE in the 2024-2025 school year by not appropriately evaluating his behavior and emotional needs.

In sum, Chowchilla's child find violation was a procedural error that amounted to a denial of FAPE once Student should have been found eligible for special education. Chowchilla should have completed the multidisciplinary psychoeducational assessment and report, held an IEP team meeting to discuss the results, and developed an IEP to offer Student a FAPE no later than May 27, 2025. Student was entitled to a FAPE from May 27, 2025, through June 5, 2025, the last day of the 2024-2025 school year.

Student met his burden on Issues 1 and 2.

ISSUE 3: DID CHOWCHILLA DENY STUDENT A FAPE DURING THE 2024-2025 SCHOOL YEAR BY FAILING TO OFFER BEHAVIOR SERVICES, ACADEMIC SERVICES, COUNSELING, AND SOCIAL-EMOTIONAL SERVICES?

Student contends Chowchilla's delay in assessing him denied him a FAPE because he was left without appropriate support for his behavioral and emotional needs.

Chowchilla contends its timely completion of Student's initial special education assessment did not occur until after the conclusion of the 2024-2025 school year and after Student was enrolled in a different local educational agency. Chowchilla therefore contends it did not have an obligation to offer Student a FAPE during the 2024-2025 school year.

In general, a child eligible for special education must be provided access to specialized instruction and related services which are individually designed to provide educational benefit through an IEP reasonably calculated to enable a child to make

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progress appropriate in light of the child's circumstances. (*Board of Education of the Hendrick Hudson Central School Dist. v. Rowley* (1982) 458 U.S. 176, 201-204; *Endrew F. v. Douglas County Sch. Dist. RE-1* (2017) 580 U.S. 386, 402 [137 S.Ct. 988, 1000].)

As determined in the first and second issues, Chowchilla delayed sending Parents an assessment plan that created eight schooldays at the end of the 2024-2025 school year that Student potentially missed out on special education services. Chowchilla should have held an IEP team meeting, developed an IEP, and offered Student a FAPE by May 27, 2025. Student did not present any evidence or testimony as to what type of behavior services, academic services, counseling, or social-emotional services he required. However, Sandoval testified at hearing that had Chowchilla developed an IEP for Student it would have likely offered social-emotional services in the form of behavior intervention services and counseling services.

Student failed to prove Chowchilla denied him a FAPE during the 2024-2025 school year by failing to offer academic services. Hall's testimony that Student was academically advanced was persuasive and uncontradicted. Student did not present any evidence of what academic services he needed. Parent testified that Student missed classroom instruction because of his behavior but did not provide any evidence that missing classroom instruction necessitating special education academic services. Despite Student's behavior, his marks on his second trimester report card were threes and fours, meaning he was meeting standards for all academic areas but two. Consequently, there was no evidence Student required special education academic services.

However, Student proved Chowchilla denied him a FAPE during the 2024-2025 school year by failing to offer social-emotional services in the form of behavior intervention services and counseling services. There is no dispute that Student's behavior interfered with his access to his education. Student had 33 behavior incidents during the 2024-2025 school year up to his withdrawal on or around March 20, 2025. Student was also suspended four times in two months between January 17, 2025, and March 20, 2025. Both Hall and Worrell testified that the behavior supports available in the classroom stopped working by the second trimester. Furthermore, Sandoval testified that had Chowchilla held an IEP team meeting for Student to discuss the results of the multidisciplinary psychoeducational assessment and report, Chowchilla would have offered Student social-emotional services in the form of behavior support from a board certified behavior analyst and counseling services, and 30 minutes a week of each was a reasonable estimate of what it may have offered.

Student met his burden on Issue 3.

CONCLUSIONS AND PREVAILING PARTY

As required by 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.

ISSUE 1:

Chowchilla failed in its child find obligations by not timely assessing Student for special education and finding him eligible under the special education category of other health impairment for attention deficit hyperactivity

disorder. Chowchilla did not fail in its child find obligations by not finding Student eligible under the special education category of emotional disability.

Student prevailed on Issue 1.

ISSUE 2:

Chowchilla denied Student a FAPE in the 2024-2025 school year by not timely evaluating Student. Chowchilla did not deny Student a FAPE in the 2024-2025 school year by not appropriately evaluating in behavior and emotional needs.

Student prevailed on Issue 2.

ISSUE 3, SUBSECTION a:

Chowchilla denied Student a FAPE during the 2024-2025 school year by failing to offer behavior services.

Student prevailed on Issue 3, subsection a.

ISSUE 3, SUBSECTION b:

Chowchilla did not deny Student a FAPE during the 2024-2025 school year by failing to offer academic services.

Chowchilla prevailed on Issue 3, subsection b.

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ISSUE 3, SUBSECTION c:

Chowchilla denied Student a FAPE during the 2024-2025 school year by failing to offer counseling.

Student prevailed on Issue 3, subsection c.

ISSUE 3, SUBSECTION d:

Chowchilla denied Student a FAPE during the 2024-2025 school year by failing to offer social-emotional services.

Student prevailed on Issue 3, subsection d.

REMEDIES

Student proved Chowchilla failed in its child find obligations by delaying Student's assessment for special education. Chowchilla's procedural violation of delaying the assessment amounted to a FAPE denial.

Administrative Law Judges have broad latitude to fashion appropriate equitable remedies for the denial of a FAPE. (*School Comm. of Burlington v. Dept. of Educ.* (1985) 471 U.S. 359, 370 (*Burlington*); *Parents of Student W. v. Puyallup School Dist., No. 3* (9th Cir. 1994) 31 F.3d 1489, 1496 (*Puyallup*).) In remedying a FAPE denial, the student is entitled to relief that is "appropriate" in light of the purposes of the IDEA, specifically providing Student with a FAPE which emphasizes special education and related services to meet Student's unique needs. (20 U.S.C. § 1415(i)(2)(C)(iii); 34 C.F.R. § 300.516(c)(3); *Burlington, supra*, 471 U.S. at p. 374.)

School districts may be ordered to provide compensatory education or additional services to a student who has been denied a FAPE. (*Puyallup, supra*, 31 F.3d at p. 1496.) The authority to order such relief extends to hearing officers. (*Forest Grove School Dist. v. T.A.* (2009) 557 U.S. 230, 243-244, fn. 11 [129 S.Ct. 2484].) These are equitable remedies that courts and hearing officers may employ to craft "appropriate relief" for a party. (*Puyallup, supra*, 31 F.3d at p. 1496.) An award of compensatory education need not provide "day-for-day compensation." (*Id.* at p.1497.) An award to compensate for past violations must rely on an individualized assessment, just as an IEP focuses on the individual student's needs. (*Reid v. Dist. of Columbia* (D.C.Cir. 2005) 401 F.3d 516, 524.) The award must be fact specific. (*Ibid.*)

Student prevailed on Issues 1, 2, and 3, subsections a, c, and d. Student is entitled to a remedy for Chowchilla's failure to

- identify, locate, and timely evaluate him,
- provide Parent the opportunity to participate in the decisionmaking process,
- develop an IEP, and
- offer appropriate social-emotional services in the form of behavior intervention services and counseling services.

Chowchilla remedied its child find violation by eventually assessing Student in August 2025 and finding him eligible under the category of other health impairment for attention deficit hyperactivity disorder. However, Student is still entitled to a remedy for the eight days at the end of the 2024-2025 school year in which Chowchilla should have offered him a FAPE.

Student requested

- 150 hours of academic remediation services,
- 80 hours of behavioral intervention services,
- 40 hours of counseling and social-emotional support,
- 30 hours of transition support services, and
- \$5,000 in reimbursement for privately funded tutoring.

Student did not prove Chowchilla should have offered him academic services therefore it is not equitable to order compensatory education in academics or reimbursement for private tutoring services.

Student did not present any evidence or testimony as to how he determined 80 hours of behavioral intervention services, 40 hours of counseling and social-emotional support, and 30 hours of transition support services were appropriate. Student did not have any experts testify regarding what he required as a result of missing behavior and counseling services for eight days at the end of the 2024-2025 school year.

The only testimony regarding what services Student may have received was from Sandoval, who estimated Chowchilla may have offered 30 minutes a week of behavior services and 30 minutes a week of counseling. Student missed out on potentially eight days of special education services at the end of the 2024-2025 school year. Eight days would have spanned two weeks. Therefore, it is equitable to award Student two hours of compensatory education in the areas of behavior or counseling services.

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However, prior to filing a due process hearing request, Parent filed a compliance complaint with the California Department of Education for Chowchilla's child find violation. As a result of that compliance complaint, the California Department of Education ordered Chowchilla to hold an IEP team meeting and discuss if compensatory education was needed. Sandoval testified at hearing that Chowchilla offered Student four hours of behavior services and four hours of counseling services as a result of the California Department of Education's order. However, it was unclear if Parent accepted the services on Student's behalf or if Student received any compensatory services. If Student has already received compensatory services as a result of the California Department of Education compliance complaint investigation report dated January 16, 2026, then Student has already received a remedy and is not entitled to a duplicative remedy.

ORDER

1. Chowchilla shall fund 2 hours of compensatory education from a certified nonpublic agency of Parent's choice to be used for counseling or behavior services. If Chowchilla has already funded these services, either from a nonpublic agency or by Chowchilla staff, as a result of the California Department of Education compliance complaint investigation report dated January 16, 2026, then Student has already received a remedy and is not entitled to a duplicative remedy.
2. All other requests for relief are denied.

RIGHT TO APPEAL THIS DECISION

This is a final administrative decision, and all parties are bound by it. Pursuant to Education Code section 56505, subdivision (k), any party may appeal this Decision to a court of competent jurisdiction within 90 days of receipt.

Linda Dowd

Administrative Law Judge

Office of Administrative Hearings