

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
PARENT ON BEHALF OF STUDENT, AND
SAN BENITO HIGH SCHOOL DISTRICT,

CASE NUMBER 2026011066

CASE NUMBER 2026020339

DECISION

APRIL 27, 2026

On January 28, 2026, the Office of Administrative Hearings, called OAH, received a due process hearing request from Parent on behalf of Student, naming San Benito High School District as respondent. On February 5, 2026, San Benito High School District filed a request for due process hearing, naming Parents on behalf of Student. On February 18, 2026, OAH granted a request to consolidate. Administrative Law Judge Clifford H. Woosley heard these consolidated matters by videoconference on March 17, 18, and 19, 2026.

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Parent represented Student. Attorney Nicole Mirkazemi appeared on behalf of San Benito High School District. Dr. Paulette Cobb, Director of Specialized Student Services and Special Education, attended the hearing on behalf of San Benito High School District.

At the parties' request, OAH continued the matter for written closing briefs. The parties timely filed their briefs, OAH closed the record, and the matter was submitted for decision, on April 2, 2026.

In this Decision, a free appropriate public education is called a FAPE, and an individualized education program is called an IEP. San Benito High School District is called San Benito.

STUDENT'S ISSUES

1. Did San Benito fail to timely fund independent educational evaluations Parents requested between October 30, 2025, and the filing of the complaint?
2. Did San Benito fail to file a request for due process hearing without unnecessary delay, after Parents' requests for independent educational evaluations from October 30, 2025, through the filing of the complaint?

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SAN BENITO'S ISSUES

1. Was San Benito's October 15, 2025, Psychoeducational Multidisciplinary Triennial Evaluation legally compliant, such that it need not fund at public expense independent educational evaluations in the areas assessed?
2. Was San Benito's November 19, 2025 vision and hearing screening legally compliant such that it need not fund at public expense an independent vision and hearing evaluation?

JURISDICTION

This hearing was held under the Individuals with Disabilities Education Act, or IDEA, its regulations, and California statutes and regulations. (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); Ed. Code, § 56000, subd. (a).)

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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 (2006); 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; see also 20 U.S.C. § 1415(i)(2)(C)(iii).) In this matter, Student had the burden of proof on Student's issues and San Benito had the burden of proof on its 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).)

BACKGROUND

During the hearing, Student was 20 years old and in San Benito's post-secondary transition program. Student was eligible for special education and related services under the primary category of autism and secondary category of intellectual disability. Student resided within San Benito's geographic boundaries at all times relevant to this Decision.

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STUDENT'S ISSUE 1: DID SAN BENITO FAIL TO TIMELY FUND INDEPENDENT EDUCATIONAL EVALUATIONS PARENTS REQUESTED BETWEEN OCTOBER 30, 2025, AND THE FILING OF THE COMPLAINT?

Student contended that San Benito failed to timely fund independent educational evaluations, which Parents requested on October 30, 2025, and which San Benito agreed to fund on November 4, 2025. Student asserted that, despite the cooperation of Parents, San Benito never funded the evaluations.

San Benito acknowledged that it agreed to fund the independent educational evaluations. However, Parents did not provide contact information for their preferred assessors. Despite the substantial efforts of San Benito personnel, the Parents' preferred assessors could not be identified, were in Southern California, or were out of state. San Benito contended that Parents consistently refused to provide contact information or identify other preferred assessors, which hampered and delayed San Benito's persistent attempts to contact and fund Parents' chosen assessors.

INDEPENDENT EDUCATIONAL EVALUATIONS

Before any action is taken with respect to the initial placement of an individual with exceptional needs, an evaluation of the pupil's educational needs shall be conducted. (20 U.S.C. § 1414(a)(1)(A); Ed. Code, § 56320.) In California law, an evaluation is referred to as an assessment, and the terms are used interchangeably in this Decision. The pupil must be assessed in all areas related to his or her suspected disability, and no single procedure may be used as the sole criterion for determining whether the pupil has a disability or whether the pupil's educational program is appropriate. (20 U.S.C. § 1414 (a)(2),(3); Ed.

Code, § 56320, subs. (e) & (f).) The assessment must be sufficiently comprehensive to identify all of the child's special education and related services' needs, regardless of whether they are commonly linked to the child's disability category. (34 C.F.R. § 300.306.)

Reassessments of the pupil shall be conducted if the local educational agency determines that a reassessment is warranted, or if the pupil's parents or teacher requests a reassessment. (Ed. Code § 56381, subd. (a)(1).) A reassessment shall occur not more frequently than once a year, unless the parent and the school district agree otherwise, and shall occur at least once every three years, unless the parent and the school district agree, in writing, that a reassessment is unnecessary. (Ed. Code § 56381, subd. (a)(2).)

The procedural safeguards of the IDEA provide that under certain conditions a parent is entitled to obtain an independent educational evaluation of a child at public expense. (20 U.S.C. §1415(b)(1).) An independent educational evaluation is an evaluation conducted by a qualified examiner not employed by the school district. (34 C.F.R. § 300.502(a)(3)(i).) A parent may request an independent assessment at public expense if the parent disagrees with an evaluation obtained by the school district. (34 C.F.R. § 300.502(b)(1), incorporated by reference into Ed. Code, § 56329, subd. (b).)

When a parent requests an independent educational evaluation at public expense, the school district must, "without unnecessary delay," either initiate a due process hearing to show that its assessment was appropriate or provide the independent educational evaluation at public expense, unless the school district demonstrates at a due process hearing that the assessment obtained by the parent does not meet its criteria. (34 C.F.R. §300.502(b)(2).) The school district may inquire as to the reason why the parent disagrees with the district's assessment, but the district

may not require the parent to provide an explanation and may not unreasonably delay its “fund or file” obligation to either provide the independent assessment at public expense or file its due process complaint to demonstrate the appropriateness of its assessment. (34 C.F.R. § 300.502(b)(4).)

Further, the district may require that an independent assessment at public expense meet agency criteria regarding assessments to the extent those criteria are consistent with the parent’s right to an independent assessment, but the district may not impose conditions or timelines related to obtaining an independent assessment at public expense. (34 C.F.R. § 300.502; Ed. Code, § 56329, subd. (b).) District agency criteria may include an independent educational assessor’s qualifications, geographic location, and reasonable market-rate costs.

PARENTS’ REQUEST FOR AN INDEPENDENT EDUCATIONAL EVALUATION

On October 15, 2025, San Benito completed and issued Student’s Psychoeducational Multidisciplinary Triennial Evaluation. San Benito’s assessors reviewed their assessments at Student’s October 28, 2025 IEP team meeting. On October 30, 2025, Parents disagreed with the triennial evaluations and requested independent educational assessments, which are hereafter referred to as IEEs in this Decision. Parents did not identify their proposed independent assessors with their request for IEEs.

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SAN BENITO'S ATTEMPT TO FUND THE IEEs

On November 4, 2025, Dr. Paulette Cobb issued a prior written notice (20 U.S.C. §1415(b)(3); Ed. Code, § 56500.4), to Parents, agreeing to independent educational evaluations in psychoeducation, adaptive behavior, speech and language, and occupational therapy/multi-sensory.

Dr. Cobb was the Director of Specialized Student Services and Special Education for San Benito. Dr. Cobb worked for San Benito since July 2013. She had a bachelor's degree in communicative disorder and speech pathology and was a California credentialed special education teacher as a mild-moderate education specialist. Dr. Cobb held a master of arts and a doctorate in educational leadership. Dr. Cobb was also an adjunct professor at the San Jose State University, College of Education, preparing general education teachers to support neuro-diverse students in general education programs. Dr. Cobb testified at hearing and reviewed all communications between her and Student's Parents, primarily Mother, since the October 30, 2025 request for IEEs.

On November 4, 2025, Dr. Cobb also sent Parents the "Policy and Procedures for "Independent Educational Evaluations" from the San Benito County Special Education Local Plan Area, called the IEE SELPA Criteria. As a SELPA member, San Benito complied with the IEE SELPA Criteria and provided the guidelines to Parents when San Benito agreed to fund the IEEs. The SELPA IEE Criteria advised parents to read the document before obtaining or paying for an IEE. If an IEE was granted at public expense, the criteria under which the evaluation was obtained, including the location limitations, the minimum qualifications of the examiner, cost limits, and use of approved instruments must be the same as the criteria that San Benito used when it initiated an evaluation. (34 CFR §300.502

(e)(1)). "Public Expense" meant that the school district ensured the IEE was provided at no cost to the parent. "Qualified Examiner" meant an evaluator who was competent to perform evaluations through criteria established by the SELPA in accordance with California Education Code, section 56322.

The IEE SELPA Criteria included a list of pre-approved examiners for the IEEs in various disciplines. This meant that the listed examiners were properly credentialed, competent to perform the evaluations, and had provided proof of liability insurance. (Ed. Code, § 56322.) The listed assessors were not associated with the SELPA or San Benito. Instead, the list provided a starting point of contact for parents who sought IEE examiners. Parents could contact a listed assessor and determine if parents wished to designate them for the IEE. If a parent chose a listed assessor, the funding and commencement of the IEE could occur expeditiously, as agreed upon between the examiner and parents.

If the parent requested an examiner outside the SELPA list, the school district had to confirm the requested examiner's qualifications, including

- credentials,
- certifications,
- location,
- liability insurance, and
- cost.

This was typically a straight-forward process that most independent examiners were prepared to address. Therefore, the school district would be required to directly communicate with the Parents' proposed assessors. All independent educational

evaluators conducting IEEs, including site observations, also had to follow district guidelines to be fingerprinted and have a current tuberculosis clearance, consistent with all requirements for public school assessors.

On November 4, 2025, Parents informed San Benito that they wanted to choose their own independent assessors and were not interested in the SELPA list. However, Parents did not name or otherwise identify their chosen assessors. On November 12, 2025, Dr. Cobb wrote Parents, said San Benito was ready to begin the IEE funding process, and asked Parents to identify and provide the names of the evaluators or agencies they wished San Benito to consider for the pending IEEs.

Mother replied on November 14, 2025, expressing displeasure about the SELPA criteria and its list of IEE assessors. Mother also stated that Student must be assessed at Hollister High School and would not travel for the assessment. She provided a list of Parents' chosen assessors, which included a name and an associated city. Parents did not supply any other contact information for the proposed assessors, such as address, telephone number, email address, or web page. Parents also mentioned the possibility of filing a compliance complaint with the California Department of Education if San Benito unreasonably delayed funding. Dr. Cobb acknowledged receiving the names and told Mother that San Benito was in the process of reaching out to Parents' proposed assessors.

Dr. Cobb and her staff devoted much time and effort in attempting to locate Parents' assessors. San Benito found that three of Parents' proposed assessors were in Utah, Georgia, and Texas, and the others could not be found to exist. On November 24, 2025, Dr. Cobb emailed Parents, explaining that San Benito could not locate or contact Parents' proposed assessors. Dr. Cobb asked for further identification information or other proposed independent assessors. Dr. Cobb provided the names and contact

information for some speech and psychological assessors in nearby towns, and invited Parents to contact them as possible assessors for the IEEs, who could proceed expeditiously. She again included the SELPA list of IEE assessors. Dr. Cobb also gave Mother the web link to file a compliance complaint with the California Department of Education, which Mother mentioned in her previous email.

Mother quickly responded and accused San Benito of improperly trying to get Parents to choose San Benito's preferred assessors. Mother said that nothing in the law permitted a district to investigate, question, or "verify" the Parents' chosen evaluators. Dr. Cobb replied that San Benito had attempted but could not verify contact information for the proposed independent assessors or the proposed assessors were out of state.

Dr. Cobb testified she was surprised that Mother thought that San Benito was not making an effort to fund providers. On November 25, 2025, Dr. Cobb emphasized that funding Parents' chosen assessors was subject to logistical and factual realities. Notably, three of Parents' proposed assessors were out of state and the others could not be found. Therefore, San Benito needed reliable, accurate information to proceed with funding the IEEs. Dr. Cobb asked Parents for working contact information for the requested providers or for Parents to provide the names of other, acceptable IEE assessors.

Parents' November 25, 2025 response did not provide San Benito with any additional information. Mother claimed San Benito was not required to verify the providers' identity, had no legal authority to make a determination of the proposed assessors' legitimacy, or require Parents to provide contact information. Parents asserted that San Benito had no right to delay the IEE process because it could not

locate the proposed assessors. Parents said San Benito could “NOT” investigate, vet, approve, or disapprove the Parents’ chosen evaluators. Parents did not provide contact information or the names and contact information of other acceptable assessors.

Since San Benito could not identify or locate Parent’s assessors, Dr. Cobb asked Parents to identify new preferred evaluators, on December 2, 2025. Mother quickly responded that Parents would not withdraw the names of their proposed assessors, did not provide additional contact information, and refused to provide new proposed IEE evaluators.

Parents never provided any additional contact information for their requested IEE assessors. At hearing, Mother did not or could not provide contact information regarding Parents’ proposed assessors. Mother testified that she found the assessors online. However, the evidence demonstrated that Parents never directly contacted their proposed assessors. In other words, Parents did not at any time directly communicate with their proposed assessors and confirm they could conduct the IEEs.

On December 4, 2025, Dr. Cobb wrote Parents and emphasized that San Benito wanted to fund the IEEs without further delay. She reviewed San Benito’s efforts and inability to locate Parents’ proposed evaluators. Dr. Cobb asked that Parents propose a new list of assessors for the IEEs.

Mother responded the same day, stating that Parents had filed a compliance complaint with the California Department of Education. While their complaint was “under active review,” Parents declined to engage in direct discussions regarding the IEE evaluators. Parent wanted all San Benito communication to be routed through the Department of Education.

On December 8, 2025, Dr. Cobb wrote Mother and clarified that the Department of Education's role did not include being an intermediary for agreeing upon IEE evaluators. San Benito could not proceed with funding the IEEs without Parents' participation and confirmation. Dr. Cobb asked if Parents were withdrawing their request for IEEs. If not, San Benito could not select IEE evaluators on Parents' behalf. Dr. Cobb asked for a clear, documented response so San Benito would know how to proceed.

The Department of Education contacted San Benito in late November 2025 regarding Parents' complaint. San Benito responded to the department's inquiries. The Department of Education thereafter denied Parents' complaint. Mother then sent Dr. Cobb a new list of proposed assessors on January 9, 2026.

The list consisted of 13 primary and alternative IEE evaluators. Every proposed assessor was in Los Angeles, Orange, or San Diego County; that is, more than 300 miles from Hollister High School. The location of the proposed assessors far exceeded the 100-mile limitation of the San Benito SELPA IEE criteria. Parents did not contact any of the proposed assessors to confirm they would or could conduct Student's IEEs. Parents did not confirm that any of the proposed evaluators would travel to San Benito to assess Student at Hollister High School, which was a Parental nonnegotiable requirement.

Dr. Cobb informed Parents that all the newly proposed assessors exceeded the 100-mile SELPA IEE criteria limit. Parent responded that SELPA did not have legal jurisdiction over Parents and cannot limit Parents' right to choose an IEE evaluator. On January 26, 2026, Dr. Cobb wrote Mother that San Benito and Parents were at an

impasse. Despite San Benito's sustained efforts, it was not able to fund the IEEs. Consequently, San Benito was filing a due process hearing request to affirm that its assessments of Student were legally appropriate.

SAN BENITO DID NOT FAIL TO TIMELY FUND THE IEEs

Parents did not demonstrate that San Benito failed to timely fund Parents' designated IEE evaluators. Since Parents did not supply any contact information, Dr. Cobb and her staff tried to find the proposed assessors, so San Benito could confirm their qualifications and, if appropriate, contract for funding the IEEs. San Benito found that three of the proposed evaluators were out of state. It could not find or locate the remaining proposed IEE assessors. Dr. Cobb repeatedly requested further contact information or new proposed IEE evaluators. In response, Parents denied these requests, wrongfully asserting that San Benito was not legally allowed to research, verify, or contact Parents' chosen IEE evaluators. Parents viewed the SELPA list and San Benito's requests as improper attempts to interfere with their right to choose an independent evaluator.

School districts must provide parents with information about where the independent evaluation may be obtained, as well as the school district criteria applicable for independent evaluations. (34 C.F.R. § 300.502(a)(2).) A district may provide parents with a list of pre-approved assessors, but there is no requirement that the parent select an evaluator from the district-created list. (*Letter to Parker*, 41 IDELR

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155 (OSEP 2004).) When enforcing independent evaluation criteria, the district must allow parents the opportunity to select a qualified evaluator who is not on the list but who meets the criteria set by the public agency. (*Id.*)

Here, San Benito was legally required to assure that Parents' proposed IEE evaluators met the same requirements with which a school district assessor would need to comply. (34 C.F.R. § 300.502(e); Ed. Code, § 56329, subd. (b).) San Benito could not do so because the proposed IEE assessors could not be found. Also, San Benito was entitled to set reasonable limits as to an IEE assessor's location. (34 C.F.R. § 300.502(e).) Parents' initial set of proposed IEE assessors included assessors who were out of state and the second list of proposed assessors was 300 or more miles away. The SELPA IEE Criteria's 100-mile limit was a reasonable geographic radius and was not so narrow as to interfere with Parents' right to obtain an independent evaluator. (*Letter to Petska*, 35 IDELR 191 (OSEP 2001).) Qualified assessors were available within 100 miles. A local educational agency's reasonable IEE assessor criteria is enforceable unless the parent can demonstrate unique circumstances. (See *A.A. v. Goleta Union Sch. Dist.* (C.D. Cal. Feb. 22, 2017) 2017 WL 700082.) Parents did not demonstrate that assessors from other states or from Southern California were necessary. And inexplicably, Parents did not contact any of their proposed assessors to assure they could conduct the IEEs, before giving the evaluators' names to San Benito.

San Benito agreed to fund Parents' requested IEEs. And San Benito would have done so, except for Parents noncooperation. Parents regularly misstated the law regarding a school district's requirement to confirm a proposed assessor's legal and professional capability to conduct the IEE. (34 C.F.R. § 300.502(e); Ed. Code, § 56329,

subd. (b).) Whenever San Benito approached Parents to explain the process or ask for assistance, Parents refused, made legally inaccurate assertions, and questioned the integrity of San Benito's staff.

Parents did not prove, by a preponderance of the evidence, that San Benito failed to timely fund Parents' requested IEEs. San Benito prevailed on Student's Issue 1.

STUDENT'S ISSUE 2: DID SAN BENITO FAIL TO FILE A REQUEST FOR DUE PROCESS HEARING WITHOUT UNNECESSARY DELAY, AFTER PARENTS' REQUESTS FOR INDEPENDENT EDUCATIONAL EVALUATIONS FROM OCTOBER 30, 2025, THROUGH THE FILING OF THE COMPLAINT?

Student asserted that San Benito did not timely file a due process request with OAH, to defend its October 2025 triennial assessments, after Parents requested IEEs on October 30, 2025. Parents claimed that San Benito's delay in deciding to file a due process hearing request, until January 2026, was contrary to its duty to "fund or file," without unnecessary delay.

San Benito asserted that it did not delay. It chose to fund IEEs within a few days of Parents' request. However, San Benito contended that it was unable to fund the IEEs because of Parents continuing refusal to cooperate. Parents proposed IEE assessors without any contact information, or identified evaluators who were out of state or more than 300 miles away. Having exhausted all means of obtaining proposed IEE evaluators, who could be properly validated to conduct the IEEs, San Benito filed its due process request.

This is not a situation where a school district simply failed to respond to a parental request for an IEE. Parents requested the IEEs on October 30, 2025, and San Benito responded three school days later, on November 4, 2025, with a prior written notice, informing Parents that San Benito would fund IEEs. As determined in Student's Issue 1, from San Benito's November 4, 2025 notice that it would fund the IEEs, to the January 26, 2026 notice that it would be filing a due process to defend its assessments, San Benito exhibited an unswerving desire and intent to fund Parents' requested IEEs. San Benito invested considerable resources, thought, and time in trying to work with Parents and agree upon IEE assessors, as demonstrated by the documentary and testimonial evidence.

San Benito did not unnecessarily delay in deciding to file a request for due process hearing. (34 C.F.R. §300.502(b)(2).) San Benito could not fund the IEEs because, as found in Student's Issue 1, Parents proposed IEE assessors who could not be located, were out of state, or more than 300 miles away in Southern California. Parents did not cooperate with San Benito in agreeing upon IEE assessors. Parents were the source of any delay, not San Benito. Once San Benito decided that it could not fund the IEEs, it informed Parents and filed a request for due process hearing to defend its triennial assessments within 10 days, which was not an unreasonable delay.

Student did not prove, by a preponderance of the evidence, that San Benito failed to request a due process hearing, without unnecessary delay. San Benito prevailed on Student's Issue 2.

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SAN BENITO'S ISSUE 1: WAS SAN BENITO'S OCTOBER 15, 2025,
PSYCHOEDUCATIONAL MULTIDISCIPLINARY TRIENNIAL EVALUATION
LEGALLY COMPLIANT, SUCH THAT IT NEED NOT FUND AT PUBLIC EXPENSE
INDEPENDENT EDUCATIONAL EVALUATIONS IN THE AREAS ASSESSED?

San Benito asserted that its October 15, 2025 psychoeducational multidisciplinary triennial evaluation of Student was procedurally and substantively legally appropriate and, thus, it did not have to fund the IEEs Parents' requested. Though San Benito initially granted Parents' requested IEEs, San Benito carefully and consistently stated in its prior written notices that its assessments were legally appropriate.

Student asserted that after the presentation of the triennial assessments at the October 28, 2025 IEP team meeting, Parents disagreed that the assessments were adequate and asked for IEEs on October 30, 2025.

THE ASSESSMENT PLAN AND TEAM

To assess or reassess a student, a school district must provide proper notice to the parents. (20 U.S.C. § 1414(b)(1); Ed. Code, § 56321, subd. (a).) The notice consists of the proposed assessment plan and a copy of parental and procedural rights under the IDEA and state law. (Ed. Code, § 56321, subd. (a).) On September 3, 2025, school psychologist Lorena Guevara drafted and sent an assessment plan and prior written notice, to Parents, with a copy of parents' rights and procedural safeguards, in Parents' native language. San Benito gave the legally appropriate notice to Parents.

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The assessment plan must be understandable to the general public, explain the assessments that the district proposes to conduct, and state that the district will not implement an IEP without the parent's consent. (Ed. Code, § 56321, subd. (b)(1)-(4).) Here, San Benito's notice stated Student's three-year IEP was due and San Benito determined that a formal triennial evaluation was appropriate. San Benito's assessment plan proposed assessments in academic achievement, conducted by a resource specialist, and intellectual development, perceptual motor development, social/emotional, and adaptive behavior conducted by a school psychologist. San Benito also proposed an occupational therapy assessment and speech-language assessment. San Benito proposed evaluating Student's health, which included vision and hearing screening by the school or district nurse, with input from the school psychologist. The assessment process would include observations, interviews, and review of records. San Benito's notice and proposed written assessment plan properly described the need for the triennial assessments and properly identified the areas to be evaluated. An IEP team meeting would review the triennial assessments and develop an IEP, which could not be implemented without Parents' consent. (Cal. Code Regs., tit. 5, § 3022.) San Benito's notice and proposed assessment plan was legally appropriate.

San Benito gave Parents 15 days to review, sign, and return the proposed assessment plan. (Ed. Code, § 56321, subd. (c)(4).) Parents agreed, signed, and returned the assessment plan to San Benito on September 25, 2025. Parents did not identify any other assessment or areas of evaluation.

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In addition to school psychologist Guevara, Student's triennial assessment team included speech-language pathologist Natalia Silva Sepulveda and occupational therapist Elizabeth Sabo. Special education teacher and Student's case manager Mitchell Huston conducted the academic assessment and Student's special education teacher Elizabeth Burley participated in an interview and responded to assessment questionnaires. After completing their evaluations, the team prepared a written psychoeducational multidisciplinary triennial evaluation report, summarizing their findings and recommendations, dated October 15, 2025, which San Benito shared with Parents before the IEP team meeting. (Ed. Code, §§ 56329, subd. (a)(3), and 56302.1, subd. (a).) San Benito convened an IEP team meeting, to review the triennial assessments, on October 28, 2025. San Benito conducted the assessments, shared the triennial assessments report with Parents, and reviewed them at an IEP team meeting within the required 60-day timeframe. (*Id.*)

THE PSYCHOEDUCATIONAL ASSESSMENT

A psychoeducational evaluation is a comprehensive assessment of a student's academic, cognitive, and social-emotional functioning. It is used to determine eligibility for special education and, following an eligibility determination, to update present levels of the student's functioning. (20 U.S.C. § 1414(b)(4); Ed. Code, § 56026.). A psychoeducational evaluation is normally conducted by a licensed or credentialed psychologist. (Ed. Code, § 56324, subd. (a) [any psychological assessment of a student shall be conducted by a credentialed school psychologist].)

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Each of the assessments must be conducted in a way that:

1. uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent (20 U.S.C. § 1414(b)(2)(A); 34 C.F.R. § 300.304(b)(1); see also Ed. Code, § 56320, subd. (b)(1));
2. does not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability (20 U.S.C. § 1414(b)(2)(B); Ed. Code, § 56320, subd. (e)); and
3. uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors (20 U.S.C. § 1414(b)(2)(C)).

The assessment tools used must be:

1. selected and administered so as not to be discriminatory on a racial or cultural basis;
2. provided in a language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally;
3. used for purposes for which the assessments are valid and reliable;

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4. administered by trained and knowledgeable personnel; and
5. administered in accordance with any instructions provided by the producer of such assessments. (20 U.S.C. §§ 1414(b) & (c)(5); Ed. Code, §§ 56320, subds. (a) & (b), 56381, subd. (h).)

The determination of what tests are required is based on information known at the time. (*Vasheresse v. Laguna Salada Union School Dist.* (N.D.Cal. 2001) 211 F.Supp.2d 1150, 1157-1158 [assessment adequate despite not including speech/language testing where concern prompting assessment was deficit in reading skills].) No single measure, such as a single intelligence quotient, shall be used to determine eligibility or services. (Ed. Code, § 56320, subds. (c) & (e).) Assessors must be knowledgeable about the student's suspected disability and must pay attention to the student's unique educational needs such as the need for specialized services, materials, and equipment. (Ed. Code, § 56320, subd. (g).)

School psychologist Guevara chose the areas for Student's evaluations based upon a thorough review of Student's previous assessments and IEPs. School psychologist Guevara had a bachelor's degree in psychology, a master's degree in educational psychology, a postgraduate degree in education, and a pupil personnel services credential. She worked as a school psychologist for San Benito since 2023. Her duties included carrying a caseload of students, conducting psychoeducational evaluations, presenting at and attending IEP team meetings, and working with IEP teams and parents. School psychologist Guevara previously worked for another school district where she had similar duties.

School psychologist Guevara had been trained to administer all testing instruments used in her more than 200 assessments. She complied with all the instrument's protocols, assuring the reliability and usefulness of testing results. School psychologist Guevara possessed the education, training, and experience to

- evaluate Student,
- administer all testing instruments,
- report the findings,
- render an opinion, and
- make recommendations.

School psychologist Guevara reviewed Student's family history, current assessments, and medical and health conditions. Mother completed the health history form, which Guevara reviewed with Student's prior health evaluations. Student had no major health issues, was not taking any medications, and wore prescription glasses. Student had a history of skin rashes, acne, being overweight, and constipation. Student was allergic to antihistamines and acetaminophen. The hearing and vision screenings were delayed because Student was having difficulty following instructions and fully participating. (See San Benito's Issue 2, below.) She reviewed and reported Student's psychoeducational history, detailing Student's 2022 triennial assessments. Guevara reported Student's current achievements, status, and grades since ninth grade.

School psychologist Guevara interviewed Student's special education teacher Burley, Student's Mother, and Student. School psychologist Guevara observed Student in his Life Skills classroom and during testing sessions, reporting Student's conduct,

engagement, and motivation. School psychologist Guevara opined that Student put forth his best efforts and that the testing was a true measure of Student's current abilities.

School psychologist Guevara administered the Kaufman Brief Intelligence Test, Second Edition Revised, to evaluate Student's cognitive ability, psychological processing, and his verbal and nonverbal reasoning skills. She reported Student's raw and age equivalent scores, summarizing the results.

Guevara evaluated Student's adaptive behavior using the Adaptive Behavior Assessment System, Second Edition. Guevara had Student's Mother, physical education teacher Ruedas, and special education teacher Burley complete rating scales. She reported the standard scores and percentile rank, with their qualitative descriptions, for each rater. School psychologist Guevara had the same three raters complete the Gilliam Autism Rating Scales, Second Edition, to assess Student's autistic tendencies. Mother and Student's two teachers rated Student as very likely autistic. School psychologist Guevara testified that the results were consistent with prior assessments.

Special education teacher Mitchell Huston conducted Student's academic assessment, which was part of the psychoeducational evaluation. Huston was Student's case manager and moderate-to-severe Life Skills' teacher. He had a master of education in special education and was a credentialed special education teacher. He worked eight years for San Benito, the last five in the secondary transition program. Huston had known Student since Student's first year of high school. Huston testified at the hearing.

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As Student's case manager, Huston assisted in developing Student's IEPs, tracked Student's progress on his goals, worked with the team to assure that Student's supports were properly provided and changed, when necessary, to meet Student's needs. Huston regularly participated in professional training, developing strategies to support his students.

Huston's duties also included participating in psychoeducational assessments for students. Special education teachers typically conduct academic assessments for psychoeducational evaluations. Huston administered the Brigance Diagnostic Comprehensive Inventory of Basic Skill II, testing Student in the areas of

- readiness,
- listening,
- word recognition,
- reading comprehension,
- writing,
- spelling,
- measurements,
- numbers, and
- operations.

Huston had the credentials and training to administer this tool. Huston possessed the education and experience to evaluate Student's academic skills, administer the testing instrument, report his findings, and evaluate the results.

The Brigance was a non-standardized test administered in a manner that obtained valuable information from students with disabilities. Huston administered the test to Student, in accordance with its protocols, in Student's native language, and obtained valid results. Huston observed Student during the testing, one-to-one, in a quiet office setting. Huston reported his observations and detailed Student's performance on the Brigance in the October 2025 evaluation report. Comparing Student's performance with prior evaluations, Huston was able to evaluate how Student's life skills have developed. This information enabled the team to better tailor Student's supports, teaching, and guidance.

School psychologist Guevara summarized the psychoeducational evaluation results. She reviewed Student's cognitive abilities, academic capabilities, autism ratings, and adaptive functioning skills. Guevara then used the psychoeducational results to analyze Student's eligibility, applying the regulatory definitions. School psychologist Guevara found Student qualified for special education under the primary category of autism and, secondarily, intellectual disability.

The testimonial and documentary evidence demonstrated the psychoeducational assessment, including academic testing, complied with all legally appropriate standards.

SPEECH AND LANGUAGE ASSESSMENT

Speech-language pathologist Natalia Silva Sepulveda conducted Student's triennial speech and language evaluation, as part of the October 2025 multidisciplinary triennial evaluation. She had been a speech-language pathologist at San Benito High School District since October 2018. At Hollister High School, she assessed and served students, ages 14 through 22 years of age, with a range of disabilities, including

autism, intellectual disability, and complex communication needs. She was trained and experienced in assessments, augmentative and alternative communication, and collaborative multidisciplinary service delivery in the educational and clinical settings. Sepulveda obtained her speech-language pathologist degree in Santiago, Chile. This was deemed equivalent to a master's degree in speech-language pathology in the United States, upon her credential review when she was issued her California speech-language pathology license in 2018.

Her job duties included collaboration with teachers, service providers, and IEP teams. She trained parents and staff in augmentative and alternative communication. Sepulveda worked directly with students, pushing services into the classroom, reviewing skills, modeling, and role playing, in both small groups and one-to-one. Sepulveda conducted 20 to 25 assessments a year and attended between 60 and 70 IEP team meetings a year. Speech-language pathologist Sepulveda possessed the education, training, and experience to evaluate Student, administer all testing instruments, report the findings, render an opinion, and make recommendations regarding the speech, language, and communication needs of Student.

Sepulveda reviewed Student's records, including prior assessments. She reported her observations of Student in his functional academic class and during her testing of Student. She observed Student follow directions and independently complete tasks in class. Student was pleasant and cooperative throughout the assessment process and put forth good effort. She observed that Student's conversational skills were delayed. Student engaged in echolalia and did not independently initiate or maintain reciprocal conversation.

Sepulveda administered the Peabody Picture Vocabulary Test, Fifth Edition, measuring Student's receptive vocabulary at the single word level. She gave Student the Expressive Vocabulary Test, Third Edition, measuring Student's expressive vocabulary at the single word level. Sepulveda used the Clinical Evaluation of Language Fundamentals, Fifth Edition, which was a clinical tool for language and communication disorders, using a subtest to obtain information about Student's semantic and syntactic ability. She reported and interpreted the results of each formal testing instrument.

Sepulveda used the Augmentative and Alternative Communication Evaluation Genie, which was an informal diagnostic tool to assist in identifying skill areas associated with augmentative communication systems. She administered the subtests which evaluated Student's receptive and expressive language skill, using visual supports. Sepulveda summarized the alternative and augmentative communication results and evaluated Student's then-current use of communication tools. Sepulveda evaluated Student's articulation and voice, and analyzed the speech samples gathered during informal language sampling and conversational speech throughout the assessment process.

Speech-language pathologist Sepulveda summarized the communication findings. At the conclusion of the multidisciplinary triennial evaluation, Sepulveda noted that Student met the eligibility criteria for speech or language impairment. She recommended continued speech and language services and consistent use of Student's augmentative communication device across all environments, with assistive technology services.

The testimonial and documentary evidence demonstrated the speech, language, and communication assessments complied with all legally appropriate standards.

OCCUPATIONAL THERAPY ASSESSMENT

Occupational therapist Elizabeth Sabo conducted Student's occupational therapy assessment. Sabo had a bachelor's degree in therapeutic rehabilitation and a master's degree in occupational therapy. She was a registered and licensed occupational therapist for more than 12 years, with certifications in cardiopulmonary resuscitation, commonly called CPR, and first aid. Her fieldwork experience included physical disabilities at Santa Clara Valley Medical Center's Neuro Rehab Unit and at the San Francisco Veteran's Administration Hospital's Psychosocial Rehabilitation and Recovery Center. Since 2015, Sabo had been employed as an occupational therapist with San Benito County Office of Education, working with students from preschool age through 22 years old.

Sabo's job responsibilities included assessments, occupational therapy related services, direct consultation, training, and attending IEP team meetings, at Hollister High School and rural schools in the county. Sabo's services addressed fine and gross motor needs, one-to-one and in groups, targeting a student's goals. Sabo performed 40 to 50 occupational assessments and attended about 60 IEP team meetings per year.

Sabo knew Student since he was a freshman. Initially, Sabo provided Student with direct services in the classroom, for fine motor skills. At the time of hearing, Student received occupational therapy consultation, with Sabo providing sensory support in the classroom by working with Student's teachers. Occupational therapist Sabo possessed the education, training, and experience to evaluate Student, administer all testing instruments, report the findings, render an opinion, and make recommendations regarding Student's occupational therapy needs.

Sabo interviewed Student's teacher, who reported Student was independent with his self-care tasks. Student managed his clothes, used the restroom, and fed himself at school and out in the community. Student completed his classroom tasks, such as cutting, pasting, and writing, though he sometimes rushed. Student engaged in job tasks in the community at various job sites. Student's teacher had no concerns about Student's ability to complete tasks related to motor skills. Student benefitted from the use of a ball chair and coloring in the classroom, as a form of self-regulation.

Sabo observed Student three times, once in his classroom, once during the assessment session, and once out in the community. Her observations affirmed those of Student's teacher. Sabo did not observe any issues related to motor skills or sensory/self-regulation.

Sabo administered the Bruininks-Oseretsky Test of Motor Proficiency, Third Edition, to evaluate Student's fine and gross motor skills necessary for daily living activities. This standardized instrument identified skills that may affect performance within the school environment. She tested Student in a quiet space, with no interruptions, using the publisher's current, up-to-date protocols. Sabo reported the results for Student's fine motor precision and fine motor integration, showing Student to be well below average. She reported that testing results were consistent with Student's prior motor proficiency test results and her own observations.

Sabo had two of Student's teachers complete the sensory profile questionnaire to evaluate Student's challenges in the areas of sensory processing that may affect Student's ability to participate within the education setting. The results indicated that Student's sensory seeking input was more than others. Similarly, Student's touch,

movement, and behavioral sensory needs were more than others. Sabo summarized her findings and concluded that Student's current support for sensory processing needed to continue. Sabo opined that the evaluation was a valid reflection of Student's occupational therapy needs.

The testimonial and documentary evidence demonstrated the occupational therapy assessment complied with all legally appropriate standards.

THE IEP TEAM MEETING

Within 60 days of parental consent to the assessment, the assessment report must be provided to the parent (Ed. Code, § 56329, subd. (a)(3)), and an IEP team meeting must be held to consider the assessment. (Ed. Code § 56302.1, subd. (a).)

San Benito convened an IEP team meeting on October 28, 2025, to review the triennial assessments, within 60 days after the return of the signed assessment plan. All required participants were present, including Mother. School psychologist Guevara, speech-language pathologist Sepulveda, and occupational therapist Sabo presented their assessments, findings, and recommendations to the IEP team, addressing any questions or concerns.

Mother said that the assessors did not spend enough time with Student or did not know Student well enough. However, Mother did not present any testimonial or documentary evidence that this undermined the legal appropriateness of any of the assessments. Mother also thought that Student was showing increased dysregulation. Mother participated in the assessments through interviews, questionnaires, and rating

scales. School psychologist Guevara, who reviewed and compared the current assessment with Student's past assessments and present levels of performance, responded at the IEP team meeting and testified that the psychoeducational assessments did not find increased dysregulation.

The IEP team reaffirmed that Student was eligible for special education primarily for autism and, secondarily, for intellectual disability. The IEP team meeting was reconvened for two additional meetings on November 6, 2025, and November 20, 2025.

CONCLUSION

The variety of testing measures and strategies San Benito used in Student's October 2025 triennial evaluation provided the assessment team with substantial information to assist in making recommendations concerning Student's eligibility for special education and his educational program. Moreover, the assessment was conducted in all areas of suspected disability. (20 U.S.C. § 1414(b)(3)(B); 34 C.F.R. § 300.304(c)(6); Ed. Code, § 56320(f).) The assessment team utilized technically sound instruments that yielded relevant and accurate results and information, that assisted the IEP team in determining Student's educational needs. (20 U.S.C. § 1414(b)(2)(C); 34 C.F.R. §§ 300.304(b)(3) and 300.304(c)(7).)

The evaluation team selected and administered tests and assessments so as not to be racially, culturally, or sexually discriminatory, and done in Student's primary language. (20 U.S.C. § 1414(a)(3)(A)(i)-(iii); Ed. Code, § 56320(a).) The evidence demonstrated that the assessors administered the tests in a form most likely to yield accurate information and used for the purposes for which the assessments were valid

and reliable. (Ed. Code, § 56320 (b).) San Benito's October 2025 triennial evaluation accurately reflected Student's aptitude, achievement level, and any other factors the tests purported to measure. Student's sensory, manual, and speaking skills did not impair the test results. (Ed. Code, § 56320 (d).) San Benito's triennial assessments were legally appropriate.

The Education Code requires the personnel who assess a student to prepare a written report of the results of each assessment. (Ed. Code, § 56327.) The personnel who assess the student shall prepare a written report that shall include, without limitation, the following:

1. whether the student may need special education and related services;
2. the basis for making that determination;
3. the relevant behavior noted during observation of the student in an appropriate setting;
4. the relationship of that behavior to the student's academic and social functioning;
5. the educationally relevant health, development, and medical findings, if any;
6. if appropriate, a determination of the effects of environmental, cultural, or economic disadvantage; and
7. consistent with superintendent guidelines for low incidence disabilities (those affecting less than one percent of the total

statewide enrollment in grades kindergarten through 12), the need for specialized services, materials, and equipment. (Ed. Code, § 56327.)

Here, school psychologist Guevara, speech-language pathologist Sepulveda, and occupational therapist Sabo memorialized Student's triennial evaluations in the October 15, 2025, Psychoeducational Multidisciplinary Triennial Evaluation report. The report included all required components including a determination of special education, relevant behavior noted during observations, relevant health and developmental information, and determination concerning effects of Student's disadvantages. San Benito provided the report to Parents. San Benito's triennial evaluation was comprehensive, valid, and conducted by qualified assessors. Therefore, the report met the statutory criteria for an appropriate assessment.

San Benito demonstrated, by a preponderance of the testimonial and documentary evidence, that the October 15, 2025, psychoeducational multidisciplinary triennial evaluation was legally compliant and that Student is not entitled to the public funding of independent educational evaluations in the areas assessed.

San Benito prevailed on San Benito's Issue 1.

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SAN BENITO'S ISSUE 2: WAS SAN BENITO'S NOVEMBER 19, 2025 VISION AND HEARING SCREENING LEGALLY COMPLIANT SUCH THAT IT NEED NOT FUND AT PUBLIC EXPENSE AN INDEPENDENT VISION AND HEARING EVALUATION?

San Benito asserted that its November 19, 2025 vision and hearing screening was procedurally and substantively legally appropriate and, thus, it did not have to fund a vision and hearing evaluation at public expense. Parents contended that the screening did not properly evaluate Student's hearing and vision needs and they therefore requested funding of IEEs for vision and hearing.

Psychoeducational evaluations and IEPs typically include a report regarding a student's general health, including vision and hearing screenings. The screenings are not diagnostic. The screenings are designed to determine if a student might have a vision or hearing issue and, if so, inform the parent that the student should be referred to an optometrist, doctor, or audiologist for further evaluation. Here, Student's vision and hearing screening was delayed because Student had some difficulties following instructions and fully participating. Student's screening was rescheduled.

Nurse Suzie Allred administered Student's vision and hearing screening on November 19, 2025. Allred was a registered nurse for 12 years, licensed in California, and credentialed as a school nurse. She worked for San Benito County Office of Education for about two years and, previously, at Stanford Health Care the prior 11 years. Nurse Allred held multiple certifications involving basic life support, chemotherapy, biotherapy, and cardiopulmonary life support.

Part of Allred's school nurse duties included conducting vision and hearing screenings of general education and special education students. Allred was a certified school audiometrist, which authorized her to conduct school hearing screenings. California provided a direct guide on how to conduct vision screening, as part of the state credentialing process. Allred conducted between 800 and 1000 vision and hearing screenings. School nurse Allred possessed the education, training, and experience to administer vision and hearing screenings of Student, report her findings, and make recommendations.

Allred testified at hearing about the screening process. Typically, the vision screening was similar to an optometrist's office, with lettered charts. Similarly, the hearing screening would use an audiometer with headphones, taking the student through various sounds in each ear, like that used by a doctor or audiologist. If there was anything out of the ordinary, Allred would refer the student out for further evaluation.

Allred explained that, based on Student's unique needs and abilities, she utilized modified screening methods designed for students receiving special education services. This included using a camera for the vision screening. Student wore corrective lenses, his glasses, throughout the screening. For the hearing screening, Allred observed which ear Student was hearing from by Student's body language in response to sounds. Allred's training and experience included utilizing such adapted methods for special education students, to obtain reliable screenings. Student passed both vision and hearing screenings. Nurse Allred further clarified that such screenings are not

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diagnostic in nature but rather were intended to determine whether additional assessment or follow-up was warranted. Allred concluded that no follow-up was necessary in either area.

San Benito High School District nurse Angela Heredia observed nurse Allred's vision and hearing screening of Student on November 19, 2025. Heredia was a nurse for 28 years, a licensed registered nurse, and a credentialed school nurse. She also was a certified school audiometrist. During the 2025-2026 school year, she observed Allred conduct screenings. Based on her observation of the Student's screenings, nurse Heredia did not have any concerns regarding Student's vision or hearing. Also, staff, Student, and Parents did not report any vision or hearing issues. Heredia likewise testified that, based on the available information, there was no indication that further evaluations were warranted. Student offered no evidence indicating that the screenings were not legally appropriate.

The results of the screening were entered into the October 28, 2025 draft IEP document's general health section and available to Parent and the entire IEP team for review by the third IEP team meeting on November 20, 2025. Though rescheduled, San Benito's vision and hearing screenings were completed and an IEP team meeting held with the results within 60-days of Parents returning the signed assessment plan.

San Benito demonstrated, by a preponderance of the testimonial and documentary evidence, that the vision and hearing screenings complied with all legally appropriate standards. The vision and hearing screenings covered all areas of concern and was administered by a trained and qualified professional. The assessor competently followed the required screening process. As a result, the vision and hearing screenings produced

valid and reliable results, indicating that Student did not require referral for further assessment. San Benito need not fund at public expense independent vision and hearing evaluations. (34 C.F.R. § 300.502(b)(4).)

San Benito prevails on San Benito's Issue 2.

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.

STUDENT'S ISSUE 1:

San Benito did not fail to timely fund independent educational evaluations requested by Parents, between October 30, 2025, and the filing of the complaint.

San Benito High School District prevailed on Student's Issue 1.

STUDENT'S ISSUE 2:

San Benito did not fail to file a request for due process hearing without unnecessary delay, after Parents' requests for independent educational evaluations from October 30, 2025, through the filing of the complaint.

San Benito High School District prevailed on Student's Issue 2.

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SAN BENITO'S ISSUE 1:

San Benito's October 15, 2025 Psychoeducational Multidisciplinary Triennial Evaluation is legally compliant, such that San Benito need not fund at public expense independent educational evaluations in the areas assessed.

San Benito High School District prevailed on San Benito's Issue 1.

SAN BENITO'S ISSUE 2:

San Benito's November 19, 2025 vision and hearing screenings were legally compliant such that it need not fund at public expense an independent vision and hearing evaluation.

San Benito High School District prevailed on San Benito's Issue 2.

ORDER

1. Student's requests for relief are denied.
2. San Benito High School District is not obligated to fund independent educational evaluations in the areas of psychoeducation, speech and language, occupational therapy, and vision and hearing, as requested by Parents.

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RIGHT TO APPEAL THIS DECISION

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

Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings