

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

OAH Case No. 2018070083

LOS ANGELES UNIFIED SCHOOL
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

DECISION

Los Angeles Unified School District filed a due process hearing request with the Office of Administrative Hearings, State of California, on July 2, 2018, naming Parents on Behalf of Student. OAH granted a continuance of the matter for good cause on July 12, 2018, and October 22, 2018.

Administrative Law Judge Tara Doss heard this matter in Van Nuys, California, on December 12, 2018. Mary Kellogg, Attorney at Law, represented Los Angeles. Eric Young, Due Process Specialist, appeared on behalf of Los Angeles. Father and Mother appeared on behalf of Student. Student did not attend the hearing.

At the parties' request, OAH granted a continuance to January 4, 2019, to allow the parties to file written closing briefs. The parties timely filed closing briefs, the record was closed, and the matter submitted for decision on January 4, 2019.¹

¹ Student filed a closing brief on January 4, 2019, without a signature or proof of service. Student re-filed the closing brief on January 8, 2019, with a signature and proof

ISSUE

Was Los Angeles's multidisciplinary assessment, including its April 2018 psychoeducational and academic assessments, appropriate?

SUMMARY OF DECISION

Los Angeles proved its April 2018 psychoeducational and academic assessments were appropriately conducted and met the legal requirements for assessments as prescribed by the Individuals with Disabilities Education Act and California Education Code. Los Angeles obtained Mother's consent prior to conducting the assessments. The assessors were qualified, used a variety of assessment tools, and administered the standardized assessment measures in accordance with the publisher's instructions. Los Angeles assessed Student in all areas of suspected disability as identified by Mother, and as indicated on the assessment plan. Los Angeles provided Parents with a copy of the written psychoeducational report, which incorporated the academic assessment; and convened an individualized education program team meeting, with all required participants, to discuss the results. Thus, Student is not entitled to an independent psychoeducational evaluation at Los Angeles's expense.

FACTUAL FINDINGS

1. At the time of hearing, Student was seven years old and in the second grade at an elementary school within Los Angeles. At all times relevant to this hearing, Student resided with her Parents within Los Angeles's residency boundaries. English was spoken in the home. At the time of the assessments at issue in this Decision, Student was six years old and in the first grade. Student was not eligible for special education.

of service. The ALJ accepts Student's closing brief as timely filed.

2. In January 2018, Mother requested an initial assessment for special education, based on her belief that Student had learning challenges.

3. On January 9, 2018, Los Angeles provided Parents with an assessment plan. Los Angeles offered to conduct assessments in the areas of health and development, general ability, academic performance, language function, motor abilities, and social-emotional status. The assessment plan informed Parents of their protections under state and federal procedural safeguard provisions and referred them to an enclosed pamphlet entitled "A Parent's Guide to Special Education Services" for further explanation. The assessment plan was written in plain language and indicated no placement or services would be provided without parental consent. On January 9, 2018, Mother consented to the assessment plan.

4. On February 8, 2018, Student failed her vision screening with the school nurse. The nurse recommended Parents schedule an appointment with an optometrist to determine whether Student needed glasses. Parents and District agreed to postpone the remaining assessments until Student received glasses, to ensure the validity of the assessment results. Student obtained glasses in April 2018, and passed her second vision screening with the school nurse on April 26, 2018. Los Angeles resumed the assessment process as soon as Student received glasses.

ACADEMIC ASSESSMENT

5. Los Angeles resource specialist teacher Miriam Feigelstock conducted an academic assessment of Student on April 20, 2018, and issued a written report. At the time of the assessment, Ms. Feigelstock held a bachelor's degree in psychology and education, a master's degree in special education, and a California education specialist credential that allowed her to teach students with mild to moderate disabilities. Ms. Feigelstock had worked as a special education or resource specialist teacher for approximately 23 years, with 15 of those years being with Los Angeles.

6. As part of the academic assessment, Ms. Feigelstock reviewed Student's most recent report card and classroom-based assessments; interviewed Student's teacher; and administered the Woodcock-Johnson IV Tests of Achievement. Ms. Feigelstock did not interview Parents, or observe Student in the classroom. Ms. Feigelstock relied on the school psychologist's interview of Mother and observations of Student. Ms. Feigelstock's assessment was incorporated into Los Angeles's psychoeducational assessment of Student.

Records Review and Input From Student's Teacher

7. In January 2018, Student's teacher administered the Dynamic Indicators of Basic Early Literacy Skills, which measures a student's reading skills. Student scored above the expected benchmark for her grade level in reading nonsense words and oral reading fluency. On her February 2018 report card, Student received proficient grades in English language arts and math.

8. Student's teacher reported Student was well-behaved and followed classroom rules. She followed along during class lessons and discussions. She got along well with her peers. Academically, Student was performing at grade level in all areas.

Standardized Tests

9. Ms. Feigelstock administered the Woodcock-Johnson in her office in two, 30-minute sessions. Ms. Feigelstock typically assessed students one-to-one in her office, because it provided a quiet environment, and the most valid results. Ms. Feigelstock had administered the Woodcock-Johnson at least 200 times to students suspected of having a learning disability. The Woodcock-Johnson was designed to test a student's reading, writing, and math abilities. Student was cooperative during the assessment and completed all tasks given to the best of her ability. She maintained attention and focus throughout the assessment.

10. A student's results on the Woodcock Johnson yield a standard score. The absolute average score is 100, with 90 to 110 considered in the average range. The materials and procedures used for the assessment are administered so as not to be racially, culturally, or sexually discriminatory; and are considered valid and reliable. Ms. Feigelstock did not modify the standardized procedures of the assessment with Student.

11. The subtests Ms. Feigelstock selected for Student yielded broad scores in reading, math, and writing. The broad reading composite consisted of subtests in letter-word identification, passage comprehension, and sentence reading fluency. Student obtained average scores on all subtests, and an overall standard score of 98, which was also in the average range. Student's reading decoding and phonemic awareness were areas of strength. She was able to read grade level high frequency words, and answer questions about simple sentences and phrases she read. The broad math composite consisted of subtests in calculation, applied problems, and math facts fluency. Student received average scores in calculation and applied problems, and a high average score on math facts fluency. Her overall standard score was in the average range. Student successfully solved simple addition and subtraction calculation and word problems. The broad written language composite consisted of subtests in spelling, writing samples, and sentence writing fluency. Student obtained average scores on all subtests, and had an overall standard score in the average range. Student's handwriting was legible with adequate sizing and spacing. She wrote simple sentences with correct capitalization and punctuation, but with some spelling errors.

12. Based on the classroom-based and standardized assessment data, Ms. Feigelstock concluded Student was performing in the average range when compared to similar age and grade level peers; and did not appear to require special education services. Ms. Feigelstock's report was comprehensive and clearly explained the assessment results.

PSYCHOEDUCATIONAL ASSESSMENT

13. Los Angeles school psychologist Marcela Camacho conducted a psychoeducational assessment of Student in January and April 2018, and issued a written report on April 26, 2018. At the time of the assessment, Ms. Camacho held a bachelor's degree in psychology and social behavior, a master's degree in counseling and school psychology, and a pupil personnel services credential, which authorized her to conduct psychoeducational assessments. She had worked as a school psychologist for approximately 12 years, all of which were with Los Angeles. Her duties included conducting psychoeducational assessments, providing counseling to students, and attending individualized education program team meetings. On average, Ms. Camacho conducted 20 to 30 assessments of students each year.

14. The purpose of Ms. Camacho's assessment was to conduct a comprehensive psychoeducational assessment and consider whether Student qualified for special education as a student with a specific learning disability. Ms. Camacho's assessment consisted of a review of Student's educational records; interviews with Mother and Student's teacher; classroom and testing observations; and standardized assessment measures.

Observations

15. Ms. Camacho observed Student in the classroom on January 16, 2018, for approximately one hour. Student was engaged and on-task. She listened attentively to the teacher's lesson, and raised her hand to contribute to the class discussion at appropriate times. Student followed the teacher's directions and transitioned appropriately from the rug to her desk with the other students. She followed along and completed the assigned tasks at her desk.

16. Ms. Camacho observed Student on the playground during recess on April

23, 2018. Student's behavior and interactions were age-appropriate. She interacted with female peers who appeared to be her friends. Their interactions were friendly and playful. When recess ended, Student followed the routine and appropriately lined up with her classmates.

Standardized Tests

17. Student was cooperative and attentive during the standardized testing sessions. Rapport was easily established with Ms. Camacho and Student engaged in back-and-forth conversational exchanges. Student put forth good effort and successfully completed all tasks presented to her.

18. Ms. Camacho administered several standardized assessment measures, including the Cognitive Assessment System-Second Edition, the Test of Auditory Processing Skills-Third Edition, the Test of Visual Perceptual Skills-Third Edition, the Comprehensive Test of Phonological Processing-Second Edition, the Woodcock-Munoz Language Survey (English form), the Beery Developmental Test of Visual Motor Integration-Sixth Edition, and the Behavior Assessment System for Children-Third Edition. Student's scores from the Woodcock-Johnson were incorporated into the psychoeducational assessment report. All standardized measures Ms. Camacho utilized were valid and reliable for the purposes used. Ms. Camacho had administered each assessment measure at least 100 times, and did so in accordance with the assessment publisher's instructions.

19. The Cognitive Assessment System measured cognitive processes that are the basic building blocks of intellectual functioning. The assessment consisted of four clusters of subtests: planning, simultaneous, attention, and successive. The planning subtests measured a student's ability to create a plan of action, apply the plan, and modify the plan if necessary. Student performed in the low average range. The simultaneous subtests measured a student's ability to synthesize separate elements into

an interrelated group using verbal and nonverbal content. Student performed in the average range. The attention subtests measured a student's ability to focus on specific features of material, while demonstrating resistance to distracting stimuli. Student performed in the average range. The successive subtests measured a student's ability to work with verbal information presented in a specific linear or sequential order. Student performed in the below average range on the sentence repetition subtest and in the average range on the word series subtest. Overall, Student performed in the low average range on the successive cluster.

20. The Test of Auditory Processing Skills measured how a student processes auditory information. The assessment consisted of three clusters of subtests: phonological, auditory memory, and auditory cohesion. The phonological subtests measured the discrimination between sounds within words, segmenting words into morphemes, and blending phonemes into words. Student performed in the average range. The auditory memory subtests measured working memory and the ability to immediately recall numbers, words, and sentences. Student performed in the average range. The auditory cohesion cluster measured auditory comprehension and reasoning skills. Student performed in the below average range on the auditory comprehension subtest and in the average range on the auditory reasoning subtest. Overall, Student performed in the low average range on the auditory cohesion cluster. When combining the scores of all clusters, Student performed in the average range in auditory processing skills.

21. The Test of Visual Perceptual Skills was a nonverbal measure of visual perceptual skills. It consisted of three clusters of subtests: basic, sequencing, and complex. The basic subtests measure a student's ability to discriminate dominant features of objects, the ability to perceive the positions of objects in relation to oneself or other objects, and the ability to find one design among others by discriminating

position and shape. Student performed in the average range. The sequencing cluster measured a student's ability to remember visual symbols as presented in a sequence. Student performed in the average range. The complex cluster measured a student's ability to identify a whole figure when only fragments are presented, and the ability to identify an object from a complex background or with surrounding objects. Student performed in the average range. Overall, Student's visual processing skills were in the average range.

22. The Comprehensive Test of Phonological Processing measured phonological processing skills through phonological awareness, phonological memory, and rapid naming. The phonological awareness subtests measured a student's ability to say a word after designated sounds are eliminated, ability to combine sounds to form words, and the ability to identify target sounds in words. Student performed in the average range. The phonological memory subtests measured a student's ability to repeat a series of numbers and nonsense words. Student performed in the average range. The rapid symbolic naming subtests measured a student's speed in naming numbers and letters. Student performed in the average range. The rapid non-symbolic naming subtests measured a student's speed in naming colors and objects. Student performed in the average range.

23. Overall, Student's cognitive abilities were in the average range, and she did not exhibit any psychological processing deficits. Student's below average scores on the sentence repetition subtest of the Cognitive Assessment System, and the auditory comprehension subtest of the Test of Auditory Processing Skills, did not indicate overall cognitive or auditory processing skills deficits. When determining Student's abilities, Ms. Camacho did not rely on one score; but instead considered all of Student's scores.

24. To assess Student's oral language proficiency, Ms. Camacho administered the Woodcock-Munoz Language Survey in English. The assessment consisted of four

subtests: picture vocabulary, verbal analogies, understanding directions, and story recall. Student performed in the average range on all subtests, and her oral language skills were age appropriate.

25. To assess Student's motor abilities, Ms. Camacho administered the Beery Developmental Test of Visual Motor Integration. The assessment measured a student's ability to integrate visual motor and fine motor skills. Student performed in the high average range. Student was right-handed and used an appropriate pencil grip while printing.

26. Ms. Camacho also considered Student's social-emotional status. Mother reported Student followed routines at home and was independent in daily living skills. Mother also reported Student did not consistently follow directions and needed reminders when distracted, especially during homework. Mother acknowledged Student was having difficulty adjusting to her new baby sibling in the home, which may have affected her behavior. Student's teacher reported Student was respectful towards adults and had positive relationships with peers. Student followed classroom routines, was cooperative, and productive. While Student was very capable of completing grade level work, at times she demonstrated a lack of confidence that interfered with completing tasks. She was also worried about performing well for Mother. At times, Student showed stress in the form of crying and expressing worry about her academic performance.

27. Ms. Camacho provided rating scales to Mother and Student's teacher from the Behavior Assessment System for Children. The assessment measured various positive and negative aspects of a student's behavior and personality. A clinically significant score indicates a moderate to severe concern in a particular area. Mother's responses rated the following areas as clinically significant: hyperactivity, anxiety, somatization (conversion of a mental state into physical symptoms), atypicality, attention problems, daily living skills, and functional communication. The teacher's

responses rated Student as clinically significant in the area of anxiety. Based on the responses from Mother and Student's teacher, Ms. Camacho concluded Student's behavior was appropriate at school and home. To address Student's anxiety and self-confidence concerns, Ms. Camacho recommended providing praise and recognition to Student, and reducing the emphasis on competition and perfection.

28. Ms. Camacho's report was comprehensive and clearly explained the assessment results, including the criteria for specific learning disability. Based on Student's average cognitive ability, the absence of any processing deficits, grade-level academic performance, average oral motor and fine motor skills, and age-appropriate social-emotional status, Ms. Camacho determined Student did not meet the eligibility criteria for special education under the category of specific learning disability.

INDIVIDUALIZED EDUCATION PROGRAM TEAM MEETING

29. On April 27, 2018, Los Angeles convened an IEP team meeting to review the results of the psychoeducational and academic assessments. In attendance were Parents, Ms. Feigelstock, Ms. Camacho, Student's teacher, and a school administrator. Parents were provided with a copy of the psychoeducational assessment, which incorporated the results of the academic assessment. The team summarized the assessments and discussed Student's present levels of academic performance. Mother asked questions about the psychoeducational assessment and Ms. Camacho answered the questions to the best of her ability. Based on the assessment results and the discussion at the meeting, the IEP team did not recommend special education eligibility for Student. Mother signed the IEP on June 5, 2018, in disagreement. Specifically, Mother disagreed with the results of the psychoeducational assessment and requested an independent educational evaluation.

LEGAL AUTHORITY AND CONCLUSIONS

INTRODUCTION – LEGAL FRAMEWORK UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT²

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

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

² The legal citations in this Introduction are incorporated by reference into the analysis of the issue discussed below.

³ All references to the Code of Federal Regulations are to the 2006 edition, unless otherwise stated.

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

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

4. The Supreme Court clarified the *Rowley* standard in *Endrew F. v. Douglas County School Dist.* (2017) 580 U.S. ___ [137 S. Ct. 988]. *Endrew* provided that an IEP must be reasonably calculated to enable "progress appropriate in light of the child's circumstances." (137 S.Ct. at p. 999.) The Court recognized that this required crafting an IEP that required a prospective judgment, and that judicial review of an IEP must recognize that the question is whether the IEP was reasonable, not whether the court regards it as ideal. (*Ibid.*)

5. The IDEA affords parents and local educational agencies the procedural

protection of an impartial due process hearing with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a FAPE to the child. (20 U.S.C. § 1415(b)(6) & (f); 34 C.F.R. § 300.511; Ed. Code, §§ 56501, 56502, 56505; Cal. Code Regs., tit. 5, § 3082.) The party requesting the hearing is limited to the issues alleged in the complaint, unless the other party consents. (20 U.S.C. § 1415(f)(3)(B); Ed. Code, § 56502, subd. (i).)

6. At the hearing, the party filing the complaint has the burden of persuasion by a preponderance of the evidence. (*Schaffer v. Weast* (2005) 546 U.S. 49, 56-62 [126 S.Ct. 528, 163 L.Ed.2d 387]; see 20 U.S.C. § 1415(i)(2)(C)(iii).) Here, Los Angeles is the petitioning party and had the burden of proof on the single issue in the case.

ASSESSMENT REQUIREMENTS

7. School district evaluations of students with disabilities under the IDEA serve two purposes: (1) identifying students who need specialized instruction and related services because of an IDEA-eligible disability, and (2) helping IEP teams identify the special education and related services the student requires. (34 C.F.R. §§ 300.301 and 300.303.) 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).)

8. A parent or school district may initiate the request for an initial evaluation. (20 U.S.C. § 1414(a)(1)(B); 34 C.F.R. § 300.301(b).) Irrespective of who initiates the request, the school district must obtain informed consent from the parent before conducting an evaluation. (20 U.S.C. § 1414(a)(1)(D); 34 C.F.R. § 300.300(a).) Within 15 days of a student's referral for assessment, the school district must provide a proposed assessment plan to the parents. (Ed. Code, § 56321(a).) A copy of the notice of parent's rights must be attached to the assessment plan. (*Id.*) The proposed assessment plan must be in a language easily understood by the general public; in the parent's native language; explain the types of assessments to be conducted; and state that no IEP will

result from the assessment without parental consent. (Ed. Code, § 56321(b).)

9. Upon obtaining consent for assessment, the school district must complete the assessment and convene an IEP team meeting within 60 days to determine whether the child qualifies for special education and related services. (20 U.S.C. 1414(a)(1)(C)(i)(I); 34 C.F.R. § 300.301(c)(1)(i); Ed. Code, § 56302.1(a).) The parents must be given the opportunity to participate in any meeting related to the identification, assessment, educational placement, and provision of a FAPE to their child. (Ed. Code, § 56304(a).)

10. In conducting an evaluation, the school district must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by parent. (20 U.S.C. § 1414(b)(2)(A); 34 C.F.R. § 300.304(b)(1).) The district must not use any single measure or assessment as the sole criterion for determining whether the child is a child with a disability or determining the appropriate educational program for the child. (20 U.S.C. § 1414(b)(2)(B); 34 C.F.R. § 300.304(b)(2).) The district must use 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); 34 C.F.R. § 300.304(b)(3).)

11. Assessments and other evaluation materials must not be discriminatory on a racial or cultural basis, and must be administered in the language and form most likely to yield accurate information. (20 U.S.C. § 1414(b)(3)(A)(i) and (ii); 34 C.F.R. § 300.304(c)(1)(i) and (ii).) Assessments and other evaluation materials must be administered in accordance with the publisher's instructions and be used for valid and reliable purposes. (20 U.S.C. § 1414(b)(3)(A)(iii) and (v); 34 C.F.R. § 300.304(c)(1)(iii) and (v).)

12. Assessments must be administered by trained and knowledgeable persons, who are competent to conduct such assessments. (20 U.S.C. § 1414(b)(3)(A)(iv);

Ed. Code, §§ 56320(b)(3) and 56322.) A credentialed school psychologist must conduct any psychological assessments. (Ed. Code, § 56324.)

13. A child must be assessed in all areas related to suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. (20 U.S.C. § 1414(b)(3)(B); 34 C.F.R. § 300.304(c)(4).) Assessments must be sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category of the child. (34 C.F.R. § 300.304 (c)(6).)

14. Assessors must prepare a written report of the assessment results that includes: (1) whether the student may need special education and related services; (2) the basis for that determination; (3) the relevant behavior noted during the 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 and development, and medical findings; (6) for students with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services; (7) a determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate; and (8) the need for specialized services, materials, and equipment for students with low incidence disabilities. (Ed. Code, § 56327.) A copy of the evaluation report must be given to the parents. (20 U.S.C. § 1414(b)(4)(B); 34 C.F.R. § 300.306(a)(2).)

INDEPENDENT EDUCATIONAL EVALUATIONS

15. A parent has the right to obtain an independent educational evaluation at public expense if the parent disagrees with an evaluation conducted by the school district. (34 C.F.R. § 300.502(b)(1); Ed. Code, § 56329(b).) If the school district believes the assessment conducted meets the required standards and an independent educational

evaluation is not required at public expense, the school district may initiate a due process hearing to show that its assessment was appropriate. (34 C.F.R § 300.502(b)(2)(i); Ed. Code, § 56329(c).) If the hearing officer determines the assessment was appropriate, the parent still has a right to an independent educational evaluation, but not at public expense. (34 C.F.R § 300.502(b)(3); Ed. Code, § 56329(c).)

ISSUE: WAS LOS ANGELES'S APRIL 2018 MULTIDISCIPLINARY ASSESSMENT APPROPRIATE?

16. Los Angeles contends the April 2018 multidisciplinary assessment, including Ms. Feigelstock's academic assessment and Ms. Camacho's psychoeducational assessment, was appropriate and complied with all procedural requirements under applicable federal and state laws. Student contends Los Angeles's assessments yielded inaccurate results because Student was tested in a one-to-one setting, as opposed to a classroom environment. Student argued testing in a one-to-one setting inflated Student's test scores and was not a true representation of Student's attention and auditory processing challenges in the classroom. Student further contends that Ms. Camacho should have administered an assessment tool in addition to the Test of Auditory Processing Skills to determine whether Student has an auditory processing deficit.

17. Los Angeles proved its April 2018 academic and psychoeducational assessments met the legal requirements under the IDEA and California Education Code. Los Angeles timely provided Parents with an assessment plan in January 2018, and obtained informed consent prior to conducting the assessments. The assessment plan was easy to understand; was in Parents' native language of English; and explained the proposed areas of assessment. Los Angeles assessed Student in all areas of suspected disability, as indicated by Mother, and described on the assessment plan. The evidence did not reveal any additional areas that should have been assessed.

18. The assessments utilized a variety of assessment tools, including a review of Student's educational records, interviews, observations, and standardized test measures. The assessments tested Student's cognitive, processing, oral language, fine motor, academic, and social-emotional skills. The assessment tools were administered in Student's native language of English. There was no evidence that the assessments or evaluation materials were discriminatory in any way. Both Ms. Feigelstock and Ms. Camacho were qualified to administer the standardized assessment measures they utilized with Student, and administered the measures in accordance with the publisher's instructions.

19. The assessment reports were comprehensive and clearly written. The psychoeducational assessment report explained the criteria for special education eligibility under specific learning disability, and why Student did not meet the criteria. The report indicated Student did not qualify for specific learning disability because she did not exhibit any psychological processing deficits, had average cognitive abilities, and was performing at grade level in all academic areas.

20. Ms. Camacho provided Parents with a copy of the psychoeducational assessment report, which incorporated the scores from Ms. Feigelstock's academic assessment; and Los Angeles timely convened an IEP team meeting, with all required participants, to discuss the results and determine whether Student qualified for special education services. Parents participated in the discussion and provided input during the meeting.

21. Student's arguments challenging the appropriateness of the academic and psychoeducational assessments are not persuasive. Ms. Feigelstock and Ms. Camacho credibly testified that in order to obtain valid results on standardized test measures, students must be tested in a quiet, one-to-one environment. Student did not offer any persuasive evidence to contradict this testimony. Student also did not offer any

persuasive evidence that the Test of Auditory Processing Skills was insufficient to measure whether Student had auditory processing deficits. Ms. Camacho credibly testified the Test of Auditory Processing Skills is a valid and reliable measure to assess a student's auditory processing skills.

22. Accordingly, Los Angeles's April 2018 academic and psychoeducational assessments were appropriately conducted.

ORDER

Los Angeles's multidisciplinary assessment, including its April 2018 psychoeducational and academic assessments, was appropriately conducted. Student is not entitled to an independent educational evaluation at Los Angeles's expense.

PREVAILING PARTY

Pursuant to California Education Code section 56507, subdivision (d), the hearing decision must indicate the extent to which each party has prevailed on each issue heard and decided. Here, Los Angeles prevailed on the single issue presented.

RIGHT TO APPEAL

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

DATED: January 16, 2019

/s/

TARA DOSS

Administrative Law Judge

Office of Administrative Hearings