

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

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CASE NO. 2019090236

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LOS ANGELES UNIFIED SCHOOL DISTRICT

v.

PARENT ON BEHALF OF STUDENT.

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DECISION

NOVEMBER 1, 2019

On September 6, 2019, the Office of Administrative Hearings, called OAH, received a due process hearing request from Los Angeles Unified School District, naming Student as respondent. Administrative Law Judge Clifford H. Woosley heard this matter in Van Nuys, California, on October 1, 2019.

Attorney Donald Erwin represented Los Angeles. Due process specialist Juan Tajoya attended on Los Angeles' behalf. Student's Mother and Father represented Student.

At the parties' request the matter was continued until October 14, 2019, for written closing briefs. The briefs were timely filed, the record closed, and the matter submitted on October 14, 2019.

## ISSUES

1. Was Los Angeles' May 2019 psychoeducational assessment appropriate?
2. Was Los Angeles' May 2019 occupational therapy assessment appropriate?

## DECISION SUMMARY

This Decision holds that Los Angeles met its burden of proving that its May 2019 psychoeducational assessment and occupational therapy assessment were appropriate because each assessment met all legal requirements. Student is therefore not entitled to public funding of the requested independent educational evaluations.

## JURISDICTION

This hearing was held under the Individuals with Disabilities Education Act, its regulations, and California statutes and regulations. (20 U.S.C. § 1400 et. seq.; 34 C.F.R. § 300.1 et seq. (2006); Ed. Code, § 56000 et seq.; Cal. Code Regs., tit. 5, § 3000 et seq.) The main purposes of the Individuals with Disabilities Education Act, referred to as the IDEA, are to ensure:

- all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living, and
- the rights of children with disabilities and their parents are protected.

(20 U.S.C. § 1400(d)(1); See Ed. Code, § 56000, subd. (a).)

The IDEA affords parents and local educational agencies the procedural protection of an impartial due process hearing with respect to any matter relating to the identification, assessment, or educational placement of the child, or the provision of a FAPE to the child. (20 U.S.C. § 1415(b)(6) & (f); 34 C.F.R. 300.511; Ed. Code, §§ 56501, 56502, 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, 56-62 [126 S.Ct. 528, 163 L.Ed.2d 387]; and see 20 U.S.C. §1415(i)(2)(C)(iii).) Los Angeles, as the filing party, had the burden of proof in this matter. The factual statements below constitute the written findings of fact required by the IDEA and state law. (20 U.S.C. sec. 1415(h)(4); Ed. Code, sec. 56505, subd. (e)(5).)

Student was six years old at the time of hearing and, at all relevant times, resided within Los Angeles' geographic boundaries. He was in a general education kindergarten class at Independence Elementary School, and not then eligible for special education, from November 26, 2018 to February 20, 2019, when Parents took him out of school. Student was enrolled for 46 instructional days, present for 27, and absent 19. Student had not since attended school.

## LOS ANGELES' COMPLIANCE WITH PROCEDURAL GUIDELINES AND TIMELINES

Mother expressed concerns regarding Student's delays in speech development, repetitive language, difficulty with attention and social conventions, noncompliance, excessive activity levels, and limited attention and concentration. Los Angeles proposed

an initial assessment. To obtain parental consent for an assessment, the school district must provide proper notice to the student and his or her parent. (20 U.S.C. § 1414(b)(1); 20 U.S.C. § 1415(b)(3) and (c)(1); Ed. Code, §§ 56321, subd. (a), 56381, subd. (a).) The notice consists of the proposed assessment plan and a copy of parental procedural rights under the IDEA and related state law. (20 U.S.C. §§ 1414(b)(1), (c)(1); Ed. Code, § 56321, subd. (a).)

The assessment plan must:

- be in a language easily understood by the public and the native language of the student;
- explain the assessments that the district proposes to conduct; and
- provide that the district will not implement an independent educational plan, referred to as an IEP, without the consent of the parent.

(Ed. Code, § 56321, subds. (b)(1)-(4).)

Los Angeles provided Parents with a special education initial assessment plan to assess Student's general ability, language function, social-emotional status, and adaptive behavior by a school psychologist. A special education teacher would assess Student's academic performance. The plan also provided for evaluation of Student's health and development by a nurse, a language and speech assessment by a speech pathologist, and a motor abilities evaluation by an occupational therapist. The assessors would use standardized tests, interviews, record review, observations, and alternative assessments, when necessary. The plan was in Parents' native language of English, described the proposed assessments, and explained the assessments would be reviewed at an IEP team meeting before a plan is proposed and, with Parents' consent, implemented. Parents acknowledged receipt of their procedural rights and returned the signed

consent to the assessment plan on March 27, 2019. Los Angeles properly obtained consent of a legally sufficient initial assessment plan for Student.

The purpose of an initial comprehensive psychoeducational assessment is to determine whether a child is a child with a disability, as defined by 20 U.S.C. § 1401(3), and the educational needs of the child. (20 U.S.C. § 1414(c)(1)(B)(i).) Here, both the assessment plan and the psychoeducational assessment report confirmed that the assessments' purpose was to determine if Student was a child with a disability and eligible for special education services.

An IEP meeting required as a result of an assessment of a pupil must be developed within a total time not to exceed 60 calendar days. This does not count days between the pupil's regular school sessions, terms, or days of school vacation in excess of five school days, from the date of receipt of the Parent's or guardian's written consent for assessment, unless the parent or guardian agrees in writing to an extension. (Ed. Code § 56043(f)(1).) Here, Parents returned the signed assessment plan on March 27, 2019. Los Angeles completed the assessments and convened the IEP team meeting where the assessments were presented on May 29, 2019. During this period, Los Angeles schools were closed seven days for Cesar Chavez holiday, the week of spring break, and Memorial Day. Los Angeles completed the assessments and held the IEP within the legal timeframe.

Federal and California state law explicitly require that student's educational rights holder be part of any IEP team meeting which is charged with developing and implementing a student's IEP. (20 U.S.C. §§1401(14), 1414(d)(1)(B)(i); Ed. Code, § 56342.5.) Special education law places a premium on parental participation in the IEP process. School districts must guarantee that parents have the opportunity, "to

participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child.” (20 U.S.C. § 1415(b)(1).) The United States Supreme Court has recognized that parental participation in the special education process is the cornerstone of the IDEA. (*Winkelman v. Parma City School Dist.* (2007) 550 U.S. 516, 524 [127 S.Ct. 1994, 167 L.Ed.2d 904].) Additionally, California law requires that the assessment report must be provided to the parent at the IEP team meeting regarding the assessment to allow for discussion and explanation. (Ed. Code, § 56329, subd. (a)(1).)

Mother, Father and all requisite members attended the May 29, 2019 IEP team meeting. Parents were provided copies of the assessment reports and given the opportunity to ask questions of the assessors and otherwise participate in the team meeting. The assessors presented their reports to the IEP team. School psychologist Julio Manzanares presented Student’s initial psychoeducational assessment, special education teacher Marisol Madrano reviewed her academic assessment, and occupational therapist Lindsey Wolf discussed the occupational therapy assessment. Los Angeles met its statutory obligation of providing Parents with the assessment reports and including Parents in the IEP team meeting’s review of the assessments.

A student may be entitled to an independent educational evaluation if he or she disagrees with an evaluation obtained by the public agency and requests an independent evaluation at public expense. (20 U.S.C. § 1415(b)(1); 34 C.F.R. § 300.502(a)(1); Ed. Code, § 56329, subd. (b) [incorporating 34 C.F.R. § 300.502 by reference]; Ed. Code, § 56506, subd. (c) [parent has the right to an independent evaluation as set forth in Ed. Code, § 56329].) In response to a request to pay for an independent evaluation, an educational agency must, without unnecessary delay, either:

- file a due process complaint to request a hearing to show that its evaluation is appropriate; or
- ensure that an independent evaluation is provided at public expense.

(34 C.F.R. § 300.502(b)(2); see also Ed. Code, § 56329, subd. (c) (providing that a public agency may initiate a due process hearing to show that its assessment was appropriate).)

Parents did not consent to Los Angeles' May 29, 2019 IEP offer. The following summer, on or about July 29, 2019, Parents requested that Los Angeles fund independent psychoeducational and occupational therapy evaluations. Los Angeles declined to fund the independent assessments and filed this due process request on September 6, 2019. Los Angeles exercised its statutory right to demonstrate that its assessments were appropriate by filing a due process complaint within six weeks, soon after the commencement of the new school year, which was without unnecessary delay.

#### ISSUE 1: WAS LOS ANGELES' MAY 2019 PSYCHOEDUCATIONAL ASSESSMENT APPROPRIATE?

Los Angeles contends that its May 2019 initial psychoeducational assessment of Student was appropriate and complied with all legal requirements. Therefore, Los Angeles is not obligated to fund an independent psychoeducational evaluation. Parents disagreed with Los Angeles' IEP offer and believed that independent educational evaluations would provide better recommendations for Student's placement and services. Parents on behalf of Student filed a separate request for due process that asserted Los Angeles did not provide Student with a free appropriate public education, referred to as a FAPE. However, FAPE is not an issue here and is not addressed in this Decision.

To be appropriate, the assessment must be conducted in a way that:

- uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent;
- does not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability; and
- uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

The assessments used must be:

- selected and administered so as not to be discriminatory on a racial or cultural basis;
- provided in a language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally;
- used for purposes for which the assessments are valid and reliable;
- administered by trained and knowledgeable personnel; and
- administered in accordance with any instructions provided by the producer of such assessments.

(20 U.S.C. § 1414 subds. (b) & (c)(5); Ed. Code, § 56320, subds. (a) & (b).)

Mr. Manzanares conducted the initial psychoeducational assessment of Student and produced a May 22, 2019 final report. He earned a master of science degree in counseling and a bachelor of arts in psychology. Mr. Manzanares was credentialed as a mild-to-moderate special education teacher, as a multiple-subject teacher, and in pupil



personnel services with specialization in school psychology, school child welfare, and attendance. He was employed as a school psychologist by Los Angeles since 2014 and, previously, for three other school districts. Mr. Manzanares had conducted more than 350 psychoeducational assessments to determine special education eligibility, including autism and intellectual disability. He had attended approximately 500 IEP team meetings. Mr. Manzanares' education, credentials, and experience qualified him to conduct Student's psychoeducational assessment, administer standardized tests, interpret the results, and prepare the report. Mr. Manzanares testified at the hearing. His testimony regarding the assessment and his conclusions were thoughtful and well-reasoned. His testimony and opinions were given great weight.

#### REVIEW OF RECORDS, PARENTS' INTERVIEW, AND HEALTH HISTORY

Mr. Manzanares interviewed Parents and reviewed all available health and educational records and assessments. He summarized Student's developmental and health history. The May 23, 2019 health assessment reported Student passed vision screening. Kaiser's audiological evaluation found his hearing sensitivity to be normal.

Mr. Manzanares reviewed the available cumulative educational records, with supplemental input from Student's former teacher and Mother. Student attended a home-based head start program before attending Independence. Student's achievement scores were below California grade level standards in all academic areas. No general education intervention events were noted because of Student's short kindergarten enrollment. However, Student's former teacher described various interventions and strategies she used to engage Student academically and to model appropriate behavior.

Mr. Manzanares detailed an April 2018 multidisciplinary evaluation of Student by a Pediatric Learning and Development team at Kaiser Permanente, Downey. The Kaiser team diagnosed him with autism spectrum disorder with accompanying intellectual impairment. Student was not taking medications and had no history of significant illnesses, injuries, or hospitalizations. Mr. Manzanares determined that his assessment should consider the eligibilities of autism and intellectual disability.

### BEHAVIORAL OBSERVATIONS

Parents brought Student to Independence Elementary for testing. Parents were present at all times. Mr. Manzanares observed Student to respond to a normal conversational voice. However, Student's behaviors and inability to maintain attention inhibited some tests' reliability. Mr. Manzanares properly detailed the nature of Student's behaviors during testing. Student struggled to follow basic directions and to comply and attend to presented tasks. He did not demonstrate effective, age-appropriate communication skills.

Mr. Manzanares did not observe Student in a classroom setting because Student was not enrolled in school and had not attended for months. He persuasively explained that putting Student in a classroom for a day or two for the sole purpose of observation would not have provided reliable information. The purpose of class observation was to see how a pupil performed in a classroom's routine, responded to expectations, interacted with peers, socialized with friends, handled transitions like lunch and recess, and performed academically. This required that the observed pupil be a class member. Student would merely had been a visitor if put in a class for observation.

## GENERAL ABILITY AND COGNITIVE FUNCTIONING

Mr. Manzanares attempted to administer the Cognitive Assessment System 2, but Student was unable to participate in the assessment because of inattentiveness, distraction, and refusal behaviors. Mr. Manzanares then used the Southern California Ordinal Scales of Development, an instrument that was especially useful for evaluating difficult-to-assess children. Results indicated that Student's overall cognitive development demonstrated skills in the two to four-year-old range. His language skills were a relative weakness, but Student had better developed play and fine motor skills. Mother completed the Developmental Profile, Third Edition, Cognitive Scale. This was an indirect measure of Student's developmental skills based upon Mother's ratings of observed behaviors and skills.

Mr. Manzanares reported and reviewed the results, stating they should be interpreted with caution, because Student struggled in the testing because of inattentiveness, distractibility, and refusal behaviors. Overall, Student was functioning below the average range of cognitive ability. Student demonstrated cognitive deficits which adversely impacted his educational access and performance.

## ACADEMIC PERFORMANCE

Mr. Manzanares evaluated Student's academic performance by examining Student's classroom-based assessments during Student's short kindergarten enrollment and talking to Student's former teacher. He summarized Student's most recent kindergarten scores on the Dynamic Indicators of Basic Early Literacy Skills, which showed Student to have an overall well-below-average score. Mr. Manzanares administered the Developmental Tasks for Kindergarten Readiness, Second Edition, and

reported valid results. He also relied upon the standardized academic assessment conducted by resource specialist teacher, Marisol Medrano.

Ms. Medrano testified at the hearing. She had worked as a Los Angeles resource teacher for 12 years and was previously a special education teacher or specialist with other school districts for about seven years. She possessed a mild-to-moderate special education credential and had taken multiple trainings regarding assessment planning and academic assessment instruments. She had conducted more than 100 academic assessments, which she reported at IEP team meetings. Ms. Medrano's education, credentials, and experience qualified her to administer Student's standardized academic assessment and report the results.

Ms. Medrano reviewed all available educational records and spoke with Student's former kindergarten teacher. Parents brought Student to Independence; Student's Mother, Father, older sister, and younger brother were present during testing. She observed that Student needed constant prompting and breaks to complete assessment. He had limited conversational proficiency and was inattentive and distracted. He repeatedly refused to do or complete tasks that required him to write.

Ms. Medrano administered the Woodcock-Johnson Tests of Achievement, Fourth Edition, Form A. She followed the test's instructions and protocols, with no modifications. Student's overall broad reading score was in the low range and his overall broad math score was in the very low range. The overall broad written language score could not be determined because of Student's behaviors and task refusal. Ms. Medrano concluded that Student worked below the average of his same age peers and that he may need special education services and instructional setting to address deficits in reading, writing, and math. She reported her findings in a March 24, 2019 report that Mr. Manzanares used in his psychoeducational evaluation.

Mr. Manzanares summarized Student's academic performance, referring to his performance during his short kindergarten enrollment and current standardized test results. Student's overall academic achievement was below grade level and his verbal-conceptual scores showed well below average functioning.

## COMMUNICATION

Mr. Manzanares evaluated Student's communication, which involved the use and understanding of words, gestures, or spoken sounds to represent objects and ideas. He reviewed and considered Kaiser's November 2017 and April 2018 speech and language evaluations. Both found Student's language to be severely delayed. Mother completed the Developmental Profile, Third Edition, Communication Scale, regarding Student's communication functioning. Mother's responses scored Student in the below average range. Mr. Manzanares' report summarized his findings, noting that Student's overall language skills were below average. Student also had inconsistent eye contact and impairment in use of nonverbal behaviors, like facial expressions.

## MOTOR ABILITIES

Mother completed the Developmental Profile, Third Edition, Physical Scale, which examined Student's motor skills. Mother's valid responses scored Student's sensory motor functioning within the well below average range. Mr. Manzanares also reviewed Kaiser's April 2018 occupational therapy assessment, which found Student to have delays in daily activity living skills. Student's former teacher reported he required hand-over-hand prompting when tracing. Student walked properly while in line but did not skip or hop. Overall, Mr. Manzanares found Student to have a motor skill deficit.

## SOCIAL-EMOTIONAL STATUS

Mr. Manzanares considered Mother's May 1, 2019 interview and April 20, 2019 responses to a health development questionnaire in evaluating Student's social emotional status. He reviewed Student's former teacher's April 25, 2019 form summary of her observations of Student. Mother and Student's former teacher completed the Behavior Assessment System for Children, Second Edition, scales. The test's indices found Parent's and teacher's ratings to be valid and consistent. He noted that Student's former teacher responses were based on only about 24 days of class attendance, months before testing. Mother and teacher also completed the Autism Spectrum Rating Scales, which were used to help identify symptoms and behaviors associated with autism spectrum disorder. Mother and teacher were frequently consistent in their responses concerning Student's autistic-like behaviors. Mr. Manzanares summarized Student's social emotional status, noting Student's withdrawal behavior was within the clinically significant range and his social skills and functional communication were within the at-risk range.

## SELF-HELP/ADAPTIVE FUNCTIONING

Mother and teacher completed the Vineland Adaptive Behavior Scales, Third Edition, which measured Student's adaptive behaviors. The standardized instrument was widely used to assess those with intellectual, developmental, and other disabilities. Both Mother and teacher had consistent behavior composite scores, rating Student's adaptive skills within the well below average range. Mr. Manzanares also considered the interviews and observations and found that Student exhibited deficits in two or more adaptive behaviors.

## ELIGIBILITY RECOMMENDATIONS

Mr. Manzanares' report summarized the evaluation and analyzed how the findings supported Student's eligibility. He cited the legal criteria to qualify for special education services under autism eligibility. (Cal. Code Regs., tit. 5, § 3030, subd. (b)(1).) He determined that three areas of Student's observed behavior adversely impacted Student's education performance:

- Significantly affected verbal and nonverbal communication and social interaction.
- Resistance to environmental change or change in daily routines.
- Unusual responses to sensory experiences.

Mr. Manzanares' report described how the evaluation supported his conclusions and found that Student met the eligibility criteria for Autism.

Mr. Manzanares also considered whether Student met the legal criteria for intellectual disability eligibility. They required that Student have both significantly subaverage general intellectual functioning, concurrent with adaptive behavior deficits, that adversely affected Student's educational performance. (Cal. Code Regs., tit. 5, § 3030, subd. (b)(6).) Though Student had significant adaptive behavior deficits, Student demonstrated varied cognitive skills. Mr. Manzanares did not consider the cognitive testing to be sufficiently definitive to support a finding of intellectual disability eligibility. He recommended that Student's instruction be multi-sensory, focus on functional skills to increase independence, use visual cues, provide support to build peer relationships, and teach through modeling and shaping.

Mr. Manzanares used a variety of valid assessment tools, including standardized tests and informal assessment, to support his determination of eligibility. All

standardized assessments administered to Student pursuant to the assessment plan were administered in his native language of English, according to the publishers' instructions and were chosen and administered in a manner so as not to be racially, culturally, or sexually discriminatory. Assessments were discontinued at any point that the publisher's instructions could not be followed. All assessments were valid and reliable for the purpose in which they were used and included multiple measures. Los Angeles established by the preponderance of the evidence that its May 2019 psychoeducational assessment of Student complied with all legal requirements.

## ISSUE 2: WAS LOS ANGELES' MAY 2019 OCCUPATIONAL THERAPY ASSESSMENT APPROPRIATE?

Los Angeles contends that its May 2019 initial occupational therapy assessment of Student was appropriate and complied with all legal requirements. Therefore, Los Angeles is not obligated to fund an independent psychoeducational evaluation. Parents disagreed with Los Angeles' IEP offer and believed that independent educational evaluations would provide better recommendations for Student's placement and services.

Occupational therapist Lindsey Wolf conducted the occupational therapy assessment of Student and produced a May 23, 2019 final report. She earned a Master of Arts degree in occupational therapy, held a state occupational therapist license, and worked as an occupational therapist for Los Angeles since 2014. She completed the Assistive Technology Core Certification Program. Her coursework and experience included working with children who had various physical and mental health disabilities. Her licensing and occupational therapy board certification required regular completion of continuing education courses. She had conducted about 100 occupational assessments and attended more than 300 IEPs, while with Los Angeles. Ms. Wolf's



education, license, and experience qualified her to conduct Student's occupational therapy assessment. She testified at the hearing. Her occupational therapy assessment's purpose was to evaluate how Student functioned within the demands of a school environment. Her testimony demonstrated a caring concern for Student and his family's well-being.

Ms. Wolf talked with Parents, reviewed Student's school records, interviewed Student's former teacher, summarized Student's medical history, and considered Kaiser's evaluations and diagnosis of autism. Mother was especially concerned about Student's response to loud noises and his use of scissors and pencils. When overwhelmed, Student would try and escape by climbing under a table or burrowing into Mother's jacket.

Ms. Wolf assessed Student for two days in an empty classroom at Independence. Mother brought Student the first day and Father brought him the second day. Parents remained throughout the assessment. Ms. Wolf ported her observations of Student during assessment. She built rapport with Student by engaging in informal assessment activities, aware that Student had difficulty attending to standardized assessments and following adult-directed tasks. Student demonstrated decreased attention to non-preferred tasks and was unwilling to complete many tasks despite repeated directions and prompting.

#### FOUNDATIONAL SKILLS

Mother completed the norm-referenced Sensory Processing Measure questionnaire that was designed to assess Student's sensory systems and social participation with children. Since Student had not been in school for months, Ms. Wolf did not have Student's former teacher complete the test's school form. Ms. Wolf

followed the test's directions and protocols, recorded the scores, and reported the results. Mother's responses indicated Student generally had some problems in his sensory systems.

Ms. Wolf had Student perform a number of foundational activities within the classroom to evaluate his seating, positioning, and physical activities performance. She found that Student had the necessary neuromuscular skills to physically access his educational environment, including range of motion, muscle tone, balance, and overall endurance. He transitioned safely and independently to different areas of the campus, around the classroom, up and down stairs, and over uneven surfaces. Overall, Ms. Wolf found that Student should be able to physically access all areas of his educational environment without the need of physical assistance or adaptive equipment.

#### VISUAL SKILLS

Student performed a number of common activities to evaluate his eye movement and visual perception. Ms. Wolf found Student to have adequate visual skills to safely scan and negotiate obstacles when navigating the classroom and campus. He was able to track objects, recognize letters, and sort colors. He had coordinated eye movement and perceptual abilities for academic tasks.

#### MANIPULATION AND MANAGEMENT OF CLASSROOM MATERIALS

Ms. Wolf had Student engage with and manipulate various objects, such as scissors, hold paper while cutting, carrying large objects, and opening various containers and packaging. Although Student demonstrated many foundational fine motor abilities, Ms. Wolf concluded he would greatly benefit from daily exposure and practice within a classroom environment to further develop his fine motor skills.

## SENSORY AND MOTOR SKILLS FOR WRITTEN COMMUNICATION AND PARTICIPATION IN SCHOOL ACTIVITIES

Student had developing sensory and motor skills for emergent writing. Ms. Wolf observed Student trying to draw and trace various lines and shapes, but Student displayed little interest or tolerance for prewriting activities. Student became easily frustrated and would quit or refuse to continue writing tasks. Mr. Wolf concluded Student needed daily practice in a classroom environment to strengthen school readiness skills.

Ms. Wolf assessed Student's ability to participate in school activities by using a variety of manipulatives and multistep activities. Student could execute many physical tasks without difficulty, like navigating doors, managing containers, and using various tools. However, Student was often unwilling to participate in adult-directed activities and nonpreferred tasks. Ms. Wolf opined that Student had minimal school experience and, consequently, he had yet to adjust to the demands of school as opposed to doing things on his own terms.

## SELF-CARE DURING THE SCHOOL DAY

Student was not attending school and, therefore, Ms. Wolf could not observe Student in class and on campus to evaluate how he responded to a typical school day's demands, like toileting, hand washing, eating snacks and lunch, and handling belongings. Therefore, Ms. Wolf referred to the health report, which indicated that Student needed toileting assistance. She talked to Parents about how Student performed similar tasks at home. Student was able to eat using his fingers and utensils, drink out of a cup, and open a water bottle.

## SOCIAL PARTICIPATION

Ms. Wolf evaluated how Student's sensory processing and motor abilities might affect his social participation in classroom work groups and during noninstructional periods. She reviewed Mother's sensory questionnaire responses, spoke with Student's former teacher, and observed social interactions for eye contact, response to voice, and relating to adults. Ms. Wolf concluded that social participation was a relative weakness for Student, whose social skills would benefit from daily practice in an educational environment.

## ANALYSIS OF SENSORY SYSTEMS

The integration of sensory information enables a student to interact with the environment. Ms. Wolf examined Student's sensory modulation and discrimination using her assessments, interviews, and Mother's questionnaire responses. She analyzed Student's four sensory systems:

- The tactile system pertains to the sense of touch on the skin. Though Student appeared to have some problems with touch, touch did not appear to be a significant factor limiting his participation in classroom activities at that time.
- The proprioception system is responsible for sensation from the muscles and joints enabling the brain to know where the parts of the body are and how it is moving. Though Mother reported some problems in the area of body awareness, Ms. Wolf did not observe similar behaviors. Student demonstrated appropriate body awareness as he moved around the educational environment.

- The vestibular system positions the head in relation to gravity and movement. Student had typical balance and motion related to vestibular processing.
- The auditory system, or sense of hearing, was an area of dysfunction for Student. Student was frequently bothered or distracted by loud noises and ordinary household sounds. Yet, Student was observed not to react to the school bell and to filter out distracting background noise when engaged in a preferred activity.

Ms. Wolf observed that Student had some sensory seeking behavior when inattentive and seated at the table, such as leaning into parent, frequently changing position in his chair, or playing with Mother's hair. Student was able to sufficiently absorb and process sensory information in order to engage in the school environment and participate in classroom activities when he was interested and motivated by the task.

## SUMMARY OF FINDINGS AND RECOMMENDATIONS

Ms. Loft summarized her findings in the report and made some recommendations. She suggested modifications and accommodations, such as:

- limiting visual distractions;
- opportunities for movement breaks throughout the school day;
- positive incentive programs;
- repeated instructions and checks for understanding; and
- alternative seating options.

She proposed that Student have a sensory diet, as needed, such as movement breaks, weighted lap belt, jumping, and bean bag squishes.

The evidence established that Ms. Wolf's assessment of Student's occupational therapy needs was thorough and comprehensive. She identified his then-current occupational therapy needs and made recommendations regarding how Student's needs might be addressed. Ms. Wolf's assessment and recommendations were consistent with and supported by the evidence admitted at hearing. She administered all standardized assessments in his native language of English, according to the publishers' instructions. They were chosen and administered in a manner so as not to be racially, culturally, or sexually discriminatory. Assessments were discontinued at any point that the publisher's instructions could not be followed. All assessments were valid and reliable for the purpose in which they were used and included multiple measures. Los Angeles proved by a preponderance of the evidence that the May 2019 occupational therapy assessment of Student complied with all legal requirements.

## ORDER

1. Los Angeles' May 2019 initial psychoeducational assessment of Student was appropriate and complied with all legal requirements.
2. Los Angeles' May 2019 occupational therapy assessment of Student was appropriate and complied with all legal requirements.
3. Parents on behalf of Student are not entitled to public funding of independent psychoeducational and occupational therapy evaluations.

## 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 both issues.

## RIGHT TO APPEAL

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

/s/

Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings