

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

CASE NO. 2020080444

PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

DECISION

October 9, 2020

On August 18, 2020, the Office of Administrative Hearings, called OAH, received a due process hearing request from Plumas Lake Elementary School District, naming Parent on behalf of Student. Administrative Law Judge Tara Doss heard this matter via videoconference on September 9, and 10, 2020.

Attorney Tilman Heyer represented Plumas Lake. Director of Curriculum, Instruction, and Special Education, Lori Greenwood, attended all hearing days on Plumas Lake's behalf. One Parent represented Student and attended all hearing days.

At Plumas Lake's request, OAH continued the case to September 28, 2020, to allow time for written closing briefs. OAH closed the record and submitted the case for decision on September 28, 2020.

ISSUE

1. Did the February 25, 2020 individualized education program, called an IEP, offer Student a free appropriate public education, called a FAPE, such that Plumas Lake may implement it without parental consent?

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 (2006) et seq.; 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 free appropriate public education to the child. (20 U.S.C. § 1415(b)(6) & (f); 34 C.F.R.

§ 300.511; Ed. Code, §§ 56501, 56502, and 56505; Cal. Code Regs., tit. 5, § 3082.) The party requesting the hearing is limited to the issues alleged in the complaint, unless the other party consents, and has the burden of proof by a preponderance of the evidence. (20 U.S.C. § 1415(f)(3)(B); Ed. Code, § 56502, subd. (i); *Schaffer v. Weast* (2005) 546 U.S. 49, 57-58, 62 [126 S.Ct. 528, 163 L.Ed.2d 387]; and *see* 20 U.S.C. § 1415(i)(2)(C)(iii).) In this case, Plumas Lake has the burden of proof. 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).)

Student was five years old and in kindergarten at the time of hearing. Student resided within Plumas Lake's geographic boundaries at all relevant times. Student was eligible for special education under the category of speech or language impairment due an articulation disorder. Student's placement was in a general education classroom. Student received speech and language services and had access to a communication device to help Student express wants and needs at school.

ISSUE 1: DID THE FEBRUARY 25, 2020 IEP OFFER STUDENT A FAPE?

Plumas Lake contended Student's February 25, 2020 IEP complied with all procedural and substantive requirements of the IDEA, and that it offered Student a FAPE. Student contended the February 25, 2020 IEP was not appropriate because it failed to include a goal to address Student's expressive language that required use of Student's communication device, and it failed to include a communication system between Parents and Student's teacher and speech therapist.

A FAPE means special education and related services that are available to an eligible child that meets state educational standards at no charge to the parent or guardian. (20 U.S.C. § 1401(9); 34 C.F.R. § 300.17.) Parents and school personnel

develop an IEP for an eligible student based upon state law and the IDEA. (20 U.S.C. §§ 1401(14), 1414(d)(1); *see* Ed. Code, §§ 56031, 56032, 56341, 56345, subd. (a), and 56363 subd. (a); 34 C.F.R. §§ 300.320, 300.321, and 300.501.)

In general, a child eligible for special education must be provided access to specialized instruction and related services which are individually designed to provide educational benefit through an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. (*Board of Education of the Hendrick Hudson Central School Dist. v. Rowley* (1982) 458 U.S. 176, 201-204; *Endrew F. v. Douglas County School Dist. RE-1* (2017) 580 U.S. ____ [137 S.Ct. 988, 1000].)

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).) An IEP is a written statement for each child with a disability that is developed, reviewed, and revised based upon state law and the IDEA. (20 U.S.C. §§ 1401(14), 1414(d)(1); 34 C.F.R. § 300.320; Ed. Code, § 56032.) All references to the Code of Federal Regulations are to the 2006 version, unless otherwise noted.

An IEP describes the child's needs, and academic and functional goals related to those needs. It also provides a statement of the special education, related services, and program modifications and accommodations that will be provided for the child to:

- advance in attaining the goals,
- make progress in the general education curriculum, and

- participate in education with disabled and nondisabled peers. (20 U.S.C. §§ 1401(14), 1414(d)(1)(A); Ed. Code, §§ 56032, 56345, subd. (a).)

There are two parts to the legal analysis of a school district's compliance with the IDEA. First, the tribunal must decide whether the school district has complied with IDEA procedures. (*Rowley*, supra, 458 U.S. at pp. 206-207.) Second, the tribunal must decide whether the IEP developed through those procedures was designed to meet the child's unique needs and was reasonably calculated to enable the child to receive educational benefit appropriate in light of the child's circumstances. (*Ibid*; *Endrew F.*, supra, 137 S.Ct. at p. 1000.)

PROCEDURAL REQUIREMENTS

THE RECENT SPEECH AND LANGUAGE EVALUATION WAS PROCEDURALLY COMPLIANT

School district evaluations of children with disabilities under the IDEA serve two purposes:

- identifying children who need specialized instruction and related services because of an IDEA-eligible disability; and
- helping IEP teams identify the special education and related services the child requires. (34 C.F.R. §§ 300.301 and 300.303.)

A reevaluation of a child must occur at least once every three years, unless the parents and school district agree a reevaluation is unnecessary. (20 U.S.C. § 1414(a)(2)(B); 34 C.F.R. § 300.303(b)(2).) The school district must provide written notice to parents and obtain parental consent for any evaluation the school district proposes to conduct. (20 U.S.C. §§ 1414(b)(1) and (c)(3); 34 C.F.R. § 300.304(a).) Evaluations and

assessments have the same meaning under IDEA and California law and will be used interchangeably in this Decision.

A child must be assessed in all areas related to suspected disability. (20 U.S.C. § 1414(b)(3)(B); 34 C.F.R. § 300.304(c)(4).) 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, subd. (b)(3), and 56322.) The assessor must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent. (20 U.S.C. § 1414(b)(2)(A); 34 C.F.R. § 300.304(b)(1).) The assessor 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).) 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).) Parents must receive a copy of any evaluation report. (20 U.S.C. § 1414(b)(4)(B).)

Plumas Lake initially assessed and offered Student eligibility for special education and related services in August 2017, just before Student's third birthday. Student was diagnosed with childhood apraxia of speech, which impacted Student's ability to make speech sounds and form words. Student received speech and language services to address deficits in receptive and expressive language, and articulation. In May 2018, Plumas Lake conducted an augmentative and alternative communication, called AAC, assessment due to Student's severe speech deficits in expressive language. At the time, Student was mostly nonverbal. Student qualified for AAC supports and Plumas Lake

provided a speech output device, called a NovaChat 8, to help Student communicate at school.

On January 14, 2020, Plumas Lake emailed Parents an assessment plan for Student's three-year reevaluation. Plumas Lake proposed assessments in speech, language, and communication development, and in health because these were Student's areas of suspected disability. The assessment plan was procedurally compliant, and Parents agreed to Plumas Lake conducting the assessments. A Plumas Lake speech therapist assessed Student in January, and February 2020, and issued a report on February 25, 2020. Plumas Lake relied on the speech and language assessment results when it developed Student's February 25, 2020 IEP. The speech therapist had bachelor's and master's degrees in speech-language pathology and held a California teaching credential that qualified the therapist to conduct assessments and provide speech services to special education students.

The therapist administered the assessment in English, which was Student's native language. The therapist used a variety of assessment tools, including record review, observation, interviews, informal language samples, and standardized assessments. The therapist also reviewed Student's use of and continued need for the NovaChat 8. The therapist reviewed Student's records to understand the history of Student's baseline skills. The therapist observed Student during speech sessions, in the classroom, and on the playground. Student successfully communicated with peers and adults across settings and repaired any communication breakdowns independently. Interviews with Parents, Student, and Student's teacher showed Student was comfortable speaking, was socially engaged, and making progress in communication skills.

The informal language samples showed familiar listeners, like peers and school staff, understood Student's speech approximately 91 percent of the time. On average,

Student spoke in eight-word utterances, which was developmentally appropriate for Student's age. Student could produce up to 20-word utterances. When Student had a communication breakdown, Student used gestures, repeated or slowed speech, or acted out the message independently to repair the breakdown. On standardized assessments, Student scored in the average range for expressive language, but still displayed several articulation errors. All formal assessment tools were used in accordance with the test publisher's instructions.

Based on the assessment results, Student continued to meet eligibility criteria for a speech or language disorder in articulation, which made it difficult for some listeners to understand Student's speech. Student no longer met eligibility criteria for an expressive language disorder because Student scored in the average range on standardized assessments and met or exceeded expressive language goals from the previous year's IEP. The speech therapist gave Parents a copy of the report before the IEP team meeting. Student's IEP team, including Parents, reviewed the assessment results at an IEP team meeting held on February 25, 2020. The speech and language assessment complied with all procedural assessment requirements.

THE IEP TEAM MEETING NOTICE WAS PROCEDURALLY COMPLIANT

School districts must take steps to ensure that at least one parent is present at each IEP team meeting. (34 C.F.R. § 300.322(a); Ed. Code, § 56341.5, subd. (a).) Therefore, the school district must notify parents of the meeting early enough to have the opportunity to attend and must schedule the meeting at a mutually agreed on time and place. (*Id.*; Ed. Code, § 56341.5, subd. (b).) The IEP team meeting notification must indicate the purpose, time, and location of the meeting, and who will be in attendance. (34 C.F.R. § 300.322(b)(i); Ed. Code, § 56341.5, subd. (c).)

On January 14, 2020, Plumas Lake emailed Parents an IEP team meeting invitation in preparation for Student's annual IEP review. The invitation proposed a meeting date of February 25, 2020, at 2:30 PM, at Student's school. The proposed date was more than 30 days after Parents received the invitation, which was early enough to give Parents the opportunity to attend. The invitation included the purpose of the meeting and indicated who was invited to attend the meeting. Parents agreed to the proposed date and time of the meeting. Therefore, Plumas Lake complied with the IEP team meeting notice requirements.

THE IEP TEAM MEETING WAS TIMELY HELD

School districts are required to hold an IEP team meeting at least once a year to review a student's progress on annual goals and to revise the IEP as appropriate to address reevaluation results or any other anticipated needs of the student. (20 U.S.C. § 1414(d)(4).) The February 25, 2020 IEP team meeting was held within a year of Student's previous IEP held on March 1, 2019. The IEP team reviewed Student's progress on goals and the recent speech and language assessment results. Thus, Plumas Lake timely held Student's annual IEP team meeting.

ALL REQUIRED IEP TEAM MEMBERS ATTENDED AND PARENTS MEANINGFULLY PARTICIPATED

Unless the parent and school district have agreed otherwise, a school district must ensure that the IEP team includes:

- the child's parents;
- at least one of the child's regular education teachers if the child is, or may be, participating in the regular education environment;

- at least one of the child's special education teachers, or, where appropriate, one of the child's special education providers;
- a representative of the school district who is qualified to provide or supervise specially designed instruction to meet the unique needs of children with disabilities, is knowledgeable about the general education curriculum, and is knowledgeable about available resources;
- someone who can interpret any assessment results;
- at the discretion of the parent or school district, other individuals who have knowledge or special expertise regarding the child; and
- whenever appropriate, the child. (20 U.S.C. § 1414(d)(1)(B); 34 C.F.R. § 300.321(a).)

A parent has meaningfully participated in the development of an IEP when the school district informs the parent of the child's problems, the parent attends the IEP team meeting, and the parent has the opportunity to express disagreement regarding the IEP team's conclusions and requests revisions in the IEP. (*N.L. v. Knox County Schools* (6th Cir. 2003) 315 F.3d 688, 693; *Fuhrmann v. East Hanover Bd. of Educ.* (3rd Cir. 1993) 993 F.2d 1031, 1036 [a parent who has an opportunity to discuss a proposed IEP and whose concerns are considered by the IEP team has participated in the IEP process in a meaningful way].) The IEP need not conform to a parent's wishes in order to be sufficient or appropriate. (*Shaw v. Dist. of Columbia* (D.D.C. 2002) 238 F.Supp.2d 127, 139 [The IDEA does not provide for an "education designed according to the parent's desires"], citing *Rowley, supra*, 458 U.S. at p. 207; see also *Miller v. Bd. of Educ. of the Albuquerque Public Schools* (D.N.M. 2006) 455 F.Supp.2d 1286, 1307-1309; *aff'd on other grounds, Miller v. Bd. of Educ. of the Albuquerque Public Schools* (10th Cir. 2009) 565 F.3d 1232.) A school district has the right to select the program offered, as long as the program can meet the child's needs. (*Letter to Richards* (OSEP January 7, 2010).)

All required IEP team participants attended the meeting, including both parents, Student's general education teacher, a special education teacher, Student's speech therapist, and a school administrator. The IEP team, including Parents, discussed all sections of the IEP, including Student's strengths, present levels of performance, goals, services, and other supports. Parents provided input, asked questions, expressed concern, and requested revisions to the IEP. Specifically, Parents requested more frequent communication about Student's progress from the speech therapist and Student's teacher. Parent requested that the IEP include goals and services directly related to Student's use of the communication device. Parent also asked for extended school year services. Plumas Lake did not agree to the first two requests but agreed to offer extended school year services. Plumas Lake considered Parents' input, along with the input of the other IEP team members, and the recent speech and language assessment results, to offer the program it believed was reasonably calculated to meet Student's needs. Therefore, Plumas Lake complied with IEP team meeting attendance and parental participation requirements.

STUDENT'S PRESENT LEVELS OF PERFORMANCE AND IEP GOALS WERE PROCEDURALLY COMPLIANT AND APPROPRIATE

In developing the IEP, the IEP team must consider the strengths of the child, the concerns of the parents for enhancing the child's education, the results of the most recent evaluations of the child, and the academic, developmental, and functional needs of the child. (20 U.S.C. § 1414(d)(3)(A); 34 C.F.R. § 300.324(a); Ed. Code, § 56341.1, subd. (a).) The child's needs must be described through a statement of present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum. (20 U.S.C. § 1414(d)(1)(A)(i)(I); 34 C.F.R. § 300.320(a)(1).)

The team must develop measurable goals that are designed to meet the child's needs so that the child can be involved and make progress in the general education curriculum and meet each of the child's other educational needs. (20 U.S.C. § 1414(d)(1)(A)(i)(II); 34 C.F.R. § 300.320(a)(2)(i).) The IEP must describe how progress towards the goals developed will be measured and reported. (20 U.S.C. § 1414(d)(1)(A)(i)(III); 34 C.F.R. § 300.320(a)(3).) Annual goals should describe what a child with a disability can reasonably be expected to accomplish within a 12-month period in the child's special education program. (*Letter to Butler*, 213 IDELR 118 (OSERS 1988); *Notice of Interpretation*, Appendix A to 34 C.F.R., part 300, Question 4 (1999 regulations).) There must be a direct relationship between the present levels of performance, the goals, and the specific educational services the school district provides. (Cal. Code Regs., tit. 5, § 3040, subd. (b).)

The February 25, 2020 IEP included a written statement of Student's present levels of academic and functional performance, including Student's communication and assistive technology needs. The IEP team relied on input from all team members about Student's strengths and the speech and language assessment results to determine Student's present levels. Student's academic performance was at or above grade level. Student's functional communication skills improved significantly since the previous year's annual IEP. Student communicated verbally with peers and school staff, and actively participated in class. Student had access to the communication device in the classroom and during speech sessions, but rarely chose to use it. Student knew how to use the communication device but wanted to communicate verbally. Student still had articulation errors which made it difficult for unfamiliar listeners to understand Student's speech. The articulation errors impacted Student's ability to access the educational environment. The present levels of performance complied with IDEA procedural requirements.

The team identified articulation as a continued area of need for Student's IEP to address through goals, related services, accommodations, and program modifications. The speech therapist, in consultation with Student's teacher, proposed three articulation goals. The first goal was for Student to spontaneously produce consonant-consonant-vowel-consonant words, like "smile" or "span," without cues and with 80 percent accuracy. The second goal was for Student to spontaneously produce simple phonemic and syllable combinations, like "man," "home," and "puppy," with 80 percent accuracy. The third goal was for Student to spontaneously produce the "l" sound in the initial position of words, without cues and with 80 percent accuracy.

Each proposed goal had a baseline directly related to Student's present levels of performance. Each goal was designed for Student to achieve in a 12-month period and indicated how Student's progress would be measured. The speech therapist was responsible for working with Student to achieve the goals and would provide Parents with progress reports each trimester. The goals complied with IDEA procedural requirements.

Additionally, the proposed goals were appropriately developed to address Student's identified articulation needs so that Student could make progress in communication skills and receive an educational benefit in the general education environment. At the IEP team meeting, Parents disagreed that articulation was Student's only area of need. Parents believed Student still had expressive language needs that should be addressed through goals requiring Student's use of the communication device. There was no evidence that showed Student still had expressive language needs or needed goals related to the communication device. Further, the documentary evidence and credible opinions of the speech therapist and Student's teacher did not support Parents' assertion, but instead showed Student no longer had

expressive language needs that required use of the communication device. Plumas Lake's refusal to include a goal related to Student's communication device did not result in a denial of FAPE because the proposed goals addressed Student's identified needs. Thus, the goals were substantively appropriate.

THE SERVICES, MODIFICATIONS, AND ACCOMMODATIONS WERE
PROCEDURALLY COMPLIANT AND APPROPRIATE

School districts must ensure that a continuum of program options is available to meet the needs of children with disabilities for special education, including, but not limited to regular education, resource specialist programs, related services, special classes, and nonpublic schools. (34 C.F.R. §§ 300.115, 300.39; Ed. Code, § 56361.) When discussing related services, program modifications, and accommodations, the IEP team must consider the communication needs of the child and whether the child needs assistive technology devices and services. (20 U.S.C. § 1414(d)(3)(B)(iv) & (v); Ed. Code, § 56341.1, subds. (b)(4) & (b)(5).) Further, an IEP must state whether extended school year services are offered. (Ed. Code, § 56345, subd. (b)(3).) The IEP must include a projected start date for related services and modifications, as well as the anticipated frequency, location, and duration of any offered related services and modifications. (20 U.S.C. § 1414(d)(1)(A)(i)(VII); 34 C.F.R. § 300.320(a)(7).)

After discussing Student's goals, Plumas Lake reviewed the continuum of program options for Student, including general education without supports or services, general education with accommodations, and general education with accommodations and related services. The IEP team, including Parents, decided general education with accommodations and related services in speech and language was appropriate for Student. Plumas Lake offered speech and language services for 60 minutes a week, which a speech therapist would provide in the classroom and in the speech room,

individually and in a small group. As a program modification, Plumas Lake offered consultation between the speech therapist and Student's teacher and classroom support staff for 20 minutes a month. As accommodations, Plumas Lake offered assistive technology so that Student would have access to the communication device if needed, and alternative response options when Student had a verbal communication breakdown. Plumas Lake offered extended school year services in speech and language for 30 minutes a week, to prevent regression. The IEP included a projected start date of February 25, 2020, as well as the frequency, duration, and location, of the speech and language services, accommodations, and program modifications. Therefore, the services, modifications, and accommodations in the February 25, 2020 IEP complied with IDEA procedural requirements.

Also, Plumas Lake's offer of 60 minutes a week of individual and small group speech and language services, 20 minutes a month of consultation, extended school year services, and other instructional accommodations was directly related to Student's present levels of performance and goals. Student met or exceeded the previous year's IEP goals with the same level of speech and language services, and the Plumas Lake IEP team members believed Student would continue to progress with implementation of the February 25, 2020 IEP. Plumas Lake relied on Student's present levels of performance and newly developed goals, which this Decision finds appropriate, to offer services and supports that would allow Student to make progress and receive an educational benefit. Further, there was no documentary evidence or testimony that persuasively challenged the appropriateness of the offered services, modifications, or accommodations. Therefore, the proposed services, modifications, and accommodations addressed Student's needs, and were substantively appropriate.

THE IEP OFFER WAS CLEAR

School districts have an obligation to make a formal, written offer in the IEP that clearly identifies the proposed program. This requirement creates a clear record that helps eliminate factual disputes about when placements were offered, what placements were offered, and what additional assistance was offered to supplement a placement. It also assists parents in presenting complaints with respect to any matter relating to the educational placement of the child. (*Union School Dist. v. Smith* (9th Cir. 1994) 15 F.3d 1519, 1526; *J.W. v. Fresno Unified School Dist.* (9th Cir. 2010) 626 F.3d. 431, 459-460.)

The IEP identified Plumas Lake's proposed placement, services, and supports, in writing, and with enough specificity that the IEP was sufficiently clear to Parent. There was no evidence that Parents did not understand what placement, services, and supports the IEP offered. Therefore, the IEP offer complied with formal written offer requirements.

SUBSTANTIVE REQUIREMENTS

In resolving the question of whether a school district has offered a FAPE, the focus is on the adequacy of the school district's proposed program. (*Gregory K. v. Longview School Dist.* (9th Cir. 1987) 811 F.2d 1307, 1314.) For a school district's offer of special education services to constitute a FAPE under the IDEA, it must be designed to meet the child's unique needs, comport with the child's IEP, and be reasonably calculated to provide the child with educational benefit appropriate in light of the child's circumstances, in the least restrictive environment. (*Ibid.*; *Endrew F., supra*, 580 U.S. ____ [137 S.Ct. at p. 1000].)

When considering a child's educational placement, school districts must educate the child in the least restrictive environment, which means to the maximum extent

appropriate, children with disabilities are educated with nondisabled peers. Special classes or separate schooling must occur only if the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (20 U.S.C. § 1412(a)(5)(A); 34 C.F.R. § 300.114(a).) The IEP must include an explanation of any extent to which the student will not participate with nondisabled students in the regular class and extracurricular and nonacademic activities. (20 U.S.C. § 1414(d)(1)(A)(i)(V); 34 C.F.R. § 300.320(a)(5).)

Plumas Lake offered continued placement at Student's school of residence in a general education classroom. The IEP indicated Student would be educated in a regular classroom for 96 percent of the school week, with exposure to typically developing peers throughout the day. Student would receive speech and language services for the remaining four percent of Student's school week. The speech and language assessment results and input from IEP team members identified Student had articulation needs that required special education and related services. The severity of Student's needs justified Student spending four percent, or 60 minutes a week, outside of the general education environment. All IEP team members, including Parents, agreed Student benefitted from speech and language services. Student's speech and language needs outweighed any harmful effects of removing Student from the general education environment for a small portion of Student's school week. Therefore, the IEP offered an appropriate placement in the least restrictive environment, and, as already determined in this Decision, appropriate goals, related services, program modifications, and accommodations reasonably calculated to provide Student with educational benefit.

In summary, the February 25, 2020 IEP complied with all IDEA and California procedural requirements, and substantively offered Student a FAPE in the least restrictive environment.

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.

The February 25, 2020 IEP, offered Student a FAPE. Plumas Lake prevailed on the sole issue in the case.

ORDER

If Student attends school within Plumas Lake and Parents seek special education services, Plumas Lake may implement the February 25, 2020 IEP, without parental consent.

RIGHT TO APPEAL THIS DECISION

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

/s/

Tara Doss

Administrative Law Judge

Office of Administrative Hearings