

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

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CASE NO. 2021100550

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PARENT ON BEHALF OF STUDENT,

V.

PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT.

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CORRECTED DECISION

April 8, 2022

This Corrected Decision is issued to include plain language identifiers as to the Conclusions and Prevailing Party section.

On October 19, 2021, the Office of Administrative Hearings, called OAH, received a due process hearing request from Parent on behalf of Student, naming Placentia-Yorba Linda Unified School District. On November 9, 2021, OAH granted the parties' joint request for a continuance for mediation of the matter. Administrative Law Judge Chris Butchko heard this matter by videoconference on February 1, 2, 3, and 8, 2022.

Student's Parent represented Student at hearing and attended all hearing days on Student's behalf. Parent is not an attorney at law. Jennifer Fant, Attorney at Law, represented Placentia-Yorba Linda at hearing. Renee Gray, Executive Director of Special Education, attended all hearing days on Placentia-Yorba Linda's behalf.

At the parties' request following the hearing, OAH continued the matter to February 28, 2022, for written closing briefs. The record was closed, and the matter was submitted on that date.

## ISSUES

Did Placentia-Yorba Linda deny Student a free appropriate public education, known as FAPE, by failing to make an appropriate offer of placement and services at the May 21, 2021 individualized educational plan team meeting because it failed to:

- a. Offer the services and supports Student required to meet Student's needs due to a learning disability; and
- b. Offer an appropriate placement to meet Student's needs for continuity and connectedness?

On February 22, 2022, Student filed a motion to admit Student's exhibit 12 and pages 434 through 438 of The Prentice School's production in response to subpoena, comprising the school's tuition contract. On February 23, 2022, Placentia-Yorba Linda filed in response, accepting the tuition contract but opposing the receipt of exhibit 12 as prejudicial to its defense. Upon consideration, Parent's motion is granted for convenience of any reviewing court. (20 U.S.C. § 1415(i)(2)(C).) Although not introduced at hearing, the exhibit has been read and considered in making this decision.

## 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, referred to as FAPE, to the child. (20 U.S.C. § 1415(b)(6) & (f); 34 C.F.R. § 300.511; Ed. Code, §§ 56501, 56502, and 56505; Cal. Code Regs., tit. 5, § 3082.) The party requesting the hearing is limited to the issues alleged in the complaint, unless the other party consents, and has the burden of proof by a preponderance of the evidence. (20 U.S.C. § 1415(f)(3)(B); Ed. Code, § 56502, subd. (i); *Schaffer v. Weast* (2005) 546 U.S. 49, 57-58, 62 [126 S.Ct. 528, 163 L.Ed.2d 387]; and see 20 U.S.C. § 1415(i)(2)(C)(iii).) Student, as the party filing the action, has the burden of proof on all issues.

The factual statements in this Decision constitute the written findings of fact required by the IDEA and state law. (20 U.S.C. § 1415(h)(4); Ed. Code, § 56505, subd. (e)(5).)

Student was 14 years old and in eighth grade at the time of hearing. Student has resided within Placentia-Yorba Linda's geographic boundaries at all relevant times. Student currently attends the Prentice School, a non-public school. Student is eligible for special education services as a student with a specific learning disability.

## ISSUE 1: FAILURE TO MEET STUDENT'S NEEDS DUE TO SPECIFIC LEARNING DISABILITY

Student contends that Placentia-Yorba Linda failed to meet Student's needs for support resulting from a learning disability that affected Student's basic reading, reading fluency, reading comprehension, and written expression. In addition, Student contends that these problems were further complicated due to deficits in visual processing, phonological processing, and attention. Student contends that the learning disability contributed to social/emotional challenges in peer interactions. Consequently, Student argues that continued placement at Prentice is necessary to meet these academic needs.

Placentia-Yorba Linda counters that it developed a full picture of Student's current needs and abilities prior to making its latest offer of programs and services in its May 21, 2021 individualized education program, known as an IEP. Placentia-Yorba Linda contends the IEP fully met Student's identified needs and offered FAPE. Placentia-Yorba Linda argues that Student's objections to its offer are based upon negative events Parent anticipates may happen in the future and not on any deficits within the IEP.

A FAPE means special education and related services that are available to an eligible child and meet 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 are charged with developing IEPs for eligible students based upon state law and the IDEA. (20 U.S.C. §§ 1401(14), 1414(d)(1); and see Ed. Code, §§ 56031, 56032, 56341, 56345, subd. (a) and 56363 subd. (a); 34 C.F.R. §§ 300.320, 300.321, and 300.501.)

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].)

The IDEA does not require that the IEP identify the specific methodology that a school district will use to meet a student's needs. (Analysis of Comments and Changes to 2006 IDEA Part B Regulations, 71 Fed.Reg. 46665 (August 14, 2006).) The methodology used to implement an IEP is left up to the school district's discretion so long as it meets a student's needs and is reasonably calculated to provide meaningful educational benefit to the child. (*Rowley*, 458 U.S. at 208; *Adams v. State of Oregon* (9th Cir. 1999) 195 F.3d 1141, 1149 (*Adams*).)

In finding that a district had not committed a procedural violation of the Act by failing to specify the teaching methodologies it intended to use, the Ninth Circuit stated, "We accord deference to the District's determination and the ALJ's finding that J.L.'s teachers needed flexibility in teaching methodologies because there was not a single methodology that would always be effective." (*J.L. v. Mercer Island School District* (2010)

592 F.3d 938, 952.) “Rowley and its progeny leave no doubt that parents, no matter how well-motivated, do not have a right under the [IDEA] to compel a school district to provide a specific program or employ a specific methodology in providing for the education of their handicapped child.” *Lachman v. Illinois State Bd. of Educ.*, 852 F.2d 290, 297 (7th Cir. 1988).

Student argues that the current program at Prentice offers reading interventions based upon Orton-Gillingham and LindaMood Bell multisensory programs, which have resulted in substantial improvements in Student’s reading and math skills. Student contends that small group instruction is necessary to assist Student with compounding difficulties due to dyslexia and dysgraphia. In addition, Student argues that the setting at Prentice School protects Student from shaming from peers due to learning differences and thus prevents “acting out behaviors” that would interfere with learning. Because Student’s needs are being appropriately addressed at Prentice, Student contends that the best option would be to maintain the placement there.

Dr. Marta Shinn, Student’s expert witness, is a child psychologist and former teacher. She was retained as part of a previous action between the parties and prepared a report on Placentia-Yorba Linda’s proposed placement of Student for the 2020-2021 school year. Because of Covid-19, Dr. Shinn’s preparation for that report was limited to a virtual observation of Student at Prentice School and of a summer reading program class at Tuffree Middle School. Dr. Shinn attended an IEP team meeting in October 2020 and presented her report.

After settlement of that matter, Parent contacted Dr. Shinn and asked her to prepare a report to be used in this action. Dr. Shinn eventually agreed to prepare an update to her report, but did not conduct testing, new observations, or take other

actions she would ordinarily do to prepare an appropriate assessment of the placement. Instead, Dr. Shinn reviewed Student's records, assessment reports by Placentia-Yorba Linda, and received information about Student from teachers at Prentice. Dr. Shinn made a professional judgement to minimize the cost of the assessment due to the financial stresses on Student's family, and did not do new observations, interviews, or testing for the update. Accordingly, the update is not entitled to the same weight that would be given to a full assessment. Dr. Shinn's update report has not been presented to Placentia-Yorba Linda or discussed at an IEP team meeting.

In the update, Dr. Shinn found that Student had extensive academic needs in both reading and mathematics. She noted that Student had made progress at Prentice. Dr. Shinn concluded that Placentia-Yorba Linda's IEP would not be successful in educating Student because it did not specify the use of a multisensory program such as Orton-Gillingham or LindaMood Bell. Further, Prentice was a better placement for Student because it used a small class size cohort of 13 students, which provided more individual attention than would be available in a larger class in a public general education setting. Dr. Shinn's recommendation was that Student should stay at Prentice where Student felt comfortable and had made progress.

Dr. Shinn's contention that Student had made progress because Prentice used Orton-Gillingham or LindaMood Bell methodologies in teaching is not supported by the evidence. According to Sabrina Clark, Prentice's Director of Programs, the school used the Amplify instructional program for English Language Arts and there was no explicit instruction in either of those two other methodologies. Student's English teacher was not certified in either Orton-Gillingham or LindaMood Bell methodologies and had not received any training from either organization. Students in grades one through six at

Prentice receive daily instruction in the Orton-Gillingham methodology, but after grade six students receive that instruction only if they require additional support. Ms. Clark explained that Student was not receiving Orton-Gillingham instruction at Prentice because Student did not need it. Student's progress at Prentice was not due to its use of the Orton-Gillingham methodology.

Prentice did employ a multisensory approach to learning, involving projects and manipulatable objects, and it supported its students with the use of Chromebooks, assistive technology, speech to text and text to speech software, and audio textbooks. Those supports were given to all students, not just those with learning disabilities. The program Placentia-Yorba Linda offered was designed to meet Student's needs for support in reading skills and mathematics. The program at Tuffree Middle School employed the use of:

- manipulatives;
- projects;
- graphic organizers;
- assistive technologies including text to speech and speech to text; and
- audio-format textbooks.

Those supports are given to all students, not just those with learning disabilities. The IEP proposed by Placentia-Yorba Linda placed Student in specialized academic instruction classes for English language arts and mathematics, which typically have between 10 and 15 students. Student was offered the same small-group instruction in Student's areas of academic difficulty as at Prentice, providing the same protection against being singled out for shaming by peers due to academic deficiencies. Student's academic needs were addressed by Placentia-Yorba Linda's IEP offer.



No information was before the IEP team at Placentia-Yorba Linda that Student had any particular social/emotional challenges due to her learning disability. Student's teachers at Prentice uniformly reported that Student was popular, a leader in groups, and there were no behavioral concerns. Parent presented no information to the IEP team that Student was currently exhibiting any concerning behaviors in the academic setting. There were issues of behavior in years past, but there were no current concerns. Parent's biggest concern was ensuring that Student maintain the level of social/emotional growth Student had attained while at Prentice, and Parent did not want to risk regression by returning to public school too early. Parent's concerns are valid, but they do not dictate FAPE. Student has not demonstrated any unmet needs in dealing with social/emotional challenges in peer interaction due to Student's specific learning disability.

All the features of the Prentice School program cited by Student are part of the educational plan offered to Student at Tuffree Middle School. Student has presented no evidence of any service being offered at Prentice which is not echoed in the Placentia-Yorba Linda IEP offer. Student has not shown that she has any needs due to a learning disability that are not addressed within Placentia-Yorba Linda's IEP. Dr. Shinn believes that instruction in the Orton-Gillingham and LindaMood Bell methodologies would be the best means of helping student achieve grade-level mastery, but under *Rowley*, the choice of methodologies to address a student's needs is left to the discretion of the school district. (*Rowley, supra*, 458 U.S. at 208.) It is not a question of whether one approach is better or worse than another, just of whether the student's needs are addressed. "The IDEA accords educators discretion to select from various methods for

meeting the individualized needs of a student, provided those practices are reasonably calculated to provide [the student] educational benefit." (*R.P. et al. v. Prescott Unified School District* (9th Cir. 2011) 631 F.3d 1117, 112.)

The power to choose methodology accorded to a district is not without risk. If the district chooses a methodology and then fails to implement it correctly or chooses one that does not work, a court may find that it denied a student a FAPE if the student failed to progress. (*Miller v. Bd. of Education of the Albuquerque Public Schools* (D.N.M. 2006) 455 F.Supp.2d 1286, 1307-1309; *aff'd* on other grounds, (10th Cir. 2009) 565 F.3d 1232.) Here, the school has offered a program of intervention and supports which track those Student has said have been effective at Prentice. Student has not carried the burden of showing that Placentia-Yorba Linda's plan to address Student's needs due to specific learning disability failed to provide any service necessary to meet Student's identified needs due.

Student also contended in hearing and in briefing that the May 21, 2021 IEP's proposed placement at Tuffree Middle School "was previously deemed not to meet [Student's] needs." In an IEP in 2020, Placentia-Yorba Linda offered that placement and Student objected. Legal counsel initiated a 13-count due process action before OAH on September 15, 2020. That action was settled between the parties, and Placentia-Yorba Linda agreed to fund Student's attendance at the Prentice School for the 2020-2021 school year. Although there was an allegation in that action that Placentia-Yorba Linda failed to make an appropriate IEP offer to Student, there were also issues involving its failure to take required actions during the COVID-19 shutdown of schools. There were no judicial findings made because the case settled. Unless there are specific recitations to the contrary, a settlement is not an admission of error or fault. A settlement does not

create a finding of fact for a future matter. Student is not being accurate in stating that placement at Tuffree Middle School has previously been found inappropriate for Student.

## ISSUE 2: FAILURE TO MEET STUDENT'S NEED FOR CONTINUITY AND CONNECTEDNESS

Student contends that Placentia-Yorba Linda's May 21, 2021 IEP failed to meet Student's social/emotional needs for continuity and connectedness. Student contends that continued placement at Prentice is justified and necessary to keep Student from regressing into negative behaviors caused by peer shaming and bullying when Student attended elementary school in Placentia-Yorba Linda. Student argues that multiple public-school settings have led to Student having conflicts with peers, and returning Student to public school will cause "acting out" behaviors. Student contends that returning to public school will cause recurrence of self-harming behaviors and that the prospect of returning has already caused severe emotional trauma.

Placentia-Yorba Linda counters that Student had no social/emotional needs that were known to the district members of the IEP team at the time they made the May 21, 2021 IEP offer. Placentia-Yorba Linda contends that Student is attempting to create a requirement that schools must maintain a historical record of a student's needs and include planning for any possible contingencies, failure, or regression. Placentia-Yorba Linda contends that any current emotional issues were unknown to it, as Prentice's teachers reported that Student was flourishing socially. It asserts that Student's IEP offer contained sufficient supports and services to maintain Student's social/emotional progress, coping skills, and maturation. If Student was in crisis at home, those facts were either not shared with it or developed after the May 21, 2021 IEP team meeting.

An IEP must contain a statement of the related services, supplementary aides and services, program modifications and supports that will allow the student to advance toward his goals, access and make progress in his curriculum, participate in activities and to be educated with other disabled and nondisabled children. (20 U.S.C. § 1414(d)(1)(A)(i)(IV); 34 C.F.R. § 300.34 (2006); Ed. Code, § 56345, subd. (a)(4).) An educational placement is defined as that unique combination of facilities, personnel, location, or equipment necessary to provide instructional services to an individual with exceptional needs, as specified in the student's IEP, in any one, or a combination of public, private, home and hospital, or residential settings. (Cal. Code Regs., tit. 5, § 3042.)

A child's educational needs are to be broadly construed to include the child's academic, social, health, emotional, communicative, physical, and vocational needs. (*Seattle Sch. Dist. No. 1 v. B.S.* (9th Cir. 1996) 82 F.3d 1493, 1500, abrogated in part on other grounds by *Schaffer v. Weast* (2005) 546 U.S. 49.) Moreover, "educational benefit" is not limited to academic needs, but also includes the social and emotional needs that affect academic progress, school behavior, and socialization. (*County of San Diego v. California Special Education Hearing Office* (9th Cir. 1996) 93 F.3d 1458, 1467.)

An IEP is evaluated in light of the information available to the IEP team at the time it was developed; it is not judged exclusively in hindsight. (*Adams*, 195 F.3d at p. 1149.) "An IEP is a snapshot, not a retrospective." (*Id.* at p. 1149, citing *Fuhrmann v. East Hanover Bd. Of Educ.*, 993 F.2d 1031, 1041.) It must be evaluated in terms of what was objectively reasonable at the time the IEP was developed in light of the information that was before or available to the IEP team. (*Ibid.*)

Children with disabilities must be educated with typically developing children to the maximum extent possible. Congress' preference for educating children with disabilities in regular classrooms with their peers is specified in statutes which declare that special classes, separate schools, or other removal of children with disabilities from the regular educational environment should occur only when the nature or severity of the disability of a child 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)(2)(ii); *Sacramento City Unified v. Rachel H. by and through Holland* (9th Cir. 1994) 14 F. 3d 1398, 1403. (*Rachel H.*)) Educating students with special needs in settings as close to general education as possible is known as placing them in the least restrictive environment.

Placentia-Yorba Linda was aware that Student had engaged in self-harm while in elementary school. Student's initial psychoeducational assessment report of April 3, 2019, reported that Student would do self-harm with sharp objects when frustrated, embarrassed, or rejected. However, over two years had passed since the last act of self-harm in Fifth grade, and there were no current reports of self-harm or ideation. Parent did state at the May 21, 2021 IEP team meeting that Student was at risk of regression if Student returned to public school, but the Placentia-Yorba Linda members of the IEP team understood the comment to refer to academic regression. Parent did not clarify that Student's mental health was at risk. The IEP team did not fail to react to concerns raised about Student's mental health.

The IEP team did discuss and consider the social and emotional impacts upon Student from returning to a large public school after attending a smaller non-public school. They were aware that Student was exquisitely sensitive to embarrassment and

being singled out. For this reason, the IEP team changed Student's specialized academic instruction service in English and mathematics from a co-taught class shared with general education peers to a self-contained classroom so that Student would not be receiving extra help in view of her general education peers and would be taught in a smaller class size.

Dr. Shinn had told the school psychiatrist that being the focus of embarrassment was a trigger for Student and that being pulled out of class for services would embarrass Student. Dr. Shin believed that public school was an inappropriate setting for Student because Dr. Shinn assumed supportive services would be provided to Student on a pull-out basis. However, Student's IEP offered specialized academic services in a full-period setting, like any other class or elective. Student would not be pulled out of class for support, as in elementary schooling. Parent counters that such classes are known by the student body to be service classrooms. Still, Student would be spared the triggering embarrassment of being pulled out of classes while still receiving support. The IEP team worked to balance Student's needs for academic support against concerns that Student would be embarrassed in front of peers.

The IEP contained other measures designed to ease and monitor Student's return from private school. It provided Student with a transition plan which included meetings with teachers, a campus tour, and a schedule walkthrough prior to the start of the school year. The IEP directed the school psychologist to check in with Student two times a month from the start of school year through December to monitor Student's behavior and social/emotional well-being. In addition, Student was given supplementary aids and services, including academic accommodations such as extended time, spelling supports, and breaking down and "chunking" of concepts and assigned work. Student was also allowed to take breaks when needed as a calming strategy.

Tuffree Middle School also featured an on-site wellness counselor and an embedded weekly social/emotional and executive functioning instruction program called "SOAR," standing for Success through Organization, Academics, and Relationships.

Parent argues that Student is being asked to return to the same environment where Student had been bullied and embarrassed, which would be a trigger for negative behaviors and regression. Placentia-Yorba Linda counters that the Tuffree Middle School is not the same environment as the elementary school student attended years before. The physical setting is different, the school staff is new, and the peer group has changed and matured. If Student were kept out of public middle school and retained in an educational cohort of 13 fellow students, Placentia-Yorba Linda argues, Student would miss out on opportunities for growth, be segregated from typical and community peers, lose the opportunity to develop relationships with peers with whom Student would be transitioning to high school, miss out on extracurricular and nonacademic activities, and generally fail to experience and grow from access to a normalized educational setting. The doctrine of placement of special needs students in the least restrictive environment exists for exactly those reasons.

Parent has stated that Student's goal is to return to public school at some point, probably in high school. Student will start high school in the late summer of 2022. Parent wants to be sure that Student is ready to return to public school, and does not want to risk returning Student before Student is ready. However, Parent has produced no evidence or competent expert testimony indicating that Student is not ready.

Placentia-Yorba Linda's school psychologist believes that a student is ready to return from a non-public school at which it has placed a student because of negative behaviors when three factors are met. The student must have good peer relationships,

display sufficient organizational skills in work habits, and be coping with life on their own. Placentia-Yorba Linda did not place Student at Prentice to deal with behavioral issues, but Student has met each of the factors for a return from such a placement. The teachers at Prentice reported that Student was getting along with peers, worked well in groups, and enjoyed school. Student's foundational skills were strong, and work was completed on time and in an organized manner. Student was not reliant upon any social or emotional support person and displayed good coping skills. Student was called a "model student" by Prentice staff. Nothing was before the IEP team indicating that Student was unready to return to the less restrictive environment of a public school.

Nevertheless, Parent is unwilling to have Student return to public school. Parent is unwilling to take any risks with a child who has proven fragile in the past. Parent notes that Placentia-Yorba Linda staff members present at the May 21, 2021 IEP team meeting admitted at hearing that Student's history of engaging in cutting behavior during elementary school should have been raised as a concern and discussed at the meeting. Parent believes this demonstrates that Placentia-Yorba Linda does not have the services, staffing, or empathy necessary to allow Student to access public education safely. It does not so demonstrate.

Placentia-Yorba Linda's school psychologist forthrightly acknowledged that Student's past self-harm should have been discussed at the IEP team meeting, but continued to say that if it had been, that information would not have changed anything in the offer of FAPE. Student was not displaying any signs of such behavior during attendance at Prentice and no one, including Parent, reported any negative behaviors or similar concerns at the IEP team meeting. No information was before the team that Student was engaging or threatening to engage in self-harm. Although Student's past behavior was worthy of discussion, it was not a current need requiring a response from



the school district. The adequacy of an IEP's supports and services is weighed under the "snapshot rule," which limits criticism of the team's decision to its responses to the information before it. (*Adams*, 195 F.3d at p. 1149.) There were no reports of a current problem or need, thus there was no denial of FAPE in failing to address the situation.

Parent did not sit for testimony at hearing, but stated in examination of witnesses and in final briefing in this matter that Student had an emotional collapse after Parent reported that Parent had talked with the school psychologist, that the prospect of returning to public school had caused Student to resume cutting behavior, and that Student had begun expressing suicidal ideations. None of this information was provided to the team at the May 21, 2021 IEP team meeting, and it appears that the events took place well after the meeting was held.

The significance of such behavior cannot be minimized. It is significant and needs to be addressed immediately. However, it does not invalidate the work of the IEP team at the May 21, 2021 IEP team meeting or indicate that the offer of supports and services made at that meeting did not constitute FAPE at the time it was made. Without reports of current self-harm or ideation, it was objectively reasonable for the team to produce an IEP offer with the supports and services included here. Every one of Student's current identified needs was addressed and corresponding goals and services were developed. It is not deficient to fail to address a need that is not present. Student was reported to have no mental health issues, so it was appropriate that no mental health services were provided in the IEP.

The fact that Student had suffered from such issues in the past does not lead to the conclusion that Student should remain at Prentice. Parent is correct that Student should not be required to attend school in a triggering environment, but Placentia-

Yorba Linda does not propose to return Student to that fifth-grade classroom. Student is a different person, and the placement is different, with different peers and different school staff. Student may or may not continue to thrive in such a new environment, but Placentia-Yorba Linda's staff believes Student is ready and has a right to be educated in a more normal and less restrictive setting. Student may require highly intensive supports and services to return to public school, and Placentia-Yorba Linda has the obligation to observe Student upon her return and make any needed changes to Student's IEP, if required.

Student has a specific learning disability that impedes reading and writing and contributes to difficulties in mathematics. Placentia-Yorba Linda believes that it can educate students with specific learning disabilities. Student has failed to meet the burden of showing that Placentia Yorba-Linda's May 21, 2021 offer of an individualized education program did not provide Student with a free appropriate public education. All the information that Parent has provided to cast doubt on the completeness of the plan consists of reports of threats and self-harm occurring in the home in reaction to the prospect of leaving the Prentice School. If that behavior arises from trauma from events in elementary school, it will need to be addressed. If it is occurring now as Student faces the prospect of attending Tuffree Middle School, it needs to be discussed and resolved without delay at a new IEP team meeting. It does not justify relief here.

Parent does not wish to take the risk that Student may relapse into bad behavior upon return to public school. The IEP Team at the May 21, 2021 meeting developed a plan to educate student within the Placentia-Yorba Linda school district, as it has done for other students with specific learning disorders. Parent may choose to continue to keep Student at the Prentice School, but it will not be done at Placentia-Yorba Linda's

expense. Hopefully, Parents will immediately report any educationally related concerns with their child's mental health to the school district, and Placentia-Yorba Linda will timely convene an IEP team meeting to take information and prepare a response. The parties are urged to take such steps if they become necessary.

## CONCLUSIONS AND PREVAILING PARTY

As required by California Education Code section 56507, subdivision (d), the hearing decision must indicate the extent to which each party has prevailed on each issue heard and decided.

### ISSUE 1, SUBSECTION A:

The May 21, 2021 IEP did not fail to offer Student the supports and services Student required to meet Student's needs due to a learning disability.

District prevailed on this issue.

### ISSUE 1, SUBSECTION B:

The May 21, 2021 IEP did not fail to offer an appropriate placement to meet Student's needs for continuity and connectedness.

District prevailed on this issue.

## ORDER

1. Student failed to establish that Placentia-Yorba Linda's May 21, 2021 IEP offer denied her a free, appropriate public education by either failing to

provide adequate supports and services to meet her specific learning disability needs or by failing to offer an appropriate placement to meet her needs for continuity and connectedness.

2. As Student did not prevail on any issues decided herein, all requests for relief are denied.

## RIGHT TO APPEAL THIS DECISION

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

/s/

Chris Butchko

Administrative Law Judge

Office of Administrative Hearings