

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

CASE NO. 2023020497

PARENT ON BEHALF OF STUDENT,

v.

VICTOR ELEMENTARY SCHOOL DISTRICT.

DECISION

SEPTEMBER 7, 2023

On February 14, 2023, the Office of Administrative Hearings, called OAH, received a due process hearing request from Parent on behalf of Student, naming Victor Elementary School District. On March 16, 2023, OAH granted the parties' joint request for a continuance. Administrative Law Judge Cararea Lucier heard this matter by videoconference on July 18 and 19, 2023.

Parent represented Student at the hearing. Lauri Arrowsmith, Attorney at Law, represented Victor Elementary School District. Dr. Tanya Benitez, Assistant Superintendent of Pupil Services, and Kathleen Peters, Program Manager for Desert Mountain Special Education Local Plan Area, attended all hearing days on Victor Elementary's behalf.

OAH continued the matter to July 31, 2023, for written closing briefs. The record was closed, and the matter submitted on July 31, 2023.

A free appropriate public education is referred to as FAPE. An individualized education program is referred to as IEP.

ISSUES

1. Did Victor Elementary deny Student a FAPE by failing to offer an appropriate placement in the least restrictive environment in the August 30, 2022, IEP?
2. Did Victor Elementary deny Student a FAPE by failing to offer a one-to-one aide in the August 30, 2022, IEP?
3. Did Victor Elementary deny Student a FAPE by failing to invite the independent educational evaluation assessor, Dr. Aileen Arratoonian, to Student's IEP team meeting to present her assessment findings?
4. Did Victor Elementary deny Student a FAPE by failing to implement or incorporate the recommendations made by Dr. Aileen Arratoonian in the December 27, 2022, independent educational evaluation, specifically:
 - a. one-to-one behavior intervention services;
 - b. a functional behavior assessment;
 - c. an evidence-based academic intervention program; and
 - d. a social-skills program?

The issues in this due process hearing have been re-numbered. No other changes have been made to Student's issues.

JURISDICTION

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

- all children with disabilities have available to them a FAPE that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living, and
- the rights of children with disabilities and their parents are protected. (20 U.S.C. § 1400(d)(1); 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) and (f); 34 C.F.R. § 300.511 (2006); 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, 57-58, 62 [126 S.Ct. 528, 163 L.Ed.2d 387]; and see 20 U.S.C. § 1415(i)(2)(C)(iii).) Student had the burden of proof in this matter. (*J.G. v. Department of Education* (9th Cir. 2019) 772 Fed.Appx. 567.) 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, a six-year-old boy, qualified for special education and related services under the eligibility categories of autism and intellectual disability. At all relevant times, Victor Elementary School District was responsible for offering Student a FAPE.

ISSUE 1: PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT

Student contends he is entitled to attend Puesta Del Sol Elementary School, located near his home. Student is not interested in any other school sites. Student contends that Victor Elementary staff think Student is severely disabled but that is not true, and Student can succeed in a mild-to-moderate special day classroom on the Puesta Del Sol campus with the right supports.

Victor Elementary contends it offered Student an appropriate placement in the least restrictive environment in the August 30, 2022, IEP. Specifically, Victor Elementary contends placement in the moderate-to-severe special day class for students with autism, operated by the San Bernadino County Superintendent of Schools at Del Rey Elementary School, was the appropriate placement for Student in the least restrictive environment.

School districts are required to provide each special education student with an appropriate program in the least restrictive environment, with removal from the regular education environment occurring only when the nature or severity of the student's disabilities is such that education in regular classes with the use of supplementary aids and services could not be achieved satisfactorily. (20 U.S.C. § 1412(a)(5)(A); 34 C.F.R. § 300.114 (a)(2); Ed. Code, §§ 56031, 56033.5.) The IDEA also requires, to the maximum

extent appropriate, that a child with a disability be educated with children who are not disabled. (20 U.S.C. § 1412(a)(5)(A); 34 C.F.R. § 300.114(a)(2); Ed. Code, § 56040.1, subd. (a).)

School districts, as part of a special education local plan area, must have available a continuum of program options to meet the needs of individuals with exceptional needs for special education and related services as required by the IDEA and related federal regulations. (34 C.F.R. § 300.115; Ed. Code, § 56360.) The continuum of program options includes, but is not limited to:

- regular education;
- resource specialist programs;
- designated instruction and services;
- special classes;
- non-public, non-sectarian schools;
- state special schools;
- specially designed instruction in settings other than classrooms;
- itinerant instruction in settings other than classrooms; and
- instruction using telecommunication, instruction in the home, or instruction in hospitals or institutions. (34 C.F.R. § 300.115; Ed. Code, § 56361.)

If it is determined that a child cannot be educated in a general education environment, then the analysis requires determining whether the child has been mainstreamed to the maximum extent that is appropriate in light of the continuum of program options. (*Daniel R.R. v. State Board of Education, Daniel R.R. v. State Board of Ed.* (5th Cir. 1989) 874 F.2d 1036, 1048-1050.)

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. (See *Gregory K. v. Longview School Dist.* (9th Cir. 1987) 811 F.2d 1307, 1314.) A school district is not required to place a student in a program preferred by a parent, even if that program will result in greater educational benefit to the student. (*Ibid.*) For a school district's offer of special education services to a student to constitute a FAPE under the IDEA, a school district's offer of educational services and/or placement must be designed to meet the student's unique needs, comport with the student's IEP, and be reasonably calculated to provide the student with some educational benefit in the least restrictive environment. (*Ibid.*)

VICTOR ELEMENTARY OFFERED STUDENT AN APPROPRIATE PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT

Student did not prove Victor Elementary failed to offer an appropriate placement in the least restrictive environment in the August 30, 2022, IEP. In summer 2022, Parent tried to enroll Student in Victor Elementary. The situation was urgent, Parent believed, and there was no time to waste. Parent had received custody of five-year-old Student and his six-year-old sister. Parent was serious about his responsibility to get the children ready for school. The family lived near Puesta Del Sol Elementary. Student had never attended school.

Parent recognized some delays in Student's development. Parent obtained private speech therapy for Student and behavioral intervention services. Overall, he considered Student to be a normal child, although nonverbal. Student was happy and playful with lots of energy. Parent provided Student with a tablet device with

educational games and videos. Parent took Student to a doctor, who found high levels of lead in Student's blood. Parent suspected this could be the cause of Student's language delays.

In August 2022, Parent began calling Victor Elementary every day to try to get Student an IEP. By the time Parent's call was passed along to School Psychologist Nicole Bennett, he was extremely frustrated. Parent brought his two children to the Puesta Del Sol school site to meet Ms. Bennett and the school principal, Mr. Hutchins. To Ms. Bennett, Student's developmental delays were obvious right away. Student was a sweet, active child. However, Student had a flat affect and did not make eye contact with her. He had a blank look on his face.

On August 17, 2022, Parent signed an assessment plan for an initial special education assessment of Student. On August 19, 2022, Ms. Bennett and Nicole Witherspoon, a special education teacher, conducted an initial psycho-educational assessment of Student.

The initial evaluations of Student revealed that Student had not yet developed many of the foundational skills necessary to participate in a kindergarten classroom. He did not follow directions or respond to prompts. Student showed very little inclination to communicate with others, either verbally or non-verbally. He did not use any words, and approximated only the word for bubbles by saying "bub u." Behaviorally, Student was easily distracted by the many toys in the classroom. He moved from toy to toy, occasionally putting them in his mouth. During a play scenario, he played alone instead of engaging with Ms. Bennett. He attempted to leave the room several times.

Academically, Student could not use a pencil to imitate marks on a page. When presented with testing for academic readiness skills, Student simply did not respond to any of the questions.

Ms. Bennett assessed Student's adaptive functioning, development, and social emotional functioning through rating scales that Parent filled out. Parent rated Student as significantly delayed in all areas except physical development.

Student's initial speech evaluation similarly showed Student's significant delays compared to peers entering kindergarten. Speech and Language Pathologist Keirsten McCoy brought Student into the speech therapy room at Puesta Del Sol, a large, colorful room. Typically, she sits with a child at a table. She showed Student a flip board with pictures. Student did not respond to her test questions at the table. They moved to the floor. Student kicked the flip board and pushed it away.

Student was hyperactive throughout the testing process, moving quickly through the room. At one point, Student attempted to open a filing cabinet, and Ms. McCoy told him no. Student responded aggressively, pinching her face, and grazing it with his nails. He could not take turns with her or engage in back-and-forth communication. He was interested in the toys in the room, but sometimes used them inappropriately such as by putting them in his mouth.

Trying to engage Student, Ms. McCoy held a toy duck next to her face and encouraged him to imitate the word duck. Student ultimately produced the words: "no," "duck," "quack," "wow," "oh," "buh-buh" (for bubbles), and "paw" (for pop). Ms. McCoy estimated his overall language abilities were around one year, four months.

On August 30, 2022, Victor Elementary convened an initial IEP team meeting for Student. Parent and Student attended the meeting. The team considered Student's initial evaluations and found that Student qualified for special education and related services. The team developed present levels of performance and seven annual goals for Student in:

- Communication (requesting items);
- Functional Skills (sorting shapes and colors);
- Communication (identifying familiar vocabulary);
- Communication (following single-step directions);
- Occupational Therapy (picking up small items and dropping them in containers);
- Occupational Therapy (using modified scissors); and
- Functional Skills (sitting on the toilet).

The team considered a range of placement options for Student. Parent unequivocally wanted Student to attend kindergarten at Puesta Del Sol. However, even Parent was concerned that Student would not succeed in a general education classroom and that he might be disruptive. No member of the IEP team recommended a placement in general education kindergarten.

In addition to a general education kindergarten program, Puesta Del Sol had a mild-to-moderate special day class for first through third grades. Victor Elementary also offered a mild-to-moderate special day class for kindergarteners at Irwin Elementary School. Most kindergarteners within Victor Elementary who required a mild-to-moderate placement attended Irwin, but it was possible to place kindergarteners in the Puesta Del Sol mild-to-moderate classroom.

Parent believed the appropriate placement for Student in the least restrictive environment was the mild-to-moderate classroom at Puesta Del Sol with the support of an aide trained in applied behavior analysis, referred to as ABA.

None of the school district members of the IEP team believed the mild-to-moderate classroom at Puesta Del Sol or Irwin was appropriate for Student or recommended it as a placement. The mild-to-moderate special day class focused on first and second grade-level academics, as most of the students were around one grade level behind their same-age peers. Based upon her assessment of Student, Ms. Witherspoon opined that Student did not have requisite school-readiness skills to participate in a mild-to-moderate classroom. Due to his low level of skills, Student would receive almost no academic benefit in that setting. Student lacked the basic pre-academic skills, such as holding a pencil and recognizing colors and numbers, to successfully participate in the classroom.

Student could not understand or follow directions, which was required in the mild-to-moderate setting. Student could not engage in group learning, sit at a table appropriately, comment, request, take turns, or engage in back-and-forth communication with adults or peers. Ms. McCoy was familiar with the mild-to-moderate special day classroom at Puesta Del Sol. Based upon her assessment of Student, she opined that Student lacked the communication skills necessary to function in the mild-to-moderate special day classroom setting. As such, Student would receive very little non-academic benefit from the mild-to-moderate special day classroom environment.

Overall, a mild-to-moderate special day classroom was not appropriate for Student because he lacked the foundational skills required for group instruction in an academic setting, including

- joint attention,
- behavior regulation,
- functional communication, and
- basic pre-academic skills.

Although Parent preferred placement in the mild-to-moderate special day classroom because it was located at Puesta Del Sol, the classroom was not designed to meet Student's unique needs. (See *Gregory K. v. Longview School Dist.* (9th Cir. 1987) 811 F.2d 1307, 1314.) Therefore, the IEP team considered the next setting on the continuum of placement options, a moderate-to-severe special day classroom.

For students with more significant needs than a mild-to-moderate classroom could support, Victor Elementary referred students to San Bernardino County's programs. The San Bernardino County Superintendent of Schools, Desert Mountain Region, operated specialized programs to serve the 14 school districts within its boundaries. The County offered moderate-to-severe special day classes designed for students with autism on five school sites within Victor Elementary, although the programs occasionally changed sites. For example, during the 2022-2023 school year, the County offered an autism classroom for first graders at Puesta Del Sol, while for the 2023-2024 school year, kindergarten and first grade students are served at Del Rey Elementary, and second through fourth grade students are served at Puesta Del Sol.

The County's moderate-to-severe special day classroom for students with autism focused on individual and small group instruction. The classes generally consisted of 10 to 12 students, with one teacher and two paraeducators. Additionally, one-to-one aides supported some students, when an IEP team considered the results of a temporary independent support assessment and recommended one-to-one support. Classroom staff were trained in addressing behavior through evidence-based practices, using data collection. The program was based upon predictable schedules and physical separation around work areas to avoid distraction. Social skills were embedded within the program and taught directly throughout the school day. The County used Unique Learning Systems as an evidence-based academic curriculum for the students. The program focused on teaching functional skills, communication, and pro-social behavior. The moderate-to-severe classroom was tailored to the needs of students with autism and used evidence-based interventions including

- ABA,
- token economy systems,
- positive reinforcement for pro-social behaviors,
- first-then instruction,
- visual cues, and
- sensory approaches.

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Victor Elementary offered Student a placement in the County's moderate-to-severe kindergarten special day classroom at Del Rey. The Victor Elementary members of the IEP team believed the small classroom environment, individualized support, and experienced staff would help Student develop functional skills and communication. He needed help with

- toileting,
- communicating his wants and needs,
- staying within the classroom without leaving, and
- other functional skills.

Parent lashed out with anger and dissatisfaction at the placement offer in the IEP team meeting. He had been under the impression that kindergarten programs were available at Puesta Del Sol, which was near his house. He was deeply unhappy at the idea of a bus taking Student to Del Rey, four miles away. It did not work for Parent's schedule to have his children attending different school sites. He had put his trust in the professionals, but now he felt bullied by the IEP team. He told Ms. Bennett: "I told you that I wanted [Student] to go to school here, I told you that!" The August 30, 2022, IEP team meeting ended abruptly due to Parent's high level of emotion. The IEP team met again on September 14, 2022, and April 4, 2023, and Victor Elementary continued to offer Student the same placement in the County program.

Parent did not consent to the IEP. His only objection to the placement offer was the school site. He would have accepted the County's moderate-to-severe kindergarten

program if it had been offered at Puesta Del Sol. Parent continued to provide Student with private ABA and speech therapy, and Student made significant progress throughout the 2022-2023 school year.

Victor Elementary's offer of the County's moderate-to-severe kindergarten special day classroom at Del Rey in the August 30, 2022, IEP, was the appropriate placement in the least restrictive environment for Student. Student, while sweet and active, had significant needs that could not be met within the mild-to-moderate educational environment. The moderate-to-severe classroom was designed to support and facilitate the development of the foundational skills Student needed to benefit from his education, including communication, behavior regulation, functional communication, and pre-academic skills. Further, the evidence showed Student's IEP, including his annual goals, could be implemented in the moderate-to-severe program, and the placement offer was reasonably calculated for Student to receive some educational benefit.

ISSUE 2: ONE-TO-ONE AIDE AS OF THE AUGUST 30, 2022, IEP

Student contends he is entitled to the supports required to support him attending Puesta Del Sol Elementary, including a one-to-one aide. Victor Elementary contends there is no evidence Student required a one-to-one aide at the time of the August 30, 2022, IEP.

The IDEA requires school districts to consider the supplementary aids and services a child requires to receive a FAPE. (34 C.F.R. § 300.320(a)(4).) A one-to-one aide is a type of supplementary aid and service. (*D.R. v. Redondo Beach Unified School District* (9th Cir. 2022) 56 F.4th 636; 34 C.F.R. § 300.42.)

An IEP is evaluated in light of information available to the IEP team at the time it was developed; it is not judged exclusively in hindsight. (Adams v. State of Oregon (9th Cir. 1999) 195 F.3d 1141, 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 when the IEP was developed. (Ibid.)

Student failed to meet his burden of proof that Victor Elementary denied him a FAPE by failing to offer him a one-to-one aide at the August 30, 2022, IEP team meeting. Ms. Bennett conducted Student's initial psycho-educational evaluation and was familiar with his needs. She was an experienced and credentialed school psychologist who worked for Victor Elementary for over nine years. Ms. Bennett's testimony was highly credible due to her experience, calm demeanor, and clear empathy for Parent and Student. Ms. Bennett opined that the classroom aides in the moderate-to-severe special day classroom would provide the level of support Student required. She did not believe that Student required a one-to-one aide, because the individual and small group setting of the County's moderate-to-severe special day classroom would appropriately support Student's needs in the least restrictive environment.

At the due process hearing, Dr. Aileen Arratoonian opined that Student required a one-to-one aide, even in the proposed County moderate-to-severe program. However, as will be discussed below, Dr. Arratoonian did not conduct her assessment of Student until December 2022, after the August 30, 2022, IEP, which is in question in this Issue. Thus, the IEP team did not have the benefit of Dr. Arratoonian's assessment results or opinion at the August 30, 2022, IEP team meeting.

In August 2022, Student had never attended school. It was reasonable for the IEP team to develop an IEP, including any supplementary supports and services, based upon

the information available at that time from the initial evaluations and Parent input. The information available to the team suggested that Student needed some individualized support, which the team addressed through the offer of placement in the County's moderate-to-severe special day class. Dr. Benitez testified that Victor Elementary was not opposed to providing Student with a one-to-one aide if he required one, but the IEP team needed to evaluate Student in his classroom setting to consider whether he needed the additional support. At hearing, Parent did not present evidence that at the time of the August 30, 2022, IEP team meeting, the IEP team had information to suggest Student needed a one-to-one aide.

Therefore, Victor Elementary did not deny Student a FAPE by failing to offer him a one-to-one aide at the August 30, 2022, IEP team meeting.

ISSUE 3: INVITATION TO THE IEP TEAM MEETING TO REVIEW THE DECEMBER 2022 INDEPENDENT EDUCATIONAL EVALUATION AND RECOMMENDATIONS

Student contended in his due process hearing request of February 14, 2023, that after Dr. Arratoonian conducted her December 27, 2022, independent educational evaluation of Student, Victor Elementary failed to invite her to an IEP team meeting to discuss the results.

Victor Elementary contends it invited Dr. Arratoonian to an IEP team meeting held on April 4, 2023, to present her findings.

If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either file a due process complaint to show its evaluation is appropriate, or ensure the independent educational evaluation

is provided at public expense. (34 C.F.R. § 300.502(b)(2).) If a parent obtains an independent educational evaluation at public expense, the public agency must consider the independent educational evaluation in any decision made with respect to the provision of FAPE to the child. (34 C.F.R. § 300.502(c).) The law does not establish a specific timeline for when the public agency must convene an IEP team meeting to consider the independent educational evaluation.

Student did not prove Victor Elementary denied Student a FAPE by failing to invite the independent educational evaluation assessor, Dr. Aileen Arratoonian, to Student's IEP team meeting to present her assessment findings. Victor Elementary held three IEP team meetings for Student on August 30, 2022, September 14, 2022, and April 4, 2023. Parent requested an independent educational evaluation at the IEP team meeting on September 14, 2022. He was frustrated with the IEP team decision to place Student in a moderate-to-severe special day class and wanted a second opinion. He believed that lead poisoning might be the cause of Student's delays, rather than autism or attention deficits. Dr. Benitez agreed to the request. The IEP team agreed to meet after the independent educational evaluation was completed to discuss the recommendations.

On December 13 and 14, 2022, Dr. Arratoonian assessed Student. On December 27, 2022, she completed a comprehensive report of her independent educational evaluation.

On February 14, 2023, Student filed his request for a due process hearing alleging Victor Elementary denied Student a FAPE by failing to invite Dr. Arratoonian to an IEP team meeting to discuss her report. Subsequently, Victor Elementary invited Dr. Aileen Arratoonian to an IEP team meeting to present her assessment findings. On April 4,

2023, Student's IEP team met to review the independent educational evaluation. Dr. Arratoonian attended the IEP team meeting and reported her findings and recommendations. Parent also attended the meeting.

Victor Elementary was not legally required to convene an IEP team meeting to discuss the independent educational evaluation within any specific timeline. Parent did not present any legal authority or persuasive evidence that obligated Victor Elementary to convene an IEP team meeting to review Dr. Arratoonian's assessment report between December 27, 2022, when she completed the report, and February 14, 2023, when Student filed the complaint. Thus, Victor Elementary did not deny Student a FAPE by failing to invite the independent educational evaluation assessor, Dr. Aileen Arratoonian, to Student's IEP team meeting to present her assessment findings.

ISSUE 4: IEE RECOMMENDATIONS

Student contends Victor Elementary did not adopt Dr. Arratoonian's recommendations, despite the overwhelming evidence in her report that supported her recommendations. Victor Elementary asserted all recommendations made by Dr. Arratoonian were either already incorporated into the County's classroom program or would be incorporated once Student began attending the program.

Dr. Arratoonian made over 25 recommendations for Student, including:

- placement in a small classroom with consistent routines;
- one-on-one behavioral intervention services, such as ABA, at school;

- an updated functional behavioral assessment in the school setting;
- evidence-based one-on-one educational interventions to address his academic delays; and
- a school-based social skills program.

As discussed in Issue 3, Victor Elementary had no obligation to review the independent educational evaluation report between December 27, 2022, and February 14, 2023. Therefore, Victor Elementary had no obligation to implement the report's recommendations during this time period. Moreover, even had Victor Elementary convened an IEP team meeting during this time period to consider the report, neither the IDEA nor California law requires a school district to adopt the findings from an independent educational evaluation. As such, Victor Elementary did not deny Student a FAPE by failing to implement or incorporate the recommendations in Dr. Aileen Arratoonian's December 27, 2022, independent educational evaluation.

CONCLUSIONS AND 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.

ISSUE 1:

Victor Elementary did not deny Student a FAPE by failing to offer an appropriate placement in the least restrictive environment in the August 30, 2022, IEP.

Victor Elementary prevailed on issue 1.

ISSUE 2:

Victor Elementary did not deny Student a FAPE by failing to offer a one-to-one aide in the August 30, 2022, IEP.

Victor Elementary prevailed on issue 2.

ISSUE 3:

Victor Elementary did not deny Student a FAPE by failing to invite the independent educational evaluation assessor, Dr. Aileen Arratoonian, to Student's IEP team meeting to present her assessment findings.

Victor Elementary prevailed on issue 3.

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ISSUE 4(a):

Victor Elementary did not deny Student a FAPE by failing to implement or incorporate the recommendations made by Dr. Aileen Arratoonian in the December 27, 2022, report with respect to one-to-one behavior intervention services.

Victor Elementary prevailed on issue 4, subdivision (a).

ISSUE 4(b):

Victor Elementary did not deny Student a FAPE by failing to implement or incorporate the recommendations made by Dr. Aileen Arratoonian in the December 27, 2022, report with respect to a functional behavior assessment.

Victor Elementary prevailed on issue 4, subdivision (b).

ISSUE 4(c):

Victor Elementary did not deny Student a FAPE by failing to implement or incorporate the recommendations made by Dr. Aileen Arratoonian in the December 27, 2022, report with respect to an evidence-based academic intervention program.

Victor Elementary prevailed on issue 4, subdivision (c).

ISSUE 4(d):

Victor Elementary did not deny Student a FAPE by failing to implement or incorporate the recommendations made by Dr. Aileen Arratoonian in the December 27, 2022, report with respect to a social skills program.

Victor Elementary prevailed on issue 4, subdivision (d).

ORDER

1. All Student's 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.

Cararea Lucier

Administrative Law Judge

Office of Administrative Hearing