

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

PARENTS ON BEHALF OF STUDENT,

V.

STOCKTON UNIFIED SCHOOL DISTRICT.

CASE NO. 2024060188

DECISION

November 14, 2024

On June 6, 2024, the Office of Administrative Hearings, called OAH, received a due process hearing request from Parents on behalf of Student, naming Stockton Unified School District, called Stockton. On July 19, 2024, OAH granted a continuance of the matter. Administrative Law Judge Chris Butchko heard this matter by videoconference on September 4, 5, 10, 11, 12, 18, 19, 24, and 25, 2024.

Attorney Ryan Song represented Student. Parent attended all hearing days on Student's behalf. Attorneys Rebecca Diddams, Dee Anna Hassanpour, and Sheryl Bailey represented Stockton. Special Education Administrator Barbara Lachendro attended all hearing days on Stockton's behalf.

At the parties' request, the matter was continued to October 25, 2024, for written closing briefs. The record was closed and the matter was submitted on that date.

ISSUES

1. Did Stockton deny Student a free appropriate public education, called a FAPE, by failing from June 6, 2022, through the filing of Student's complaint to assess Student in all areas of suspected disability, specifically:
 - a. fine motor skills by an occupational therapist;
 - b. educationally-related mental health; and
 - c. behaviors through a functional behavior analysis?

2. Did Stockton deny Student a FAPE in the November 10, 2022 individualized education program, referred to as an IEP, by:
 - a. failing to have all required participants attend the IEP team meeting, specifically a general education teacher;
 - b. failing to offer sufficiently ambitious goals in each of the goals offered;
 - c. failing to offer goals in all areas of need, specifically syntax and math vocabulary;
 - d. failing to offer a fulltime one-to-one paraprofessional;
 - e. failing to offer home applied behavior analysis therapy and clinic meetings;
 - f. failing to offer sufficient language and speech services;
 - g. failing to offer Orton-Gillingham, Lindamood-Bell, or a similar individualized reading intervention program;

- h. failing to offer school-based and in-home counseling services;
 - i. failing to offer occupational therapy;
 - j. failing to offer parent training in autism spectrum disorder, expressive and receptive communication skills, and behavior;
 - k. failing to offer extended school year services;
 - l. failing to address regression of skills; or
 - m. failing to include page numbers on the IEP document?
3. Did Stockton deny Student a FAPE by significantly impeding Parents' opportunity to participate in the decision-making process regarding the provision of a FAPE to Student by failing to have all required participants attend the September 25, 2023 IEP team meeting, specifically a general education teacher?
4. Did Stockton deny Student a FAPE by significantly impeding Parents' opportunity to participate in the decision-making process regarding the provision of a FAPE to Student by predetermining the December 15, 2023 IEP by providing Parents a draft IEP report with new goals and evaluation summaries before the December 15, 2023 IEP team meeting?

At hearing, Student's counsel withdrew Issue 2(m), which asserted that Stockton denied Student a FAPE by failing to include page numbers on the November 10, 2022 IEP team meeting report, and Issue 4, which asserted that Stockton predetermined Student's IEP because it provided a draft IEP to Parents before the December 15, 2023 IEP team meeting. The matter proceeded to hearing on all of the remaining issues.

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, called the IDEA, are to ensure:

- all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living, and
- the rights of children with disabilities and their parents are protected. (20 U.S.C. § 1400(d)(1); see Ed. Code, § 56000, subd. (a).)

The IDEA affords parents and local educational agencies the procedural protection of an impartial due process hearing with respect to any matter relating to the identification, assessment, or educational placement of the child, or the provision of a FAPE to the child. (20 U.S.C. § 1415(b)(6) & (f); 34 C.F.R. § 300.511; Ed. Code, §§ 56501, 56502, 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 on those issues 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).) Accordingly,

Student 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 12 years old and in the sixth grade at the time of hearing. Student resided within the geographic boundaries of Stockton Unified School District at all relevant times. Student was eligible for special education under the eligibility categories of specific learning disability and autism.

ISSUE 1: FAILURE TO CONDUCT ASSESSMENTS

Student contends that Stockton denied Student a FAPE because it should have conducted an occupational therapy assessment, an educationally-related mental health services assessment, and an analysis of Student's functional behavior during Student's time in Stockton's schools. Stockton counters that it had no reason to suspect that any assessments were necessary and that it did offer to conduct occupational therapy and educationally-related mental health services assessments when Parents requested that those assessments be done.

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); 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 (*Rowley*); *Endrew F. v. Douglas County Sch. Dist. RE-1* (2017) 580 U.S. 386, 402 [137 S.Ct. 988, 1000] (*Endrew F.*).

For purposes of evaluating a child for special education eligibility, the district must ensure that "the child is assessed in all areas of suspected disability." (20 U.S.C. § 1414(b)(3)(B); Ed. Code, § 56320, subd. (f).) The determination of what tests are required is made based on information known at the time. (See *Vasheresse v. Laguna Salada Union School Dist.* (N.D.Cal. 2001) 211 F.Supp.2d 1150, 1157-1158.) A disability is suspected when the district has notice that the child has displayed symptoms of that disability. (*Timothy O. v. Paso Robles Unified School Dist.* (9th Cir. 2016) 822 F.3d 1105, 1119 (*Timothy O.*).

Once a school district has notice that a student displayed symptoms of an eligible disability, it must assess the student in all areas of that disability with reliable, standardized testing instruments, utilizing procedures that meet the statutory requirements. A school district's failure to conduct appropriate assessments or reassess in all areas of suspected disability may constitute a procedural denial of a FAPE. (*Park v. Anaheim Union High School Dist.* (9th Cir. 2006) 464 F.3d 1025, 1031-1033 (*Park*).) A procedural violation results in liability for denial of a FAPE only if the violation impeded the child's right to a FAPE, significantly impeded the parent's opportunity to participate in the decision-making process, or caused a deprivation of educational benefits. (20 U.S.C. § 1415(f)(3)(E)(ii); Ed. Code, § 56505, subd. (f)(2); see *W.G. v. Board of Trustees of Target Range School Dist.*

No. 23 (9th Cir. 1992) 960 F.2d 1479, 1484 (*Target Range*).) The lack of information available to parents due to a failure to assess may deny educational opportunities and substantially hinder parents' ability to participate in the IEP process. (*Timothy O., supra*, 822 F.3d at 1120-1121.)

STUDENT'S EARLY EDUCATION

Student attended a fourth-grade general education class at Bush Elementary School, a Stockton school, during the 2020-2021 school year. Parent and Stockton conducted IEP team meetings in November and December during that school year where Parent expressed concerns about Student's academic performance and treatment by other students. Parent expressed uncertainty at an IEP team meeting in November 2020 about Student's general education placement, telling the team Student needed more support and structure. Parent also reported that Student developed anxiety about school during distance learning due to the COVID-19 pandemic, and had a hard time paying attention and doing work by videoconference. At the December 2020 IEP team meeting, Student's teacher stated that Student needed one-to-one help to keep up with grade level work. During this school year, Stockton provided Student counseling services as a general education intervention.

In 2021-2022, the following school year, the IEP team met in November, December, and twice in February. An IEP was created at the December 2021 meet, but Parent requested another IEP team meeting which was held on February 1, 2022. At the meeting, Parent reported that Student was being bullied by other students and the difficulty in keeping up academically with the class was causing stress. Parent suggested that Student should be moved to a special day class where there would be more academic and social support. The meeting was reconvened on February 10, 2022, and the IEP team agreed to

provide Student with a special day class placement. Parent did not accept the full IEP offer until May 10, 2022, when social skill support and goals were added, but Student transferred on February 18, 2022, to a special day class at Flora Arca Mata elementary school. Student received 30 minutes of social skills and emotional management services twice monthly from a social services staffer with master's degrees in psychology and social services.

NOVEMBER 10, 2022 IEP TEAM MEETING

The IEP team met on November 10, 2022, and reviewed the placement. There was no general education teacher at the meeting, and the proposed IEP included a blank form for Parent to excuse the general education teacher's attendance. Along with the placement, the IEP offered Student 20 minutes of speech services three times a month and 60 minutes of specialized academic instruction each day. Parent reported at the meeting that Student had begun receiving applied behavior analysis services at home. Teachers reported progress in reading and math, although Parent noted that Student still resisted working on reading comprehension. The team noted that Student did not require extended school year services as he did not display regression over school breaks. Parent verbally agreed to the proposed IEP, but did not sign it or the excusal form.

Student continued to struggle academically in the 2022-2023 school year. Student did not display behavior issues, although there were conflicts with one classmate. Those conflicts were not frequent or severe. More often, Student would display inward-directed behaviors, such as withdrawal and inattention. Student was significantly below grade level in mathematics and reading comprehension, although reading came easily. Toward the end of the 2022-2023 school year, Parent observed

Student's behavior change at home, becoming more aggressive and anxious. There were stressors in Student's home life, including the death of a close relative in March 2023 and an uncle's incarceration. Stockton did not observe Student's behavior to change at school, and he had no disciplinary issues.

PARENTS' INCREASING CONCERNS

In June 2023, in response to the increased misbehavior at home, Parents had Student's mental health assessed by San Joaquin County. Although San Joaquin did not find Student eligible for specialty mental health services, the assessor noted that Student had experienced suicidal ideation and desires to do self-harm. Student reported not wanting "to be here anymore" and reported visual and auditory hallucinations. The assessor found that Student was not in crisis and had no current suicidal ideation or desire for self-harm. Parents were unaware that Student had suicidal thoughts or experienced hallucinations. Parent believes Stockton was given the assessor's report as a PDF file, but could not recall when or how this was done. The San Joaquin assessment was not mentioned or discussed in any subsequent assessment by Stockton.

During summer 2023, Parents requested an IEP team meeting to discuss services for Student, and Stockton convened an IEP team meeting on August 30, 2023. Parent attended with a lay advocate. Parent chose to have the advocate talk on Parent's behalf. The advocate asked to change Student's primary eligibility category to autism, to which the team agreed at a later meeting in February 2024. The advocate proposed changing Student's placement to general education with a one-to-one aide, but Stockton did not adopt the proposal. The advocate requested that Student receive a new goal in emotional regulation and asked to increase Student's counselling service from

60 minutes per month to 30 minutes per week. Stockton deferred that request because the school counselor could not provide that level of service. The meeting was suspended, with plans to resume in September 2023.

Following the August 30, 2023 meeting, Parents' advocate prepared a list of Parents' concerns. The concerns included a request for more goals in social skills and language and more support for Student's attention needs. It noted that Parent was concerned that Student was moved out of general education due to his autism without considering use of a one-to-one paraeducator. The list also stated that Parents believed Student's primary eligibility should be autism. Nothing was said about Student's

- fine motor skills,
- mental health,
- suicidal ideation,
- hallucinations,
- speech services, or
- non-attentional behavior issues.

SEPTEMBER 25, 2023 IEP TEAM MEETING

Stockton reconvened the August 2023 IEP team meeting on September 25, 2023. Although a general education teacher had been present at the August meeting, none attended the September meeting. At the September meeting, the team discussed Student's speech services and continued the discussion about Student's counselling services. The team increased Student's speech services to 30 minutes three times a month plus 30 minutes per month consultative service. Parent raised concerns about Student's mental health. Parent wanted more social skills support, but did not want

Student to get labeled as emotionally disabled. The team agreed at that time to have Student's mental health needs assessed and generated assessment plans for Student's psychoeducational functioning and educationally-related mental health needs. The meeting was again suspended, and Parent returned signed assessment plans by email. Stockton completed the psychoeducational report on November 17, 2023.

Stockton reconvened the IEP team meeting on December 15, 2023. A general education teacher attended this meeting, but Parent and advocate had no questions for her. The team discussed Student's progress on his speech goals and his participation in a general education elective class. The school psychologist began discussing Student's psychoeducational assessment, but the IEP team did not complete the meeting and continued it to February 16, 2024. At the February meeting, a different school psychologist continued the presentation of the psychoeducational assessment. The team agreed to change Student's primary eligibility category to autism. Parents' advocate requested that Student be assessed for occupational therapy services due to difficulty with fine motor skills, and the team agreed to prepare an assessment plan.

The IEP team continued the meeting on March 8, 2024. Parent informed the team that Student had been denied mental health services by San Joaquin County and that Parent wanted Student to be able to talk with someone. Stockton's mental health clinician presented the educationally-related mental health services assessment, and recommended that Student receive mental health services 30 minutes twice a month to work on coping strategies and self-regulation to help him with peer relations and acceptance. The school counselor joined the meeting late but discussed Student's needs with the team and noted that she had been working with Student as part of a

small group that met twice a week. Going forward, the team agreed that Student would meet with the counselor once a week individually and would be given a pass to request excusal from class to drop-in with the counselor, as needed.

Parent had not returned the occupational therapy assessment plan, so the team agreed to do an occupational therapy referral, where a therapist would informally observe Student to see if he had an obvious need for occupational therapy services. The team made an offer of IEP services at the March 8, 2024 meeting, but Parents did not agree to it. Parent eventually decided to decline Stockton's offer of an occupational therapy assessment because Parent was uncomfortable with the process and did not want to be accused of doing something wrong as a parent.

ISSUE 1(a): FAILURE TO ASSESS FINE MOTOR SKILLS

Student contends that Stockton had a duty to assess his need for occupational therapy services and that the failure to have an occupational therapist conduct an assessment denied a FAPE because it prevented Parents from having information they needed to participate in the decision-making process for Student's educational program. Further, the lack of appropriate supports would impede Student's ability to get educational benefit. Student argues that Stockton had notice of Student's need to be assessed because Student displayed fine motor skill difficulties in handwriting that had an educational impact.

Stockton counters that there was no reason to conduct an occupational therapy assessment because Student had no motor issues that interfered with his educational progress. Stockton agreed to conduct an occupational therapy assessment not because it saw any need, but because Parents requested that it be done. Stockton points to

Parents' decision to decline its offered occupational therapy assessment after the March 8, 2024 IEP team meeting as further proof that Student had no significant fine motor problems.

Student's handwriting was often illegible. Parent noted that Student would write letters very large, and the text would often drift away from the printed lines on the page. Student could not stay with one-inch guidelines and the character spacing was erratic. Student's fifth and sixth grade teachers also saw problems with Student's handwriting, describing the same tendency toward overly-large letters and failure to stay within the guidelines of text. However, Student's sixth grade teacher saw Student's writing as having firm lines and graceful curves with correct letter formation, and found it to be legible and age-appropriate when Student did not write hastily. Student's sixth grade teacher began to teach Student cursive writing.

At hearing, Student presented no evidence of a need for an occupational therapy assessment other than for possible penmanship issues. Student's closing brief cited the November 17, 2023 psychoeducational assessment's reports that Student would self-stimulate, had sound sensitivity, and would use a fidget toy. Although these issues are common in students with autism, they do not indicate fine motor control issues.

Parent and Student's teachers agree that Student displayed poor handwriting. No other potential fine motor control issues were presented at hearing. Difficulty in writing legibly may indicate the presence of fine motor control issues. The evidence did not establish Student's handwriting issues required assessment. Student's teachers testified consistently that the problems with Student's handwriting occurred because Student rushed through writing. When Student slowed down, Student produced writing

of acceptable quality. In that regard, Student's handwriting was typical of students in the classroom. Parent knew that Student's teachers were working to get Student to slow down so Student's handwriting would be legible.

The evidence established Student's handwriting challenges were not due to motor control issues, and because Student did not prove Stockton had any other reason to suspect Student had occupational therapy needs, Stockton was not legally required to conduct an occupational therapy assessment between June 6, 2022, and February 16, 2024. Once Parent directly requested an occupational therapy assessment at the February 16, 2024 IEP team meeting, Stockton promptly prepared an assessment plan for an occupational therapy assessment. Parent declined the assessment, a choice Parent made for personal reasons. Stockton could not assess Student's occupational therapy needs without Parents' consent. Thus, lacking a reason to assess and consent from Parents, Stockton did not deny Student a FAPE by failing to conduct an occupational therapy assessment, from June 6, 2022, through the date Student filed the complaint on June 6, 2024.

ISSUE 1(b): FAILURE TO ASSESS EDUCATIONALLY-RELATED MENTAL HEALTH

Student contends that Stockton had a duty to evaluate his need for mental health services and support and that the failure to conduct an assessment denied a FAPE because it prevented Parents from having information they needed to participate in the decision-making process for Student's educational program and the lack of appropriate supports impeded Student's ability to benefit from education. Student

argues Stockton had notice of the need to be assessed because it knew of Student's anxiety and social difficulties from reports by Parent and teachers and from its own psychoeducational assessments.

Stockton counters that there was no reason to conduct an educationally-related mental health services assessment because Student's needs were being met by the counseling services he received. It argues that Student has not shown that it was aware of any greater need for mental health services. Stockton contends it promptly responded and conducted an assessment when Parent reported at the September 2023 IEP team meeting that Student was displaying mental health issues. Stockton contends it did not fail to respond.

An educationally-related mental health services assessment is used to determine if a student qualifies for educationally-related mental health services. Educationally-related mental health services are provided to students receiving special education services when the student has significant social, emotional, or behavioral needs that impede their ability to benefit from their special education services, supports, and placement.

No evidence was presented at hearing that Student's ability to benefit from education was adversely impacted by any mental health condition that required intervention. Student did not show aggression, defiance, disruption, or any other maladaptive behavior at school that would indicate a mental health need. Student did not have a history of mental health issues. Socialization was difficult and Student was often withdrawn, but Student did not prove these problems triggered a need for mental health intervention. Likewise, the anxiety Student displayed at home about school did not indicate a need for greater intervention than the counseling services Student was

already receiving. Student's school behavior did not change, and Parents themselves were unaware of any mental health issues and unconcerned by Student's behavior before the behavior changes following the stressors occurring toward the end of the 2022-2023 school year.

Parents did not report any concerns about Student's mental health to Stockton prior to the September 25, 2023 IEP team meeting, and none had been displayed at school. Although aware of the disturbing elements reported by Student to the San Joaquin County mental health assessor in June 2023, Parent did not raise the issue or report the statements at the August 30, 2023 IEP meeting they called. Neither were any mental health issues reported or raised in the list of Parents' concerns generated by Parents' advocate following the August 2023 IEP team meeting.

Parent did raise mental health issues at the September 25, 2023 IEP team meeting. At that meeting, Parent was careful to make sure that Student would not be stigmatized as emotionally disabled, which may explain Parents' reluctance to share Student's comments about suicidal ideation and self-harm.

However, the failure to share such information makes it impossible for the school to react to it. The actions taken or not taken as part of an IEP are evaluated in light of the information available to the IEP team at the time it was developed and not judged in hindsight. (*Adams v. State of Oregon* (9th Cir. 1999) 195 F.3d 1141, 1149.)

Indeed, once Parent raised concerns about Student's mental health at the September 25, 2023 meeting the team generated assessment plans for both a new psychoeducational assessment and an educationally-related mental health services assessment. At this point, Stockton responded appropriately to Parent's request and the information before it. No duty to assess existed before then, and thus, Stockton had not

denied Student a FAPE for not doing so. Stockton's educationally-related mental health services assessment report was completed on November 17, 2023, and discussed at the December 15, 2023 IEP team meeting.

Because Student did not display any significant social, emotional, or behavioral needs that impeded the ability to benefit from education and no other reason to suspect a mental health disability existed, Stockton had no duty to conduct an educationally-related mental health assessment prior to the September 23, 2023 IEP team meeting. Stockton acted appropriately after Parents reported Student's mental health issues at the September 2023 meeting.

Therefore, Stockton did not deny Student a FAPE from June 6, 2022, through the date Student filed the complaint on June 6, 2024, by failing to conduct an educationally-related mental health services assessment.

ISSUE 1(c): FAILURE TO ASSESS FUNCTIONAL BEHAVIOR

Student contends that Stockton should have conducted a functional behavior analysis and that the failure to do so denied a FAPE because it prevented Parents from having information they needed to participate in the decision-making process for his educational program and the lack of appropriate supports would impede his ability to benefit from his education.

Stockton counters that there were no behaviors interfering with Student's education for which a functional behavior analysis would have been informative. Student was, at most, inattentive or disinterested. Since the goal of a functional behavior analysis would be to find the purpose of a challenging behavior interfering

with learning and replace it with more positive alternatives, it would not be useful here because Student's inattention is neither a serious impediment to learning nor a behavior that is at all mysterious.

When a child's behavior impedes the child's learning or that of others, the IEP team must consider strategies, including positive behavioral interventions and supports to address that behavior. (20 U.S.C. § 1414(d)(3)(B)(i); 34 C.F.R. § 300.324(a)(2)(i) & (b)(2017); Ed. Code, § 56341.1, subd. (b)(1).) The Legislature intended that children with serious behavioral challenges receive timely and appropriate assessments and positive supports and interventions. (Ed. Code, § 56520, subd. (b)(1).) An IEP that does not appropriately address behaviors that impede a child's learning denies a student a FAPE. (*Neosho R-V School Dist. v. Clark* (8th Cir. 2003) 315 F.3d 1022, 1028-1029; *County of San Diego v. California Special Education Hearing Office* (9th Cir. 1996) 93 F.3d 1458, 1467-68.)

In Student's closing brief, Parents argue that Student's difficulty in connecting with peers, need for redirection, anxiety, and sadness shows that Student had a need for behavior support and interventions. Student received such supports in the form of counselling and speech pragmatics. As discussed, Stockton assessed Student's psychoeducational functioning and, later, mental health, and provided supports and interventions. There were no eruptive or puzzling behaviors interfering with Student's education at any time during the school years at issue. Student's fifth and sixth grade teachers testified that Student did not have behavior issues in school, and Student did not have a disciplinary history or incidents of elopement from class. Student's conflicts with classmates were rare and minor. Student did not provide evidence that Stockton was on notice that a functional behavior analysis was called for or that one would have helped provide Student a FAPE.

Student has not met the burden of proof to show that there were behaviors interfering with Student's education that required a functional behavior analysis to remedy. Student did not act out, was not disruptive, and was responsive to redirection when he lost focus. Student did not interfere with the learning of others and did not have serious behaviors that required intervention. Stockton did not deny Student a FAPE by failing to conduct a functional behavior analysis from June 6, 2022, through the date Student filed the complaint on June 6, 2024.

ISSUE 2: THE NOVEMBER 10, 2022 IEP TEAM MEETING

Student contends Stockton committed a number of procedural violations and failures to provide services at the November 10, 2022 IEP team meeting and each violation acted to deny Student a FAPE. Stockton counters that any violations were insignificant and that it did not fail to provide any required services.

ISSUE 2(a): FAILURE TO INCLUDE A GENERAL EDUCATION TEACHER

Student contends that Stockton's failure to have a general education teacher at the November 10, 2022 IEP team meeting denied Student a FAPE.

Stockton counters that Parent excused the general education teacher from the meeting and that there was no need to have one at the meeting because Parent had no questions or concerns to be addressed by a general education teacher.

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Each meeting to develop, review, or revise the IEP of an individual with exceptional needs must be conducted by a full IEP team. (Ed. Code, § 56341, subd. (a).) The IEP team must include, among others, “not less than one regular education teacher if the pupil is, or may be, participating in the regular education environment.” (20 U.S.C. § 1414(d)(1)(B); Ed. Code, § 56341, subd. (b).)

At the time of the November 10, 2022 IEP team meeting, Student was partially mainstreamed and certainly had the possibility of participating in the regular education environment. Student attended general education in the 2021-2022 school year and was moved after Parent requested a special day class placement to give Student greater individual attention in a smaller class size. Under the circumstances, Stockton was required to have a general education teacher attend the IEP team meeting.

The principal of Mata Elementary testified at hearing that Parent consented to excuse the general education teacher from the meeting and that an excusal form was generated for Parent’s signature along with the draft IEP. However, there is no signed copy of the IEP or the consent form in the record; only an unsigned copy exists. A note was appended to IEP team meeting notes in the unsigned copy stating “11/28/2022- Parental consent page has not been returned yet.” Parent is reported in the notes from the August 30, 2023 IEP team meeting as saying that Parent signed the IEP and sent it back to the school with Student, but no signed copy of any document from the November meeting is in the record. Under the IDEA, consent to excuse a required team member must be made in writing. (20 U.S.C. § 1414(d)(1)(C)(iii).) Stockton did not have permission to proceed without a general education teacher in attendance.

The failure to include a required team member at an IEP team meeting is a procedural violation of the IDEA. Procedural violations deny a FAPE only where they impede the child's right to a FAPE, significantly impede the parent's opportunity to participate in the decision-making process, or cause a deprivation of educational benefits. (20 U.S.C. § 1415(f)(3)(E)(ii); Ed. Code, § 56505, subd. (f)(2); *Target Range, supra*, at 1484.) Student has not made the necessary showing of any such factor.

Parent does not contend that Student's right to a FAPE was impeded or that Student lost educational benefit. General education teachers must attend the IEP team meeting so that they can be a resource for questions regarding a student's participation in the regular education environment. Parent testified at hearing that Parent had no questions to ask of a general education teacher at the November 10, 2022 IEP team meeting.

Procedural flaws do not automatically require a finding of denial of a FAPE. Where, as here, the violation has had no impact on the outcome of the IEP and no effect upon Student's education, there is no denial of a FAPE.

Student contends in closing briefing the fact that no general education teacher was present at the IEP team meeting is sufficient in itself to deny a FAPE. That is not the law. Student must show that the failure, as a procedural violation, had an effect on Parents' participation in making the IEP or on Student's education.

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Student has not demonstrated that the failure to have a general education teacher at the November 10, 2022 IEP team meeting impeded Student's right to a FAPE, significantly impeded parental participation, or caused a deprivation of educational benefits.

Accordingly, Stockton did not deny Student a FAPE through the failure to include a general education teacher at the November 10, 2022 IEP.

ISSUE 2(b): FAILURE TO OFFER SUFFICIENTLY AMBITIOUS GOALS

Student contends that Stockton failed to include sufficiently ambitious goals in the November 10, 2022 IEP offer of a FAPE. Student argues that the goals only require *de minimis* progress and thus are not reasonably calculated to enable Student to receive educational benefit.

Stockton counters that the goals were sufficiently ambitious, arguing the goals were carefully crafted to be challenging but achievable and that Student made more than *de minimis* progress following the November 10, 2022 IEP team meeting.

For each area in which a special education student has an identified need, the IEP team must develop measurable annual goals that are based upon the child's present levels of academic achievement and functional performance, and which the child has a reasonable chance of attaining within a year. (Ed. Code, § 56345.) The purpose of annual goals is to permit the IEP team to determine whether the pupil is making progress in an area of need. (Ed. Code, § 56345, subd. (a).)

Student misapplies the requirement for more than *de minimis* progress. That phrasing, which Student's complaint draws from *Rowley* and *Endrew F.*, applies to

require the entire educational program to enable a student to make appropriate progress, and not to the advancement required to meet individual goals. (*Andrew F., supra*, 580 U.S. at 402-403.) Individual goals are not parsed to see if they would represent any particular level of progress. Goals must allow the members of the IEP team to monitor the student's progress in areas of need. (*see*, 64 Fed.Reg 12,471 (199).)

Student's closing brief asserts that two goals, in expressive language and reading comprehension, were insufficiently ambitious. Student's expressive language goal was "during a structured activity, when given 1 verbal cue, [Student] will use regular and irregular past tense verbs with approximately 80 [percent] accuracy in 2/3 trials." Student argues that this goal is essentially the same as Student's reported baseline of "during a language sample, [Student] produced irregular and regular verbs with approximately 60 [percent] accuracy" because two-thirds of 80 percent is less than 60 percent, which was student's baseline ability.

Student's math is correct, but it has no meaning as applied. By that argument, a pupil who can achieve a score of 50 percent is equal in ability to one who can achieve 100 percent on one out of two tests. Stockton presented testimony by a speech pathologist stating that the goal was an ambitious step up from Student's baseline. Student did not rebut that testimony through any speech pathologist, therapist, or other qualified expert. Mathematical or mechanistic argument does not suffice to meet Student's burden of proof when rebutted by a competent expert in the field.

Similarly, Student's reading comprehension goal was, with use of a graphic organizer, to "orally communicate the main idea and two supporting details from a passage with 70 [percent] accuracy in 3/4 trials." Student contends this is equal to Student's November 7, 2022 baseline ability to "come up with one supporting detail

with prompting.” Multiplying two details by 70 percent and three out of four trials, Student’s brief arrives at 1.05 details, which Student says renders the goal “devoid of ambition and intent for meaningful progress.” This is again mathematically correct but without persuasive ability. Stockton presented unrefuted testimony from Student’s fifth and sixth grade teachers that the written goals were ambitious.

Student has not met the burden of proof that the IEP’s expressive language and reading comprehension goals were insufficiently ambitious.

Student has not raised any issue asserting that any goals were inadequate or not crafted to allow the team to monitor Student’s academic progress, only that two goals were not sufficiently ambitious. The two challenged goals were shown by unrebutted expert testimony to be ambitious and challenging.

Accordingly, Stockton did not deny Student a FAPE by failing to draft sufficiently ambitious goals in the November 10, 2022 IEP.

ISSUE 2(c): FAILURE TO OFFER GOALS IN SYNTAX AND MATH VOCABULARY

Student contends that Stockton denied a FAPE because it failed to offer goals in syntax and math vocabulary in the November 10, 2022 IEP. Student argues the same goals in those areas must be included that Student failed to meet from the previous IEP.

Stockton counters that the IEP addressed his needs through a goal for expressive language which, although not labeled as syntax, performed the same function. Further, Student’s need for improvement in math vocabulary was met by the addition of specific goals for subtraction with regrouping and multiplication.

The IEP contained reporting on annual goals from the previous school year, with the notation “(2021-2022)” added to the “measurable Annual Goal #” block. In the November 10, 2022 IEP team meeting report, page 100, Student has a goal in “Syntax.” That goal required Student to increase his accuracy with regular and irregular past tense verbs by November 14, 2022. The page reported that Student did not meet his syntax goal upon review at the meeting. On page 94, Student had a goal for expressive language, to be met by the next IEP team meeting on November 9, 2023. That goal required Student to increase his accuracy with regular and irregular past tense verbs, but it is labeled as an “Expressive Language” goal. Stockton carried forth an unmet syntactical goal from the previous IEP, even though it was not labeled as such. Stockton did not fail to include a syntax goal in the November 10, 2022 IEP.

Student had a goal in “Math Vocabulary” in the November 15, 2021 IEP centering on terms used in subtraction and addition. The November 10, 2022 IEP added two goals, both called “Calculation,” which required Student to do and explain reasoning for problems requiring subtraction and multiplication through repeated addition. Student was to hit 75 percent accuracy from a 15 percent baseline for the 2021 goal, but only hit 50 percent. Stockton presented testimony from Student’s fifth grade teacher that the goals were appropriate for his progress in those areas and met his needs. Student did not present testimony through any qualified expert to challenge that conclusion.

Student is incorrect in alleging that goals to meet his needs in syntax and math vocabulary were not included in the November 10, 2022 IEP.

Accordingly, Stockton did not deny Student a FAPE by failing to include goals specifically designated as syntax and math vocabulary.

ISSUE 2(d): FAILURE TO OFFER A FULL-TIME ONE-TO-ONE PARAPROFESSIONAL

Student contends that Stockton denied a FAPE by failing to offer a full-time one-to-one aide as part of the services offered at the November 10, 2022 IEP team meeting. Student asserts that an aide was necessary to help Student learn and because of Student's attention and safety issues.

Stockton counters that an aide was unnecessary in such a small setting as Student's special day class placement. Further, Stockton argues that Parent never requested an aide at the November 10, 2022 IEP team meeting.

Students with special needs are entitled to all related services necessary for them to benefit from their education. Related services mean developmental, corrective, or other supportive services designated to enable an individual with special needs to receive a FAPE as described in their IEP, and as may be required to assist the student to benefit from special education. (Ed. Code, § 56363, subd. (a).) Related services, when needed, are determined by the IEP team. (Cal.Code Regs., tit. 5, 3051, subs. (a)(1).) The IEP must show a direct relationship between present levels of performance, goals, and specific educational services to be provided. (Cal. Code Regs., tit. 5, 3040, subd. (b).) Though not specifically delineated by statute, a one-to-one aide may be required to assist a child with exceptional needs to benefit from special education.

Student contends that a one-to-one aide is necessary to receive a FAPE, noting that Student's teacher was reported in the December 2, 2021 IEP team meeting report to say that Student "needs more help than what he is getting now. [Student] needs the one on one help." Student contends that inattention causes loss of educational benefit

and that Student has been bullied to such a degree to cause anxiety about personal safety that interferes with education. Student argues a one-to-one aide would help Student maintain focus, escape bullying, and navigate sensory challenges.

Stockton points out that the December 2, 2021 comment about Student needing one-to-one support was made when he was attending Bush Elementary School in a general education classroom. The IEP team agreed that Student would do better in a special day class with a much smaller teacher-student ratio, where he could get more individual attention. Once Student began attending a special day class in February 2022, in a much smaller learning environment and showed responsiveness to redirection from the teacher, there was no need to provide or consider a one-to-one aide at the November 10, 2022 IEP team meeting. Student began attending the special day class on February 18, 2022. Student presented no evidence and made no argument that the placement had failed to educate him by the time of the November 10, 2022 IEP team meeting, some six months of school later.

Student did not establish that Stockton needed to offer a full-time one-to-one aide so that Student could make academic progress.

Accordingly, Stockton did not deny Student a FAPE by not making such an offer at the November 10, 2022 IEP.

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ISSUE 2(e): FAILURE TO OFFER HOME AND CLINIC BEHAVIOR THERAPY

Student contends that Stockton denied him a FAPE by failing to offer home and clinic-based behavior services at the November 10, 2022 IEP team meeting. Student asserts Stockton was aware that Student was receiving applied behavior analysis services at home, and thus had an obligation to offer those services.

Stockton counters that Student had no behaviors at school which interfered with educational progress, so there was no need to offer any behavior therapy. Student's behavior issues at home did not affect Student's school behavior and were not the responsibility of the school district.

Applied behavior analysis is a specialized and intensive psychological behavior modification therapy used for children who manifest significant behavioral challenges, including self-harm. Applied behavior analysis therapy is a specific behavior modification and replacement therapy. Student did not present any evidence establishing that Stockton was aware that Student had any significant behavioral issues at the time of the November 10, 2022 IEP team meeting.

As noted in Student's complaint, persuasive expert testimony is often necessary to establish a need for applied behavior analysis services. Student presented Dr. Sookyung Shin in support of this and other claims in Student's case. Dr. Shin has doctorate and master's degrees in special education, but no experience in the delivery of special education services. She has been employed as a medication and nurse's aide in an

assistive living facility in Kansas since 2017. Her experience is in special education policy and advocating for families of special needs students. Dr. Shin has a child with developmental disabilities.

Dr. Shin has never conducted an educational assessment, and has never assessed, taught, or provided related services to students with disabilities. She has never implemented goals and services in any area of special education or related services. She has never been a

- licensed or credentialed applied behavior analyst,
- school psychologist,
- general education teacher,
- special education teacher,
- speech-language pathologist,
- physical therapist,
- behavior specialist,
- mental health specialist, or
- occupational therapist.

In preparation for testimony, Dr. Shin reviewed documents pertaining to this case. In addition, Dr. Shin had a videoconference call with Parent and Student for about 90 minutes. This occurred less than a week before her testimony, after the hearing had been in progress for over a week. Dr. Shin had no previous contact or relationship with Student prior to or after that videoconference and relied uncritically on Parent for

information about Student's needs and services and Stockton's school programs.

Dr. Shin did not conduct any further research into Student's presentation and did not attempt to contact any of Student's assessors, teachers, or service providers for program information.

Dr. Shin has a strong academic background and extensive experience as a parent-advocate. She is otherwise unqualified as an expert witness in any field, and her testimony as to Student's needs and the appropriate responses thereto, although well-intentioned, are given no weight.

Student failed to provide persuasive evidence of the appropriateness of applied behavior analysis therapy or of Stockton's knowledge of any reason why in-home or clinic-based service might be necessary.

Accordingly, Stockton did not deny Student a FAPE by failing to offer applied behavior analysis therapy or clinic meetings at the November 10, 2022 IEP team meeting.

ISSUE 2(f): FAILURE TO OFFER SUFFICIENT LANGUAGE AND SPEECH SERVICES

Student contends that Stockton denied Student a FAPE by failing to offer sufficient speech and language services at the November 10, 2022 IEP team meeting.

Stockton counters that the amount of services provided were sufficient to meet Student's speech needs and appropriate for Student's attention span.

Stockton's November 15, 2021 speech and language evaluation set the level of speech service offered Student at three 20-minute sessions per month. That level of service was reaffirmed at the November 10, 2022 IEP team meeting. Parent now asserts the speech services were inadequate, but offers no evidence or competent expert testimony to justify the assertion. Stockton's speech therapist testified that Student received speech services weekly, but the service grid was written as three times per month to average in time lost to school breaks. The therapist's uncontroverted testimony was that the level of services was sufficient to meet Student's needs and that student has made meaningful progress on his social language deficits. Further, Student's classroom was designed to be a language-rich environment, providing addition support. Student received an appropriate and manageable amount of support for speech issues.

Student's limited briefing on this issue states that Student has difficulties in pragmatics and understanding social cues. Student's briefing established that there is a need for speech services. Student has not demonstrated how or why that the level of speech services offered in the November 10, 2022 IEP was inadequate to meet his needs, arguing only that his autism-related social deficits continue to exist after two years of speech support.

Accordingly, Stockton did not deny Student a FAPE by not offering a greater level of service at the November 10, 2022 IEP team meeting.

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ISSUE 2(g): FAILURE TO OFFER AN INDIVIDUALIZED READING INTERVENTION PROGRAM

Student contends that Stockton denied a FAPE because Student's difficulty with reading comprehension required Stockton to provide an individualized reading intervention program such as the Orton-Gillingham or Lindamood-Bell systems.

Stockton counters that it provided an individualized reading program that met Student's needs.

The methodology used to implement an IEP or provide a service 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, supra*, 458 U.S. at 208.)

"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.*, (7th Cir. 1988) 852 F.2d 290, 297.)

Stockton provided Student with Benchmark's "Steps to Advance" as an individualized reading intervention program. It is a research and evidence-based program designed to help students advance their reading skills. Student's briefing does not acknowledge the use of the program. Unrebutted testimony from Student's teachers and school administrators at hearing described the use of the program and its grounding in research. Student's briefing does not challenge the appropriateness of the "steps to Advance" reading program.

Student needed intervention to improve his reading comprehension, and Stockton provided an appropriate methodology. Stockton did not need to employ Student's chosen form of intervention.

Accordingly, Stockton did not deny Student a FAPE by not offering Student an Orton-Gillingham or Lindamood-Bell reading intervention program at the November 10, 2022 IEP team meeting.

ISSUE 2(h): FAILURE TO OFFER SCHOOL-BASED AND IN-HOME COUNSELING SERVICES

Student contends that Stockton denied him a FAPE because it did not offer school-based and in-home counseling services at the November 10, 2022 IEP team meeting because of poor outlook, low self-esteem, lack of social skills, and bullying.

Stockton counters that Student did not display any need for a greater amount of counselling services than Student was receiving as part of his social services case management and from drop-in counselling.

Student has provided no evidence that he needed counseling services at the time of the November 10, 2022 IEP. Student had recently transitioned into a special day class and no behavior or emotional issues were noticed by any of his teachers or service providers. Student's teacher found him to be eager to please and willing to participate in class. Although he could become inattentive, he was easily redirected and was never insubordinate or willfully disruptive. There were no issues known to Stockton which called for counselling services.

Student has not demonstrated a need for school-based or at-home counselling services or knowledge on Stockton's part of any such need at the time of the November 10, 2022 IEP team meeting.

Accordingly, Stockton did not deny Student a FAPE by not offering Student such services at the November 10, 2022 IEP team meeting.

ISSUE 2(i): FAILURE TO OFFER OCCUPATIONAL THERAPY.

Student contends that Stockton denied a FAPE by failing to offer occupational therapy services at the November 10, 2022 IEP team meeting in order to improve Student's penmanship.

Stockton counters that Student's handwriting was of average quality and only needed to take care to write more slowly.

As noted in the discussion of Issue 1(a), Student did not need occupational therapy to have better handwriting. When redirected by a teacher and instructed not to rush, Student's penmanship was legible and age-appropriate.

Accordingly, Stockton did not deny Student a FAPE by not offering Student such services at the November 10, 2022 IEP team meeting.

ISSUE 2(j): FAILURE TO OFFER PARENT TRAINING

Student contends that Stockton denied a FAPE by not offering Parents training in autism spectrum disorder, expressive and receptive communication skills, and behavior at the November 10, 2022 IEP team meeting.

Stockton counters that Parents were not responsible for implementing any part of Student's IEP for which parent training was sought and there is no requirement that a school district provide parent training

Parent training can be a related services to assist a student with exceptional needs to benefit from special education. (Ed. Code, § 56363, subd. (b)(11).) Assisting a parent to understanding the special needs of the student, providing the parent with information about child development, and helping the parent acquire necessary skills to facilitate the implementation of the student's IEP are all elements of parent training. (34 C.F.R. § 300.34(c)(8)(i)-(iii).)

Stockton did not deny Student a FAPE by not offering Parent training in the November 10, 2022 IEP. There was no evidence presented indicating Parents needed training for Student to benefit from education. Parents were not responsible for implementing, monitoring, or supporting any of Student's goals or services. Student presented no evidence that Student was deprived an educational benefit because Parents did not receive such training.

Stockton had no duty to provide parent training.

Accordingly, Stockton did not deny Student a FAPE by not offering Parents training in autism spectrum disorder, expressive and receptive communication skills, and behavior as part of the offer made at the November 10, 2022 IEP team meeting.

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ISSUE 2(k): FAILURE TO OFFER EXTENDED SCHOOL YEAR SERVICES

Student contends that Stockton should have offered extended school year services because Student's academics were well below grade level.

Stockton counters that Student did not have skill regression or recoupment issues that would have required it to offer extended school year services.

Extended school year eligibility is provided to students who have disabilities which are likely to continue indefinitely or for a prolonged period for whom interruption of educational programming may cause regression, which, when coupled with limited recoupment capacity, make it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of the disabling condition. (Cal. Code Regs., tit. 5, § 3043.) Extended school year services are provided if an IEP team determines, on an individual basis, in accordance with Code of Federal Regulations, title 34, §§ 300.320 to 300.324, that the services are necessary to provide a FAPE to the child. (34 C.F.R. § 300.106(a)(2); *see, G.G. v. Conejo Valley Unified School Dist.* (N.D.Cal. 2022) 2022 WL 17478600, p. 12.)

Extended school years services are not offered to address below-grade level performance, but to prevent regression of skills which cannot be recouped. Student did not display likelihood of regression. Student's fifth and sixth grade teachers did not report regression following extended school breaks over summer, winter, or spring breaks. Further, Student's fifth and sixth grade teachers did not believe Student had limited recoupment capacity. Stockton did not see Student as a Student who needed extended school year services. Parent testified that Student did not lose skills or develop negative behaviors over school breaks.

Student did not present evidence to carry the burden of establishing a need for extended school year services.

Accordingly, Stockton did not deny Student a FAPE by not offering extended school year services as part of the offer made at the November 10, 2022 IEP team meeting.

ISSUE 2(l): FAILURE TO ADDRESS REGRESSION OF SKILLS

Student contends that Stockton failed to address regression of skills, as shown by Student's failure to meet some IEP goals. As noted in Issue 2(k), Student did not have regression of skills, and there was no need to remedy regression which did not happen.

Accordingly, Stockton did not deny Student FAPE by not addressing regression of skills as part of the offer made at the November 10, 2022 IEP team meeting.

ISSUE 3: FAILURE TO INCLUDE A GENERAL EDUCATION TEACHER AT THE SEPTEMBER 25, 2023 IEP TEAM MEETING

Student contends that Stockton denied a FAPE by failing to have a general education teacher at the September 25, 2023 IEP team meeting.

Stockton counters that there was no need to have a general education teacher at the meeting because Parent had no questions or concerns to be addressed by a general education teacher.

Generally, an IEP team must include a general education teacher. (20 U.S.C., § 1414(d)(1)(B); Ed. Code, § 56341, subd. (b).) Failure to include a general education teacher is a procedural violation, and for such a procedural violation to require remedy,

it must result impede the student's right to FAPE, significantly impede parental participation in the IEP, or cause a deprivation of educational benefits. (20 U.S.C. § 1415(f)(3)(E)(ii); Ed. Code, § 56505, subd. (f)(2); *Target Range, supra*, at 1484.)

There was no general education teacher present as part of the IEP team at the September 25, 2023 team meeting. No witness testified credibly to recalling whether Parent verbally excused the general education teacher, and any verbal excusal would not have negated the procedural violation. If the failure to have a general education teacher present at the September 25, 2023 IEP team meeting impeded the student's right to a FAPE, significantly impeded parental participation in the IEP, or caused a deprivation of educational benefits, it would constitute a denial of a FAPE.

The September 25, 2023 IEP team meeting was a continuation of the August 30, 2023 IEP team meeting called by Parents. A general education teacher was present at the August meeting. At that meeting, Parent reported no concerns other than Student's level of services. At the August meeting, Parent's advocate raised the possibility of moving Student to a general education placement with a one-to-one aide. No action was taken on that proposal, and the team discussed homework, social skills, and emotional regulation before adjourning until the September meeting.

At the September meeting, the team discussed Student's speech goals, social skills, emotional regulation, and academic goals within the special day class. No issues relating to Student's participation in the regular education environment were reported. At hearing, Parent expressed a belief that perhaps Parent would have asked about "mainstreaming opportunities" if a general education teacher were at the September meeting. That suggestion is not given significant weight.

Parent had an exceptionally poor recollection of events during testimony and was generally unable to recall details. The testimony that Parent would have asked about mainstreaming is unlikely for several reasons. First, Parent testified that Parent had ceded responsibility for raising issues at these meetings to the advocate. Further, the advocate raised full mainstreaming at the August 2023 meeting. Also, additional mainstreaming was not included as one of Parent's concerns in the list generated after the August meeting. The vague recollection that an issue might have been raised is not sufficient to establish a denial of parental participation significant enough to establish a denial of a FAPE. Student has not set forth any facts supporting how the inability to include a general education teacher in a discussion of further mainstreaming opportunities denied Parent full participation in the decision-making process regarding Student's educational program.

Student has not demonstrated that the failure to have a general education teacher at the September 25, 2023 IEP team meeting impeded Student's right to a FAPE, significantly impeded parental participation, or caused a deprivation of educational benefits.

Accordingly, Stockton did not deny Student a FAPE through failure to include a general education teacher at the September 25, 2023 IEP team meeting.

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(a):

Stockton did not deny Student a FAPE by failing from June 6, 2022, through the filing of Student's complaint to assess Student's fine motor skills by an occupational therapist.

Stockton prevailed on Issue 1(a).

ISSUE 1(b):

Stockton did not deny Student a FAPE by failing from June 6, 2022, through the filing of Student's complaint to assess Student's educationally-related mental health.

Stockton prevailed on Issue 1(b).

ISSUE 1(c):

Stockton did not deny Student a FAPE by failing from June 6, 2022, through the filing of Student's complaint to conduct a functional behavior analysis.

Stockton prevailed on Issue 1(c).

ISSUE 2(a):

Stockton did not deny Student a FAPE in the November 10, 2022 IEP by failing to have all required participants attend the IEP team meeting, specifically a general education teacher.

Stockton prevailed on Issue 2(a).

ISSUE 2(b):

Stockton did not deny Student a FAPE in the November 10, 2022 IEP by failing to offer sufficiently ambitious goals in each of the goals offered.

Stockton prevailed on Issue 2(b).

ISSUE 2(c):

Stockton did not deny Student a FAPE in the November 10, 2022 IEP by failing to offer goals in all areas of need, specifically syntax and math vocabulary.

Stockton prevailed on Issue 2(c).

ISSUE 2(d):

Stockton did not deny Student a FAPE in the November 10, 2022 IEP by failing to offer a fulltime one-to-one paraprofessional.

Stockton prevailed on Issue 2(d).

ISSUE 2(e):

Stockton did not deny Student a FAPE in the November 10, 2022 IEP by failing to offer home applied behavior analysis therapy and clinic meetings.

Stockton prevailed on Issue 2(e).

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ISSUE 2(f):

Stockton did not deny Student a FAPE in the November 10, 2022 IEP by failing to offer sufficient language and speech services.

Stockton prevailed on Issue 2(f).

ISSUE 2(g):

Stockton did not deny Student a FAPE in the November 10, 2022 IEP by failing to offer Orton-Gillingham, Lindamood-Bell, or a similar individualized reading intervention program.

Stockton prevailed on Issue 2(g).

ISSUE 2(h):

Stockton did not deny Student a FAPE in the November 10, 2022 IEP by failing to offer school-based and in-home counseling services.

Stockton prevailed on Issue 2(h).

ISSUE 2(i):

Stockton did not deny Student a FAPE in the November 10, 2022 IEP by failing to offer occupational therapy.

Stockton prevailed on Issue 2(i).

ISSUE 2(j):

Stockton did not deny Student a FAPE in the November 10, 2022 IEP by failing to offer parent training in autism spectrum disorder, expressive and receptive communication skills, and behavior.

Stockton prevailed on Issue 2(j).

ISSUE 2(k):

Stockton did not deny Student a FAPE in the November 10, 2022 IEP by failing to offer extended school year services.

Stockton prevailed on Issue 2(k).

ISSUE 2(l):

Stockton did not deny Student a FAPE in the November 10, 2022 IEP by failing to address regression of skills.

Stockton prevailed on Issue 2(l).

ISSUE 3:

Stockton did not deny Student a FAPE by significantly impeding Parents' opportunity to participate in the decision-making process regarding the provision of a FAPE to Student by failing to have all required participants attend the September 25, 2023 IEP team meeting, specifically a general education teacher.

Stockton prevailed on Issue 3.

ORDER

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.

Chris Butchko

Administrative Law Judge

Office of Administrative Hearings