

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

ANAHEIM ELEMENTARY SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

CASE NO. 2024110409

DECISION

JANUARY 14, 2025

On November 12, 2024, the Office of Administrative Hearings, called OAH, received a due process hearing request from Anaheim Elementary School District, naming Student. Administrative Law Judge Claire Yazigi heard this matter virtually on December 3, 4, and 11, 2024.

Joshua Walden represented Anaheim. Kristin Cinco, Senior Director of Special Services, and Betzy Bras-Gonzalez attended hearing on Anaheim's behalf. No one attended hearing on Student's behalf.

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For each day of hearing, OAH sent electronic invitations, in Spanish and English, to both Parents to their email addresses on record. At the beginning of the first day of hearing, the Administrative Law Judge attempted to call both telephone numbers on file for Parents. The calls appeared to be answered then immediately terminated on the receiving end. Spanish interpreters Gumesindo Garza and Lisa Sobalvarro appeared on standby. On the second day of hearing, Spanish interpreters Ellen Frietas and Angelica Pinzon appeared on standby. On day three of hearing, Spanish interpreters Juan Pablo Ayala and Ellen Frietas appeared on standby.

The matter was continued to January 2, 2024, for the filing of written closing briefs. The record was closed, and the matter was submitted on January 2, 2024.

ISSUES

1. Was Anaheim's multidisciplinary psychoeducation assessment report, dated May 29, 2024, legally compliant such that Parents are not entitled to an independent educational evaluation in psychoeducation at public expense; and
2. Was Anaheim's speech and language assessment report, dated May 29, 2024, legally compliant such that Parents are not entitled to an independent educational evaluation in speech and language at public expense?

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JURISDICTION

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

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

The IDEA affords parents and local educational agencies the procedural protection of an impartial due process hearing with respect to any matter relating to the identification, assessment, or educational placement of the child, or the provision of a free appropriate public education, referred to as FAPE, to the child. (20 U.S.C. § 1415(b)(6) & (f); 34 C.F.R. § 300.511; Ed. Code, §§ 56501, 56502, and 56505; Cal. Code Regs., tit. 5, § 3082.) The party requesting the hearing is limited to the issues alleged in the complaint, unless the other party consents, and has the burden of proof by a preponderance of the evidence. (20 U.S.C. § 1415(f)(3)(B); Ed. Code, § 56502, subd. (i); *Schaffer v. Weast* (2005) 546 U.S. 49, 57-58, 62 [126 S.Ct. 528, 163 L.Ed.2d 387]; and see 20 U.S.C. § 1415(i)(2)(C)(iii).)

Here, Anaheim had the burden of proving that the assessments it conducted met legal requirements.

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 11 years old and in sixth grade at the time of hearing. Student resided within Anaheim's geographic boundaries at all relevant times. The assessments at issue were conducted when Student was in the fifth grade, and were part of the process of determining special education eligibility. Student was not found eligible for special education services.

ISSUE 1: ANAHEIM'S MULTIDISCIPLINARY PSYCHOEDUCATION ASSESSMENT REPORT, DATED MAY 29, 2024, WAS LEGALLY COMPLIANT SUCH THAT PARENTS ARE NOT ENTITLED TO AN INDEPENDENT EDUCATIONAL EVALUATION IN PSYCHOEDUCATION AT PUBLIC EXPENSE

Anaheim proposed an initial multidisciplinary psychoeducational assessment and speech language assessment after Parent provided Anaheim with Student's autism diagnosis. Anaheim proposed an assessment plan and presented it to Parents on April 8, 2024. Parents signed the assessment plan on April 9, 2024, and Anaheim conducted the assessments in spring of 2024. The assessments evaluated areas of

- academic achievement,
- health,
- intellectual development,
- social emotional and behavior,

- adaptive behavior, and
- language and speech communication development.

The IEP team met on May 29, 2024, to discuss the assessments, and Parent attended. The district IEP team members ultimately did not find Student eligible for special education. On September 24, 2024, Parent expressed disagreement with Anaheim's assessments and requested independent educational assessments. As a result, Anaheim filed the present complaint on November 12, 2024.

Anaheim asserts that its multidisciplinary psychoeducational assessment and speech and language assessment were legally compliant; thus, it should not be required to provide independent assessments at public expense.

Parent's criticisms regarding the validity of Anaheim's assessments are unclear, as Parent did not file a response to Anaheim's complaint or appear at hearing.

REQUEST FOR INDEPENDENT EDUCATIONAL EVALUATIONS

A parent may request an independent educational assessment if the parent disagrees with the results of the district's assessment. (34 C.F.R. § 300.502; Ed Code 56329, subd. (a)(3).) "Independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question. (34 C.F.R. § 300.502(a)(3)(i).) A district that refuses to provide an independent educational assessment must promptly request a due process hearing to determine whether their assessment met legal standards.

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(34 C.F.R. § 300.502(b)(2)(i).) Parent requested independent educational evaluations on September 24, 2024. Anaheim filed this request for due process on November 12, 2024.

ASSESSMENT PLAN

The term assessment in California law has the same meaning as the word evaluation under the IDEA. (Ed. Code, § 56302.5.) A school district must give a parent a written proposed assessment plan (Ed. Code, § 56321.) The assessment plan must notify a parent that an IEP team meeting will be convened following completion of the assessment. The assessment plan must notify a parent that the IEP meeting will include a discussion of whether student is an individual with special needs, the assessment results, the educational recommendations, and the reasons for the recommendations made. (Ed. Code § 56329(a)(1).)

The assessment plan itself must be in language easily understood by the general public, be in parents' native language, explain the type of assessment to be conducted, and inform parents of anyone to whom information about the student will be released. The plan must also inform the parent that no IEP will be changed based on the assessment without a parent's consent. (Ed. Code § 56321, subd. (b); 34 C.F.R. 300.9 (a) and (b).) In addition, the proposed assessment plan must include a description of any recent assessments conducted, including available independent assessments. It must include any assessment information the parent requests to be considered. (Cal. Code Regs., tit. 5, § 3022.)

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Anaheim provided an assessment plan to Parent on April 8, 2024, in Parent's native language of Spanish. The assessment plan sought consent for the multidisciplinary psychoeducational assessment and the speech and language assessments at issue in this case. In particular, the plan sought assessment in the areas of

- academic achievement completed by an education specialist;
- health completed by a school nurse;
- intellectual development completed by a school psychologist;
- social emotional and behavior completed by a school psychologist;
- adaptive behavior completed by a school psychologist; and
- language and speech communication development completed by a speech language pathologist.

The assessment plan properly described the assessments to be conducted and identified the professionals responsible for conducting the assessments in Parents' native language of Spanish.

The evidence established that Parents had adequate time to consider the plan and signed the assessment plan on April 9, 2024. The assessment plan was legally compliant.

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ASSESSMENT TECHNICAL REQUIREMENTS

An assessment must be sufficiently comprehensive to identify all the student's special education and related service needs, whether commonly linked to the disability category in which the child is classified. (20 U.S.C. § 1414(b) & (c)(1)(B); 34 C.F.R. § 300.304(c)(6), Ed. Code, § 56320, subd. (c).) A student's unique educational needs are to be broadly construed to include

- academic,
- social,
- health,
- emotional,
- communicative,
- physical, and
- vocational needs. (Seattle School Dist., No. 1 v. B.S. (9th Cir. 1996) 82 F.3d 1493, 1500, abrogated in part on other grounds by *Schaffer, supra*, 546 U.S. at pp. 56-58; see also, Ed. Code, § 56320, subd. (f).)

Educational benefit to be provided to a student requiring special education is not limited to addressing the student's academic needs, but also social and emotional needs that affect academic progress, school behavior, and socialization. (*County of San Diego v. California Special Education Hearing Office* (9th Cir. 1996) 93 F.3d 1458, 1467.)

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

- identifying students who need specialized instruction and related services because of an IDEA-eligible disability; and
- helping IEP teams identify the special education and related services the student requires. (34 C.F.R. §§ 300.301, 300.303, 300.304(b)(1) and 300.305(a).)

The first refers to the initial evaluation to determine if the child has a disability under the IDEA, while the latter refers to the follow-up or repeat evaluations that occur throughout the course of the student's educational career. (See 71 Fed. Reg. 46640 (Aug. 14, 2006).)

Assessments must be conducted in a way that:

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

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The assessments used must be:

- selected and administered so as not to be discriminatory on a racial or cultural basis;
- provided in a language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally;
- used for purposes for which the assessments are valid and reliable;
- administered by trained and knowledgeable personnel; and
- administered in accordance with any instructions provided by the producer of such assessments. (20 U.S.C. §§ 1414(b); 34 C.F.R. § 300.304(b) & (c); Ed. Code, §§ 56320, 56381, subd. (e).)

As part of an initial evaluation or any reevaluation, the IEP team, and other qualified professionals, as appropriate, must review existing data on the pupil, including evaluations and information from parents, current classroom-based assessments and observations, and identify what additional data, if any, is necessary to determine:

- if the student continues to have a qualifying disability and the student's educational needs;
- the present levels of performance;
- whether the student continues to need special education and related services; and

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- whether any additions or modifications to the special education and related services are needed to enable the student to meet the student's annual goals and participate in the general education curriculum. (20 U.S.C. § 1414(c)(1)(A) & (B); 34 C.F.R. § 300.305(a) & (b); Ed. Code, § 56381, subd. (b).)

The local educational agency is required to administer such assessments and other evaluation measures as may be needed to produce the data identified by the IEP team. (20 U.S.C. § 1414(c)(2); 34 C.F.R. § 300.305(c); Ed. Code, § 56381, subd. (c).)

The determination of what tests are required is made based on information known at the time. (See *Adams, supra*, 195 F.3d at p. 1149.) Assessors must be knowledgeable about the student's suspected disability and must pay attention to student's unique educational needs such as the need for specialized services, materials, and equipment. (Ed. Code, § 56320, subd. (g).)

In interpreting evaluation data, each public agency must:

- draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and
- ensure that information obtained from all of these sources is documented and carefully considered. (34 C.F.R. § 300.306(c)(1).)

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The personnel who assess a student are required to prepare a written report that includes, without limitation, the following:

- whether the student may need special education and related services;
- the basis for making that determination;
- the relevant behavior noted during observation of the student in an appropriate setting;
- the relationship of that behavior to the student's academic and social functioning;
- the educationally relevant health, development, and medical findings, if any;
- if appropriate, a determination of the effects of environmental, cultural, or economic disadvantage; and
- consistent with superintendent guidelines for low incidence disabilities, which are those affecting less than one percent of the total statewide enrollment in grades kindergarten through 12, the need for specialized services, materials, and equipment. (Ed. Code, § 56327.)

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Within 60 days of parental consent to the assessment, the assessment report must be provided to the parent, and an IEP team meeting must be held to consider the assessment. (Ed. Code §§ 56302.1, subd. (a), 56329, subd. (a)(3), 56344, subd. (a).)

Anaheim evaluated Student for special education and related services in the spring of 2024 at the end of Student's fifth-grade year.

ANAHEIM APPROPRIATELY CONDUCTED ITS ASSESSMENT OF STUDENT IN ENGLISH

Student's native language was Spanish, but during the 2022-2023 school year Student had achieved a Level Four out of Four mastery of the English language on the English Language Proficiency Assessments for California, or ELPAC. Based on this performance, Student was reclassified as fluent English proficient.

On the Home Language Survey that Parent completed as part of the multidisciplinary assessment, Parent reported that, while Student learned Spanish when Student first began to talk, Student used English most frequently at home. Student had never received formal instruction or attended school in any language other than English, and did not read or write in any language other than English. Student spoke English with his siblings, teachers, and peers.

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During the assessments, Student was able to fluently speak in English with all assessors and was able to understand directions given in English. Annabel Ng-Quick, Anaheim speech language pathologist, described Student's English language proficiency as "excellent." During the speech language assessment, Student commented that English was his "better" language. The evidence established that assessing Student in English was most likely to yield accurate information.

Anaheim appropriately conducted its assessments of Student in English.

PSYCHOEDUCATION ASSESSMENT

School psychologist Taylor Granados performed the psychoeducation assessment in the areas of intellectual development, social emotional and behavior, and adaptive behavior. The evidence established Granados met the statutory requirements to conduct the assessment. Granados was a school psychologist with a Pupil Personnel Services Credential, a master's degree in educational psychology, and an Education Specialist degree in school psychology. Granados was knowledgeable of Student's disability and competent to perform the assessment. (Ed. Code §§ 56320, subd. (g), 56322; see 20 U.S.C. § 1414(b)(3)(B)(ii).) Granados had been employed with Anaheim as a school psychologist since July 2022, and had completed over 50 psychoeducation assessments, including assessments of students on the autism spectrum, students with anxiety, and English learners. Granados was properly credentialed to conduct the assessment.

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Grandados did not use a single evaluation to measure each component of the psychoeducation evaluation. In conducting the psychoeducational assessment, Granados:

- performed a records review, including Student's report cards from grades one through four;
- reviewed the private assessments completed by Dr. Rachel Kwon and Dr. Nicole Lightman from Allied Psychological Services as well as the Child Guidance Center, as provided by Parent;
- reviewed the Health and Developmental History Form completed in Spanish by Parent;
- reviewed a Parent interview completed via teleconference in Spanish with the assistance of the office staff at Edison Elementary School;
- reviewed the Teacher Input Form completed by Student's fifth-grade teacher Catherine Lavoie;
- observed Student in the testing and classroom settings and at lunch and recess;
- reviewed a vision screening and a review of Student's most recent hearing screening completed on February 1, 2024;
- administered the Kaufman Assessment Battery for Children, Second Edition Normative Update;
- administered the Comprehensive Test of Phonological Processing, Second Edition;

- reviewed the results of the Wechsler Individual Achievement Test, Fourth Edition, administered by education specialist Linda Vogt;
- reviewed results of a Sentence Completion Task;
- administered the Behavior Assessment System for Children, Third Edition, Parent and Teacher Rating Scales;
- administered the Conners Comprehensive Behavior Rating Scales, Parent and Teacher Rating Scales;
- administered the Autism Spectrum Rating Scales, Parent and Teacher Rating Scales; and
- administered the Autism Diagnostic Observation Schedule, Second Edition.

On the Kaufman Assessment Battery for Children, Second Edition Normative Update, Student fell within the above average range in the Learning Index and fell within the average range on other indices. Granados explained credibly that she did not observe Student to have any cognitive deficits or weaknesses in any areas.

On the Comprehensive Test of Phonological Processing, Second Edition, Student's phonological awareness, or his awareness of and access to the sound structure of his oral language, fell within the average range. Student was in below average range in the area of phonological memory, or the ability to code information phonologically for temporary storage of short-term memory. Student was below average in the area of rapid naming, or his ability to efficiently retrieve phonological information from long-term or permanent memory and executing a sequence quickly and repeatedly.

On the Behavior Assessment System for Children, Third Edition, Parent and Teacher Rating Scales, Parent reported Student having clinically significant behaviors in the areas of atypicality and withdrawal. Parent rated Student's somatization and attention as at risk. Student's teacher rated Student in the average range for all behavioral symptoms except for withdrawal, which the teacher identified as at risk. For adaptive skills, Parent reported Student having clinically significant concerns in activities of daily living. Parent reported Student's adaptability, social skills, leadership, and functional communication as at risk. Student's teacher rated his adaptive skills as average compared to peers of the same age.

On the Conners Comprehensive Behavior Rating Scales, Parent and Teacher Rating Scales, Parent reported slight concerns in the area of academic difficulties, elevated concerns in the area of language, and very elevated concerns in the areas of

- major depressive episode,
- emotional distress,
- upsetting thoughts,
- worrying,
- social problems,
- hyperactivity and impulsivity,
- separation fears,
- perfectionistic and compulsive behaviors,
- physical symptoms,
- attention deficit hyperactivity disorder,

- known as ADHD – predominantly inattentive,
- ADHD,
- predominantly hyperactive-impulsive,
- conduct disorder,
- oppositional defiant disorder,
- manic episode,
- generalized anxiety disorder,
- separation anxiety disorder,
- social anxiety disorder,
- obsessive-compulsive disorder, and
- autism spectrum disorder.

Student's teacher reported slight concerns in generalized anxiety disorder, elevated concerns in the areas of social problems and physical symptoms, and very elevated concerns in the area of major depressive episode.

On the Autism Spectrum Rating Scales, Parent and Teacher Rating Scales, Parent rated Student as having very elevated difficulty in

- appropriate verbal and non-verbal communication for social contact,
- unusual behaviors,
- inattention and motor and impulse control,
- relating to children,
- relating to adults,

- providing appropriate emotional responses to people in social situations,
- using language in an atypical manner,
- stereotypical behaviors,
- tolerating changes in routine,
- overreacting to sensory stimulation, and
- focusing attention.

Student's teacher rated Student average in all the above areas, except that Lavoie reported that Student had difficulty relating to children.

Using the Autism Diagnostic Observation Schedule, Second Edition, Granados observed Student to be in the classification of non-spectrum with a comparison score of minimal to no evidence.

Granados used a variety of assessment strategies, including

- assessment tools,
- parent interviews,
- parent questionnaires,
- in-person observation of Student, and
- records review of existing assessment data.

Granados used technically sound instruments in accordance with the instructions provided by the producer of the assessment that were valid and reliable for the purposes they were used, and she was qualified to administer them. As a result, the instruments were not racially, culturally, or sexually discriminatory. Granados assessed Student in English, his primary language. In selecting which instruments to use, Granados tailored the tests to assess Student's specific areas of need.

At hearing, Granados identified four typographical errors in her report. Three of the four errors involved mislabeling a descriptive category, but the correct result data was included elsewhere in the report. Another error included listing a percentile number instead of a raw score for Parent's rating of Student's attention on the Autism Rating Scale, but either number would have resulted in the same classification range of "very elevated" difficulty with attention. Granados was forthcoming and thorough in her testimony explaining the errors, and credibly testified that none of the errors changed the results, conclusions, or recommendations of her report.

Granados considered Student's eligibility for special education under categories of specific learning disability, autism, other health impairment, and emotional disturbance. Granados also considered the categories of deaf-blindness, deafness, hearing impairment, intellectual disability, multiple disabilities, orthopedic impairment, traumatic brain injury, and visual impairment, but determined that Student did not meet the criteria for those eligibility categories as Student passed his hearing and vision screening, did not have a history of traumatic brain injury, and his cognitive ability did not fall below a standard score of 70. Granados's assessment included a discussion of her recommendation that Student did not qualify for special education.

No findings are made in this Decision regarding whether the IEP team correctly determined Student was not eligible for special education and related services. Rather, the issue determined herein is whether the assessments themselves were legally compliant.

Anaheim established that its psychoeducational assessment was legally compliant.

ACADEMIC ASSESSMENT

Linda Vogt performed the academic portion of the multidisciplinary report. The evidence established Vogt met the statutory requirements to conduct the assessment. Vogt held a special education credential and served as an education specialist for Anaheim for over 12 years. Vogt had completed over 200 academic assessments, including assessments of students on the autism spectrum and students with anxiety. Vogt was knowledgeable of Student's disability and competent to perform the academic portion of the assessment.

Vogt administered the Wechsler Individual Achievement Test, Fourth Edition. This norm-referenced test ranked students to others of same age and grade. For overall reading ability, Student scored in the 70th percentile, scoring above 70 percent of all same-aged children, placing him in the average range.

Student's overall written expression ability was in the 61st percentile, placing him in the average range. Student's overall math ability was in the 58th percentile, placing him in the average range. Student's overall academic achievement was in the 61st percentile, placing him in the average range.

Vogt reviewed input from Student's teacher and reviewed Student's April 2024 STAR, or Standardized Testing and Reporting, scores. Toward the end of the fifth grade, Student had placed at the 4.4 grade-level equivalency for reading and the 5.6 grade-level equivalency for math. Vogt reviewed Student's report cards for the first through fourth grades and concluded that Student successfully responded to Tier One, or general education, instruction, and that Student had made sufficient educational progress and was performing at grade level.

Anaheim established that Vogt conducted a legally compliant academic assessment of Student.

HEALTH ASSESSMENT

Chelsea Vicencio conducted a health assessment as part of the multidisciplinary psychoeducational assessment. Vicencio was a school nurse for Anaheim who held a Bachelor of Science in Nursing and a Licensed Vocational Nurse Certification. Vicencio completed over 100 health assessment reports as a school nurse, including assessments of students with autism and anxiety.

As part of her assessment of Student, Vicencio reviewed Anaheim's student medical database known as AERIES, and obtained information about Student's health from Student, Parent, a review of Student's records and health file, and a medical summary intake form. Vicencio administered a vision screening and hearing screening on Student, both of which Student passed.

ASSESSMENT REPORT

The evidence established that Anaheim timely provided Parent with the multidisciplinary assessment report at the May 29, 2024 IEP team meeting, 50 days after Anaheim's receipt of the signed assessment plan dated April 9, 2024.

The evidence also established that Anaheim's multidisciplinary assessment of Student was legally compliant.

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ISSUE 2: ANAHEIM'S SPEECH AND LANGUAGE ASSESSMENT REPORT, DATED MAY 29, 2024, WAS LEGALLY COMPLIANT SUCH THAT PARENTS ARE NOT ENTITLED TO AN INDEPENDENT EDUCATIONAL EVALUATION IN SPEECH AND LANGUAGE AT PUBLIC EXPENSE

Annabel Ng-Quick performed the speech language assessment. The evidence established Ng-Quick met the statutory requirements to conduct the assessment. Ng-Quick was a credentialed speech language pathologist who held a Master of Science in Speech and Language Pathology. Ng-Quick had 28 years of experience as a speech language specialist, was a member of the American Speech and Language Hearing Association and was trained in the Social Thinking methodology developed by Michelle Garcia Warner. Ng-Quick had completed approximately 1,000 speech language assessment reports, which included assessments of students with autism diagnoses and anxiety diagnoses. Ng-Quick was knowledgeable of Student's disability and competent to perform the speech language assessment.

In conducting the assessment, Ng-Quick administered a variety of assessment tools. Ng-Quick:

- reviewed the Health and Developmental History Form completed by Parent as part of the multidisciplinary assessment report. Granados also communicated Parent's concerns to Ng-Quick;
- reviewed the private assessments completed by Dr. Rachel Kwon and Dr. Nicole Lightman from Allied Psychological Services and the Child Guidance Center, as provided by Parent;
- conducted a records review;

- reviewed Student's teacher's written input;
- interviewed Student;
- observed Student in the testing setting, the general education setting, and during recess;
- administered the Clinical Evaluation of Language Fundamentals, Fifth Edition;
- administered the Expressive One-Word Picture Vocabulary Test, Fourth Edition;
- administered the Receptive One-Word Picture Vocabulary Test, fourth Edition;
- administered the Comprehensive Assessment of Spoken Language, Second Edition;
- administered the Test of Problem Solving, Third Edition, Elementary;
- administered the Pragmatic Language Skills Inventory;
- administered the Clinical Discourse Analysis;
- administered non-standardized assessments of social cognition, including joint attention, Theory of Mind, an M-&-M task, and a Double Interview task; and
- took an informal speech and language sample.

Ng-Quick administered standardized assessments in the areas of receptive, expressive, and pragmatic language as part of the Speech and Language Assessment Report, in which Student scored in the average, high average, or above average range on all standardized assessments with the exception of the Recalling Sentences subtest on the Clinical Evaluation of Language Fundamentals, Fifth Edition, in which Student scored in the low average range. Although Ng-Quick did not formally assess Student in the areas of fluency, voice, or speech production, Ng-Quick noted no disfluent or stuttering behaviors; Student's vocal intensity, pitch, and quality appeared to be within the average range for a child of the same chronological age; and Student independently produced all developmentally appropriate phonemes in English at a conversational level about 90 percent of the time. Student's teacher reported to Ng-Quick that she understood Student's speech 100 percent of the time. For these reasons, Ng-Quick established that fluency, voice, and speech production or articulation were not areas of suspected disability for Student warranting standardized assessments. Ms. Ng-Quick reviewed the results of the Speech and Language Assessment Report using the I Laugh Framework Model of social understanding as a framework.

Ng-Quick's assessment included a discussion of her recommendation that Student did not qualify for special education under the category of speech language impairment in the areas of speech articulation disorder, voice disorder, fluency disorder, and language disorder as Student's articulation and phonology skills, vocal quality, pitch, loudness, speech fluency, and expressive, receptive, and pragmatic language were all within the average range for Student's chronological age. As noted previously, no findings are made in this Decision regarding the accuracy of the IEP team's eligibility determination.

At hearing, Ng-Quick identified two typographical errors in her report. First, Ng-Quick identified that her report listed Student as being in the sixth grade at the time of assessment, when it should have listed Student as being in the fifth grade. Second, her report listed that she administered the Receptive One-Word Picture Vocabulary Test in Spanish, when she actually administered the test in English. Ng-Quick was forthcoming and thorough in her testimony explaining the errors, and credibly testified that none of the errors changed the results, conclusions, or recommendations of her report.

The evidence established that Anaheim timely provided Parent with the speech language assessment report at the May 29, 2024 IEP team meeting, 50 days after Anaheim's receipt of the signed assessment plan dated April 9, 2024.

Anaheim established that its speech language assessment was legally compliant.

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:

Anaheim's May 29, 2024 multidisciplinary psychoeducation assessment was legally compliant, and Student is not entitled to an IEE at public expense.

Anaheim prevailed on Issue 1.

ISSUE 2:

Anaheim's May 29, 2024 speech language assessment was legally compliant, and Student is not entitled to an IEE at public expense.

Anaheim prevailed on Issue 2.

ORDER

1. Anaheim's May 29, 2024 multidisciplinary psychoeducational assessment was legally compliant;
2. Anaheim's May 29, 2024 speech language assessment was legally compliant;
3. Student is not entitled to independent educational evaluations in psychoeducation or speech language at public expense.

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.

Claire Yazigi

Administrative Law Judge

Office of Administrative Hearings